

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

November 2006

Services in support of OSRTI, OIAA, and OEM

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Availability

The complete text of the 1991 (November and December only), and 1992, through 2008 Monthly Reports may be accessed from the Internet at www.epa.gov/superfund/contacts/infocenter.

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.

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QUESTIONS AND ANSWERS

TRI

Q: A petroleum bulk station receives petroleum via pipeline. The petroleum goes directly through the facility via pipeline and is distributed to customers (i.e., into commerce). Would the facility need to count the toxic chemicals in the petroleum towards the processing threshold for submitting the Form R pursuant to EPCRA §313?

A: Toxic chemicals that a TRI-covered facility repackages for distribution in commerce must be considered toward the processing threshold. However, repackaging does not include direct transfers of containers or product when the product has not been transferred from the packaging in which it was received. The petroleum received via pipeline and subsequently distributed in commerce was not repackaged; therefore, the toxic chemicals in the petroleum do not need to be counted toward the processing threshold.

Q: Pursuant to EPCRA §313, for each listed toxic chemical that exceeds the relevant activity threshold at a covered facility for a calendar year, the owner or operator must submit a Form R to EPA and the state in which the facility is located (40 CFR §372.30(a)). Are there any fees associated with submitting the Form R?

A: Under EPCRA §313 and its implementing federal regulations, there are no federal fees or taxes for submitting a Form R or Form A to EPA or the state. However, states may have similar reporting programs or other state requirements that associate fees or taxes with the submission of TRI forms.

A directory of state TRI program contacts and Web sites is available at the following URL:

www.epa.gov/tri/programs/stateprograms/state_programs.htm

Q: Facility Data Profiles (FDPs) are made available by the TRI Data Processing Center (DPC) to a reporting facility that submits a Form R or Form A pursuant to EPCRA §313. If the TRI DPC identifies potential errors on a TRI form that a facility has submitted, the FDP indicates the type of errors and requests that the facility provide EPA with corrections. What options are available for facilities to submit corrections in response to errors identified on an FDP?

A: If a facility representative or FDP identifies errors on the facility's TRI submission, he or she has several options to revise the form and correct the errors. The preferred method for revising TRI forms from reporting year 2005 (RY05) through the current reporting year is to use TRI-MEweb, the new Internet-based reporting application for the TRI program. Additional information regarding TRI-MEweb is available at the following URL:

www.epa.gov/tri/report/software

The preferred method for revising TRI forms for RY02 through RY04 is to use the TRI-ME software and submit the report via the Central Data Exchange (CDX) and the Internet. Facilities may also use the TRI-ME software to submit revisions for RY05 and beyond but are strongly encouraged to use TRI-MEweb. If a facility does not want to submit through the Internet, EPA still encourages the facility to use the TRI-ME software and submit revisions via diskette. Addresses for sending revisions by regular

mail and information on making corrections by hard copy method are available at the TRI Web site at www.epa.gov/tri/report/index.htm.

If a facility does not need to make any corrections, no response is needed. Facilities may view an electronic version of their FDP by entering the facility's TRI Facility Identification Number (TRIFID) and other identifying information at the following URL:

www.triefdp.org

***Q:** An auxiliary facility is one that supports another covered establishment's activities (e.g., research and development laboratories, warehouses, and storage facilities). How has the switch from the Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS) for TRI reporting affected auxiliary facilities?*

A: The SIC system assigns SIC codes to auxiliary facilities according to the primary activity of the establishment that they serve. NAICS does not recognize the concept of

auxiliary facilities and assigns NAICS codes to all establishments based on their own activities. For the purpose of establishing consistency with the NAICS classification methodology, EPA changed its interpretation of the applicability of TRI reporting requirements to auxiliary facilities. As a result, some auxiliary establishments will no longer be subject to TRI reporting.

For example, Company X owns and operates a rice milling facility with NAICS code 311212. Company X also owns a warehouse where the finished product from the rice milling facility is stored before it is distributed to customers. Under the SIC system, the warehouse would adopt the same SIC code as the rice milling facility (2044) and would be subject to TRI reporting if it met the other applicability criteria. However, under the NAICS system, the warehouse would not adopt the code of the rice milling facility and would be assigned a NAICS code based on its own economic activity. As a result, the warehouse might not be subject to the TRI reporting requirements.

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
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Electronic Availability

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

NOTICES

CERCLA

“Availability of Final Toxicological Profiles” November 24, 2006 (71 [FR](#) 67871)

EPA announced the availability of one new and five updated toxicological profiles of priority hazardous substances prepared by the Agency for Toxic Substances and Disease Registry.

CAA

“Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Distribution of Offsite Consequence Analysis Information Under Section 112(r)(7)(H) of the Clean Air Act (CAA) (Renewal); EPA No. 1981.03, OMB No. 2050-0172” November 22, 2006 (71 [FR](#) 67558)

EPA announced that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: “Distribution of Offsite Consequence Analysis Information Under Section 112(r)(7)(H) of the Clean Air Act (CAA) (Renewal),” ICR Number 1981.03, OMB Control Number 2050-0172. The current expiration date for this ICR is December 31, 2006. Comments must be received by December 22, 2006.

CROSS-PROGRAM

“National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting” November 14, 2006 (71 [FR](#) 66327)

EPA announced that a meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on December 12 through December 14, 2006, in Alexandria, Virginia. The NAC/AEGL Committee will address acute toxicity and the development of acute exposure guideline levels.

SETTLEMENTS AND CONSENT

“Proposed Settlement; Constitution Road Drum Superfund Site”
November 1, 2006 (71 [FR](#) 64269)

“Proposed Settlement; DSI Facility Superfund Site”
November 1, 2006 (71 [FR](#) 64270)

“Proposed Settlement; Modena Yard Superfund Site”
November 1, 2006 (71 [FR](#) 64271)

“Proposed Settlement; Rosso Property Scrapyrd Superfund Site”
November 1, 2006 (71 [FR](#) 64271)

- “Proposed Settlement; Second Melts Acid Spill Superfund Site”
November 1, 2006 (71 FR 64272)
- “Proposed Settlement; Tindall Property Superfund Site”
November 1, 2006 (71 FR 64273)
- “Consent Decree; *United States and the State of Delaware v. E.I. Dupont De Nemours & Company, Inc., and CIBA Specialty Chemicals Corporation*”
November 6, 2006 (71 FR 64984)
- “Proposed Settlement; Flura Corporation Leaking AST Superfund Site”
November 9, 2006 (71 FR 65813)
- “Consent Decree; *United States v. John J. McKenna, Jr.*”
November 9, 2006 (71 FR 65836)
- “Consent Decree; *United States v. Pdraig Tarrant, et al.*”
November 9, 2006 (71 FR 65837)
- “Consent Decree; *United States v. Bill D. Stallings and Stallings Salvage, Inc.*”
November 13, 2006 (71 FR 66195)
- “Consent Decree; *United States v. Bunge North America Inc., et al.*”
November 13, 2006 (71 FR 66196)
- “Proposed Settlement; Industrial Metal Alloys Superfund Site”
November 17, 2006 (71 FR 66945)
- “Consent Decree; *United States v. Honeywell International, Inc., et al.*”
November 20, 2006 (71 FR 67162)
- “Proposed Settlement; Many Diversified Interests, Inc. Superfund Site”
November 21, 2006 (71 FR 67351)
- “Consent Decree; *United States v. CBS Co., et. al.*”
November 21, 2006 (71 FR 67367)
- “Proposed Settlement; General Electric Rome Superfund Site”
November 22, 2006 (71 FR 67577)
- “Consent Decree; *United States and California Department of Toxic Substances Control v. Rathon Corporation*”
November 22, 2006 (71 FR 67641)
- “Consent Decree; *United States and California Department of Toxic Substances Control v. Saint-Gobain Corporation*”
November 22, 2006 (71 FR 67641)
- “Proposed Settlement; Rosso Property Scrapyrd Superfund Site”
November 24, 2006 (71 FR 67865)
- “Proposed Settlement; Portland Harbor Superfund Site, Triangle Park Superfund Site, and the McCormick & Baxter, Inc. Superfund Site”
November 27, 2006 (71 FR 68613)