



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Signed April 19, 2001

OSWER 9360.7-15P

MEMORANDUM

SUBJECT: Toxics Release Inventory Reporting for Superfund Sites

FROM: Larry G. Reed, Acting Director /s/ **Larry G. Reed**
Office of Emergency and Remedial Response

Elaine G. Stanley, Director /s/ **Elaine G. Stanley**
Office of Information Analysis and Access

TO: Superfund National Policy Managers
Regions 1 - 10

PURPOSE

This memorandum initiates a new policy concerning Toxics Release Inventory (TRI) reporting for certain Superfund sites. The policy is effective for listed toxic chemicals manufactured, processed, or otherwise used in the course of calendar year 2000 and beyond. Reports for calendar year 2000 are due by July 1, 2001.

BACKGROUND

Congress enacted the Emergency Planning and Community-Right-to-Know Act (EPCRA) section 313 in 1986 to provide information about toxic chemicals to the public, both at the community level and at the national level. 42 U.S.C. §11023. Through the TRI, the public obtains information about the releases and other waste management of over 640 toxic chemicals by individual facilities. Each year, approximately 25,000 facilities in certain industry sectors (delineated by Standard Industrial Classification (SIC) codes), ranging from metal and coal mines to automobile manufacturing plants to electricity generating facilities, report to TRI.

A facility that is subject to EPCRA section 313 must consider its remediation activities when reporting to TRI. See 42 U.S.C. §11023(b)(1); 40 C.F.R. §372.22. Likewise, remediation activities conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) must be reported under TRI if the site is part of a facility that meets the reporting requirements under EPCRA section 313.

Unlike the private sector, federal facilities are required to report to TRI without regard to SIC code delineations. Federal facilities have been required to report to TRI since 1994, first by Executive Order 12856 and later by Executive Order 13148. It is an overarching goal of Executive Order 13148 for federal facilities to “be leaders and responsible members of their communities by informing the public and their workers of possible sources of pollution resulting from facility operations.” Thus, in the spirit of Executive Order 13148 and in the interest of EPA’s leadership role as a responsible member of the community, EPA, as a policy matter, will start reporting TRI information for certain Superfund cleanups.

IMPLEMENTATION

By July 1, 2001, Regions should evaluate activities at their Superfund sites during calendar year 2000 and submit TRI reports for those sites meeting the TRI thresholds. We do not expect that many sites in will be subject to TRI reporting requirements. For example, a review of calendar year 1999 activities at sites in Regions 3 and 8 found that three sites required further investigation and only one site was subject to TRI reporting. The following attachments are provided to assist with the evaluation:

- 1) Summary of TRI Reporting Criteria for Superfund Sites
- 2) Instructions for submitting TRI reports
- 3) List of sites identified in WasteLAN (CERCLA information system)

Please designate an individual from your staff to be responsible for the evaluation and reporting of potential TRI sites by May 1, 2001. The TRI Regional Contact should provide assistance to this individual in interpreting the TRI provisions and filling out the necessary forms. Comments about Attachment 3 should be provided to Nelson Mix by May 15, 2001. TRI reports for calendar year 2000 should be submitted by July 1, 2001, to the EPCRA Reporting Center.

If you have any questions, please contact John Harman, TRI Program Division, Office of Environmental Information, 202-260-6395, harman.john@epa.gov, or Nelson Mix, Office of Emergency and Remedial Response, 703-603-8775, mix.nelson@epa.gov.

Attachments

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Nora Lopez, Region 2 (MS-105)

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Summary of TRI Reporting Criteria for Superfund Sites

- 1) **Fund-financed removals or remedial actions that were underway at a Superfund site during the calendar year need to be evaluated.**

Cleanup activities paid for in their entirety by the Trust Fund and subject to Federal contracts that were underway during the reporting calendar year should be evaluated pursuant to EPA policy. EPA has established this policy to meet the spirit of Executive Order 13148.

Potentially Responsible Party-lead activities and State-lead activities are not covered by this policy. Federal facility-lead activities by DoD, DoE and other federal agencies at federal facility Superfund sites already are covered by Executive Order 13148.

- 2) **The site needs to have had the equivalent of 10 or more full-time employees working for the site during the calendar year.**

A full-time employee is defined as 2,000 work hours per year, and ten full-time employees is 20,000 work hours per year. Work hours include paid leave and holidays. Employees include contractors, subcontractors, EPA remedial project managers and on-scene coordinators, other EPA support staff, and other federal agency staff. All employees at the Superfund site should be considered, even if they are not working directly on the cleanup. If the total number of hours worked by all employees is 20,000 hours or more, even if the actual number of individuals working at the site is less than ten, the site meets the ten employee threshold. Hours worked by employees that visit the site intermittently also should be considered. See 40 C.F.R. §372.3.

For removals and remedial actions in attachment 3, obligations of less than \$2.2 million were eliminated from considerations because it has been estimated that less than ten employees would be on site.

- 3) **The site needs to manufacture, process, or otherwise use EPCRA section 313 listed toxic chemicals in quantities that exceed thresholds for TRI reporting.**

Only certain activities that “manufacture,” “process,” or “otherwise use” a listed toxic chemical are covered by EPCRA section 313. These activities are defined by 42 U.S.C. §11023(b)(1)(C) and 40 C.F.R. §372.3. For an up-to-date list of toxic chemicals covered by EPCRA section 313, see www.epa.gov/tri or contact the Regional TRI coordinator.

EPCRA Section 313 sets thresholds for these chemical activities. There are separate thresholds for the “manufacture,” “process” and “otherwise use” of a listed toxic chemical. Except for those chemicals listed as persistent, bioaccumulative and toxic (PBT), the chemical

activity thresholds are 25,000 pounds per year for the “manufacturing” and “processing” of a listed toxic chemical and 10,000 pounds per year

for otherwise using” a listed toxic chemical. See EPCRA §313(f), 42 U.S.C. §11023; 40 C.F.R. §372.25. For chemicals listed as PBT, EPA established a reporting threshold of 100 pounds per year for the “manufacture,” “process” or “otherwise use” of the toxic chemical. See 40 C.F.R. §372.28. For a subset of PBT chemicals that are highly persistent and highly bioaccumulative EPA established a reporting threshold of 10 pounds per year. For the dioxin and dioxin-like compounds category, EPA has established a reporting threshold of 0.1 grams.

Examples of Superfund activities that should be reported under this policy include:

- The use of non-PBT toxic chemicals (e.g., oxidizing agents) to destroy contaminants at a site if the toxic chemical exceeds the 10,000 lb/year threshold and is listed under EPCRA section 313.
- The manufacture of non-PBT chemicals (e.g., precipitation) from contaminants at a site if the resultant toxic chemical exceeds the 25,000 lb/year threshold and is listed under EPCRA section 313.
- The manufacture of a PBT chemical (e.g., incineration) at a site if the resultant PBT chemical exceeds the 100 lb/year, 10 lb/year thresholds, or 0.1 gram/year (dioxins and dioxin-like compounds) thresholds.

Examples of Superfund activities that should not be reported under this policy include:

- The actual contaminants of concern at the site.
- Containment or off-site disposal of contaminants.
- Recovery of contaminants (e.g., air stripping, carbon adsorption) in the same chemical form that they were originally present at a contaminated site.

Instructions For Submitting TRI Reports

Below are TRI reporting instructions that address issues specific to EPA fund-lead Superfund sites. The instructions are meant to assist regional EPA staff who are filling out the TRI reports for eligible Superfund sites in their region. These instructions are limited to certain data elements (i.e., those issues that may be unique to EPA fund-lead sites) on the first page of the Form R and do not address the other data elements of the Form R into which the facility should enter data.

Part I. Facility Identification Information

Section 4. Facility Identification

4.1 Facility Name, Location, and TRI Facility Identification Number.

Facility Name. Each EPA fund-lead site should use the following format for entering the site name in the facility name data field: "U.S. EPA Fund-lead Superfund site/site name." For example, the Summitville Superfund site would be

U.S. EPA Fund-lead Superfund site/Summitville

Facility Address. Enter the physical address of the Superfund site. If the site is not located on a road that has a name, enter a description of the address in the street field, such as "Grayson Peak -- 5 miles east of Rte. 620."

Mailing Address. Enter the mailing address of the regional EPA Superfund coordinator.

4.3 Technical Contact

Technical Contact/Telephone Number. Enter the name and telephone number of the regional EPA Superfund Remedial Project Manager or On-Scene Coordinator in these data fields.

4.4 Public Contact

Public Contact/Telephone Number. Enter "Same as Section 4.3" in these data fields.

4.5 Standard Industrial Classification (SIC) Code. Enter 9511 as the primary SIC Code (This SIC Code is for activities defined as Air and Water Resource and Solid Waste Management). If other SIC Codes also apply to the site, please enter these SIC codes as well.

4.7 Dun & Bradstreet Number(s). Enter "NA."

4.8 EPA Identification Number(s). Enter any appropriate RCRA permit number for the Superfund site.

4.9 NPDES Permit Number(s). Enter any appropriate NPDES permit numbers for the Superfund site.

4.10 Underground Injection Well Code (UIC) Identification Number(s). Enter any appropriate UIC permit numbers for the Superfund site.

Section 5. Parent Company Information

5.1 Name of Parent Company. Enter “U.S. EPA Fund-lead Superfund Sites”

5.2 Parent Company’s Dun & Bradstreet Number. Enter “NA.”

Note: Attachment 3 is a Lotus 1-2-3 document that has been sent electronically in a separate file from the memorandum and attachments 1 and 2.