

## Superfund, TRI, EPCRA, RMP & Oil Information Center Monthly Report

September 2005

Services in support of OSRTI, OIAA, and OEM  
National Toll-Free No.: (800) 424-9346      Local: (703) 412-9810  
TDD National Toll-Free No.: (800) 553-7672      Local: (703) 412-3323

This report is prepared and submitted in support of Contract No. 68-W-01-020.

Derrick Montford, Project Officer  
U.S. Environmental Protection Agency  
Washington, DC 20460

Printed on  
Recycled Paper

### Availability

The complete text of the 1991 (November and December only) through December 2004 Monthly Call Center Reports may be accessed from the Internet. Go to EPA's Information Resources page at [www.epa.gov/epaoswer/osw/infoserv.htm](http://www.epa.gov/epaoswer/osw/infoserv.htm) and select RCRA Monthly Reports. Reports starting with January 2005 may be accessed at [www.epa.gov/superfund/resources/infocenter/reports.htm](http://www.epa.gov/superfund/resources/infocenter/reports.htm).

The Information Center maintains an **electronic mailing list** named `callcenter_oswer`. Subscribers receive Information Center announcements and Monthly Reports via e-mail at no charge.

- To subscribe to the Information Center electronic mailing list, send a blank e-mail to: `join-callcenter_oswer@lists.epa.gov`
- To unsubscribe from an EPA electronic mailing list send a blank e-mail to: `leave-listname@lists.epa.gov`  
For example, `leave-callcenter_oswer@lists.epa.gov`

# INFORMATION CENTER QUESTIONS & ANSWERS

## RMP

### 1. Compliance Audits and Five-Year Updates

*The owner or operator of a stationary source with a Program 2 or Program 3 process must conduct a compliance audit at least every three years to ensure compliance with the prevention program requirements and must revise and update the risk management plan (RMP) at least every five years (§§68.58, 68.79, 68.190(b)). Does the five-year update satisfy the requirement to conduct a compliance audit and reset the “three-year clock” for conducting compliance audits?*

Owners or operators should ensure that they are in compliance with all of the risk management program regulations, including the prevention program requirements, when they update their RMPs. Furthermore, in order to comply with the compliance audit requirements, owners or operators must develop a report of the audit findings and document an appropriate response to each of the findings (§§68.58, 68.79). Therefore, owners or operators may be able to satisfy the compliance audit requirements at the time of the five-year update if they conduct an audit to ensure compliance with the prevention program requirements, develop a report of the audit findings, and document appropriate responses to each of the findings in addition to submitting the actual RMP.

# FEDERAL REGISTERS

## Availability

You may order copies of Federal Registers by calling the Superfund, TRI, EPCRA, RMP & Oil Information Center  
National Toll-Free No.: (800) 424-9346      Local: (703) 412-9810  
TDD National Toll-Free No.: (800) 553-7672      Local TDD: (703) 412-3323

## Electronic Availability

EPA Federal Registers from October 1994 to the present are accessible via the Internet at: [www.epa.gov/fedrgstr](http://www.epa.gov/fedrgstr)

## FINAL RULES

### CERCLA

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 1, 2005 (70 FR 52018)**

EPA announced the withdrawal of the direct final deletion of the Jones Sanitation Superfund Site from the National Priorities List (NPL) due to adverse comments. The effective date of this rulemaking is September 1, 2005.

**“National Priorities List for Uncontrolled Hazardous Waste Sites”  
September 14, 2005 (70 FR 54286)**

EPA added seven new sites to the General Superfund Section of the NPL. The effective date of this rulemaking is October 14, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 21, 2005 (70 FR 55296)**

EPA announced the partial deletion of the East Tailing Area of the Tar Lake Superfund Site from the NPL. The effective date of this rulemaking is November 21, 2005, unless EPA receives adverse comments by October 21, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 23, 2005 (70 FR 55774)**

EPA announced the deletion of the Nutmeg Valley Road Superfund Site from the NPL. The effective date of this rulemaking is September 23, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 23, 2005 (70 FR 55775)**

EPA announced the deletion of the Jones Sanitation Superfund Site from the NPL. The effective date of this rulemaking is September 23, 2005.

**“Reimbursement to Local Governments for Emergency Responses to Hazardous Substances Releases”  
September 28, 2005 (70 FR 56576)**

EPA announced a correction to the final rule that streamlined the procedures used to reimburse local governments for emergency response costs (63 FR 8284; February 18, 1998). Specifically, EPA corrected the address to mail the completed application and supporting data and the telephone numbers listed in 40 CFR Part 310, Appendix II.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 30, 2005 (70 FR 57155)**

EPA announced the deletion of the Batavia Landfill Superfund Site from the NPL. The effective date of this rulemaking is November 29, 2005, unless EPA receives adverse comments by October 31, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 30, 2005 (70 FR 57158)**

EPA announced the partial deletion of the Jacobs Smelter Superfund Site from the NPL. The effective date of this rulemaking is November 29, 2005 unless EPA receives adverse comments by October 31, 2005.

## PROPOSED RULES

### CERCLA

**“National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 43”  
September 14, 2005 (70 FR 54327)**

EPA proposed to add seven new sites to the General Superfund Section of the NPL. Comments must be received by November 14, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 21, 2005 (70 FR 55329)**

EPA announced its intent to partially delete the East Tailing Area of the Tar Lake Superfund Site from the NPL. Comments must be received by October 21, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 30, 2005 (70 FR 57239)**

EPA announced its intent to delete the Batavia Landfill Superfund Site from the NPL. Comments must be received by October 31, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
September 30, 2005 (70 FR 57239)**

EPA announced its intent to partially delete the Jacobs Smelter Superfund Site from the NPL. Comments must be received by October 31, 2005.

## NOTICES

### EPCRA

**“Addition of Diisononyl Phthalate Category; Community Right-to-Know Toxic Chemical Release Reporting; Notice of Data Availability; Extension of Comment Period”  
September 12, 2005 (70 FR 53752)**

EPA extended the comment period for the notice of data availability concerning a proposed rule to add a diisononyl phthalate category to the list of toxic chemicals subject to the reporting requirements of Section 313 of EPCRA and Section 6607 of the Pollution Prevention Act. Comments must be received by October 12, 2005.

**“Agency Information Collection Activities: Proposed Collection; Comment Request; Emergency Planning and Release Notification Requirements (EPCRA Sections 302, 303, and 304); EPA ICR Number**

**1395.06, OMB Control Number 2050-0092”****September 12, 2005 (70 FR 53793)**

EPA announced its plans to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval: “Emergency Planning and Release Notification Requirements (EPCRA Sections 302, 303, and 304),” ICR Number 1395.06, OMB Control Number 2050-0092. The current expiration date for this ICR is February 28, 2006. Comments must be received by November 14, 2005.

**“Agency Information Collection Activities: Proposed Collection; Comment Request; The 2005 National Survey of Local Emergency Planning Committees, EPA ICR Number 1903.02, OMB Control Number 2050-0162”**  
**September 13, 2005 (70 FR 54044)**

EPA announced its plans to submit the following ICR to OMB for review and approval: “The 2005 National Survey of Local Emergency Planning Committees,” ICR Number 1903.02, OMB Control Number 2050-0162. Comments must be received by November 14, 2005.

**CROSS PROGRAM**

**“National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting”**  
**September 9, 2005 (70 FR 53658)**

EPA announced that a meeting of the National Advisory Committee for Acute Exposure Guidelines Levels for Hazardous Substances (NAC/AEGL Committee) will be held on September 28 through 30, 2005, in Washington, DC. The NAC/AEGL Committee will address acute toxicity and

the development of acute exposure guideline levels.

**SETTLEMENTS AND CONSENT DECREES**

“Consent Decree; *United States v. Carrier Corporation*”  
 September 1, 2005 (70 FR 52127)

“Consent Decree; *United States v. Novelis Corporation*”  
 September 1, 2005 (70 FR 52128)

“Proposed Settlement; Anniston Lead and Anniston PCB Superfund Sites”  
 September 2, 2005 (70 FR 52381)

“Consent Decree; *United States v. Reichhold Limited et al.*”  
 September 9, 2005 (70 FR 53690)

“Proposed Settlement; Omega Chemical Superfund Site”  
 September 14, 2005 (70 FR 54380)

“Consent Decree; *United States v. Chevy Chase Cars, Inc., et al.*”  
 September 15, 2005 (70 FR 54570)

“Consent Decree; *United States v. The Oeser Company*”  
 September 15, 2005 (70 FR 54571)

“Proposed Settlement; Lauli'i Cylinders Superfund Removal Site”  
 September 16, 2005 (70 FR 54742)

“Consent Decree; *United States v. Massachusetts Bay Transportation Authority*”  
 September 22, 2005 (70 FR 55627)

“Consent Decree; *United States v. Tropical Fruit, S.E., et al.*”  
 September 22, 2005 (70 FR 55627)

“Consent Decree; *United States. v. Union Corps., et al.*”  
September 22, 2005 (70 FR 55628)

“Proposed Settlement; Old Pillsbury Mill Superfund Site”  
September 27, 2005 (70 FR 56449)

“Consent Decree; *In re Huffy Corp.*”  
September 27, 2005 (70 FR 56490)

“Proposed Settlement; Ward Transformer Superfund Site”  
September 29, 2005 (70 FR 56896)

“Consent Decree; *United States v. E.I. Du Pont de Nemours and Company, et al.*”  
September 29, 2005 (70 FR 56931)