**Section** **722.333 Request to Manage One Additional Episodic Event Per Calendar Year**

a) After obtaining a provisional variance from the Agency, a generator may conduct a second episodic event not to exceed 60 days in a calendar year without impacting its generator category under the following conditions:

1) If a VSQG or SQG has already held a planned episodic event in a calendar year, the generator may conduct an additional unplanned episodic event in that calendar year. The generator must submit a written request for a provisional variance to the Agency within 72 hours after the unplanned event.

2) If a VSQG or SQG has already held an unplanned episodic event in a calendar year. The generator must obtain a provisional variance from the Agency before beginning the additional planned episodic event.

b) The generator must submit the written request using Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12), identifying it as a request for an additional episodic request. The written request must include the following information:

1) The reasons why an additional episodic event is needed and the nature of the episodic event;

2) The estimated amount of hazardous waste to be managed from the event;

3) How the generator will manage the hazardous waste;

4) The estimated length of time needed to complete management of the hazardous waste generated from the episodic event − not to exceed 60 days; and

5) Information regarding the previous episodic event managed by the generator, including the nature of the event, whether it was a planned or unplanned event, and how the generator complied with the conditions.

BOARD NOTE: USEPA Form 8700-12 is available from the Agency, Bureau of Land (217-782-6762). It is also available on-line for download in PDF file format: www.epa.gov/hwgenerators/instructions-and-form-hazardous-waste-

generators-transporters-and-treatment-storage-and.

c) The generator must submit the written request to the Agency either on paper or electronically.

d) The generator must retain written approval in its records for three years from the date the episodic event ended.

e) If the Agency determines the following is true of the additional episodic event, the Agency must approve the request in writing:

1) The prior episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;

2) The additional episodic event meets the definition of a planned episodic event or unplanned episodic event in Section 722.331;

3) The additional episodic event fulfills the criteria of subsection (a)(1) or subsection (a)(2);

4) The generator is legitimately having episodic events, and the generator is using this Section for true episodic events and not as a way to regularly avoid managing hazardous waste at a higher generator category;

5) The generator will comply with the applicable requirements of Section 722.332(a)(4) through (a)(7) or (b)(4) through (b)(6); and

6) The generator will manage the hazardous waste in a way that no violation of the Act or Board regulations will occur.

BOARD NOTE: Any Agency determination made under this Section is not a "RCRA permit", as such is defined in 35 Ill. Adm. Code 702.110, and is not subject to the procedures of 35 Ill. Adm. Code 702, 703, or 705. A failure to obtain Agency approval as provided in this Section subjects the generator to higher generator category standards, and non-compliance may subject the generator to enforcement action.

(Source: Amended at 43 Ill. Reg. 5955, effective May 2, 2019)