

MONTHLY CALL CENTER REPORT

February 2005

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RCRA, Superfund & EPCRA Call Center
(Services in support of OUST, OSW, OIAA, OEM, and OSRTI)
National Toll-Free No.: (800) 424-9346 Local: (703) 412-9810
TDD National Toll-Free No.: (800) 553-7672 Local: (703) 412-3323

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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 and select RCRA Monthly Reports. Reports starting with January 2005 may be accessed at www.epa.gov/superfund/resources/infocenter/reports.htm.

The Call Center maintains **an electronic mailing list** named `callcenter_oswer`. Subscribers can have Call Center announcements and Monthly Call Center Reports e-mailed to them as they are released at no charge.

- To subscribe to the Call 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,
`unsubscribe-callcenter_oswer@lists.epa.gov`

FREQUENTLY ASKED QUESTIONS

Must a conditionally exempt small quantity generator (CESQG) who accumulates mercury lamps, manage the waste as universal waste in accordance with 40 CFR Part 273 or can the generator continue to manage the waste as a CESQG in accordance with §261.5?

CESQGs have the option of handling their wastes as either universal waste or under the CESQG requirements in §261.5 (40 CFR §273.8). This option allows CESQGs the ability to choose a management method that is less costly and more sensible from a business standpoint. However, if universal waste generated by a CESQG is commingled with universal waste from a small quantity or large quantity generator and the resultant mixture is a hazardous waste under §261.3 (i.e., because it is listed or exhibits a characteristic), it must be managed as a universal waste under Part 273 (60 FR 25492, 25509; May 11, 1995).

When must an owner or operator permanently close an underground storage tank (UST) system that has been temporarily closed pursuant to §280.70 ?

Owners or operators must permanently close a UST system if the UST system has been temporarily closed for a period of more than twelve months and does not meet the new UST system performance standards in §280.20 or the UST system upgrade requirements in §280.21, except for the spill and overfill equipment requirements. After the twelve-month period the UST system must be closed in conformance with §280.71 through §280.74, unless the implementing agency provides an extension of the twelve-month temporary closure period (§280.70(c)). Owners and operators must complete a site assessment in accordance

with §280.72 before such an extension can be applied for.

What constitutes a bunkered tank for the purposes of the Spill Prevention, Control, and Countermeasure (SPCC) requirements?

A bunkered tank is a container constructed or placed in the ground by cutting the earth and re-covering the container in a manner that breaks the surrounding natural grade or that lies above grade and is covered with earth, sand, gravel, asphalt, or other material (§112.2).

What does a NFRAP designation mean for a site listed in EPA's CERCLIS database?

Sites that EPA decides do not warrant additional federal oversight in the site evaluation process are given a "no further response action planned" (NFRAP) designation in CERCLIS. No additional federal steps will be taken under CERCLA at the site unless future information warrants federal involvement. A NFRAP designation is not an indication that there is no hazard associated with the site but that, based on available information, EPA does not plan to take further action under CERCLA (55 FR 8666, 8692-3; March 8, 1990). Sites designated as NFRAP are placed in a separate archival database from CERCLIS (§300.5).

What are the minimum thresholds levels for reporting under EPCRA §§311 and 312?

The minimum threshold for reporting extremely hazardous substances is 500 pounds or the threshold planning quantity, whichever is lower. The minimum threshold for reporting gasoline or diesel fuel stored in tanks entirely underground at a retail gas station in compliance with all applicable UST requirements is 75,000 gallons and 100,000 gallons respectively. All other hazardous chemicals have a minimum threshold for reporting of 10,000 pounds. The minimum threshold for reporting in response to a request under §§370.21(d) and 370.25(c), however, is zero (§370.20(b)).

What is the difference between an update and a correction to a risk management plan (RMP)?

Updates and resubmissions require the owner or operator to review and revise all sections of the RMP as needed to bring the RMP up to date and the submission must be accompanied by a letter certifying that the entire RMP is true, accurate, and complete. The five-year anniversary date for resubmitting the RMP is reset with any update and resubmission. By contrast, a correction changes only individual data entries in the RMP. Corrections may include clerical errors, minor administrative changes, or changes of ownership when covered process operations do not change. Corrections do not entail the review and revision of all nine sections of the RMP, nor do they affect the five-year anniversary date for updating and resubmitting the RMP (69 FR 18819, 18820; April 9, 2004).

CALL CENTER QUESTIONS & ANSWERS

RCRA

1. Marketer Shipments of On-Specification Used Oil

A transporter delivers used oil from multiple generators to a used oil processor. After processing the used oil, the processor tests the oil and determines that it is on-specification (40 CFR §279.11).

Accordingly, the processor must meet the requirements in §§279.72, 279.33 and 279.74(b) (§279.11). Section 279.74(b) specifically contains requirements for maintaining records of each shipment of used oil sent to an on-specification used oil burner. However, the processor wants to sell the on-specification used oil to a re-refiner, who will process the oil along with other on-specification used oil and send the collective batches to a used oil burner.

Since §279.74(b) only specifies requirements for sending on-specification oil to a used oil burner, can the processor send the on-specification used oil to a re-refiner?

A used oil processor or re-refiner that determines used oil to be on-specification pursuant to the requirements in §279.11 is not limited to shipping the oil only to a used oil burner. The processor or re-refiner may also sell and send the used oil to another processor or re-refiner. Once the shipment of on-specification used oil reaches the next destination (e.g., processor, re-refiner, fuel distributor), the shipment of used oil is no longer subject to regulation under Part 279. The on-specification used oil can be handled at that point like any other virgin fuel oil, since EPA considers such oil to be equivalent to virgin fuel oil for regulatory

purposes. This policy was clarified in the preamble to the November 29, 1985, final rule where EPA stated that “[specification] used oil fuel poses no greater risk than virgin fuel oil and, once it enters the commercial fuel oil market, should not be regulated differently than virgin fuel oil” (50 FR 49154, 49189).

New Publications

How to order...

NTIS Publications are available by calling (800) 553-6847 or (703) 605-6000, or writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Use the NTIS Order Number listed under the document.

NSCEP Publications are available by calling (800) 490-9198 or by writing USEPA/NSCEP, PO Box 42419, Cincinnati, OH 45242-0419. Use the EPA Order Number listed under the document.

Call Center Publications are available by calling the Call Center at:

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TDD National Toll-Free No.: (800) 553-7672 Local: (703) 412-3323

RCRA

TITLE: Environmental Fact Sheet: Waste from the Production of Dyes and Pigments Listed as Hazardous

PUBLICATION DATE: February 2005

EPA ORDER NO.: EPA530-F-05-004

AVAILABILITY: Internet Only

URL: www.epa.gov/epaoswer/hazwaste/id/dyes/dyes-ffs.pdf

This fact sheet discusses the listing of waste from the production of certain dyes, pigments, and food, drug, and cosmetic colorants (FD&C) as EPA hazardous waste K181. For this listing, EPA is using a flexible regulatory approach that focuses on total quantities of chemical constituents of concern that present the greatest risk.

UST

TITLE: Underground Storage Tank Program Directory

PUBLICATION DATE: December 2004

EPA NO.: EPA510-B-04-002

AVAILABILITY: Internet Only

URL: www.epa.gov/oust/pubs/

This document provides contact information for federal Headquarters and Regional EPA Underground Storage Tank (UST) and Leaking Underground Storage Tank (LUST) program contacts. The document also provides state UST and LUST Program contacts and a list of available UST publications.

CERCLA

TITLE: State Brownfields and Voluntary Response Programs: An Update from the States

PUBLICATION DATE: February 2005

EPA NO.: EPA560-R-05-001

AVAILABILITY: Internet Only

URL: www.epa.gov/brownfields/pubs/st_res_prog_report.htm

This document explores the evolving landscape of state environmental, financial, and technical programs, including the incentives designed to promote brownfields cleanup and redevelopment. This user-friendly tool looks at multiple components of state brownfields and voluntary response program(s) and provides a synopsis of each state's response program(s) and contact information.

TITLE: Brownfields Training, Research, and Technical Assistance Grants and Cooperative Agreements

PUBLICATION DATE: February 2005

EPA NO.: EPA560-F-04-001

AVAILABILITY: Internet Only

URL: www.epa.gov/brownfields/applicat.htm

These guidelines provide eligible applicants an opportunity to apply for federal funding for brownfields-related training, research, or technical assistance. EPA initially announced the availability of funds and

solicited proposals on September 15, 2004. After reviewing proposals submitted in response to the initial announcement, the Agency decided not to fund any proposals. The agency is accepting new applications until May 1, 2005.

FEDERAL REGISTERS

Availability

You may order copies of all major RCRA, Superfund & EPCRA Federal Registers by calling the Call Center.
RCRA, Superfund & EPCRA 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

Federal Registers from October 1994 to the present related to the Call Center's program areas are accessible via the Internet at: www.epa.gov/fedrgstr

For RCRA/UST and selected CERCLA Federal Registers, choose: **Waste**. For selected EPCRA Federal Registers, choose: **Toxic Release Inventory**. For CAA §112(r) Federal Registers, choose: **Air**.

FINAL RULES

RCRA

“South Carolina: Final Authorization of State Hazardous Waste Management Program Revision” February 9, 2005 (70 FR 6765)

South Carolina applied for final authorization of the changes to its hazardous waste program under RCRA §3006(b), 42 U.S.C. 6926(b). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is April 11, 2005, unless EPA receives adverse comments by March 11, 2005.

“Adequacy of Minnesota Municipal Solid Waste Landfill Program” February 15, 2005 (70 FR 7658)

EPA Region 5 approved a modification to Minnesota's approved municipal solid waste landfill (MSWLF) permit program. The modification allows the state to issue research, development, and demonstration (RD&D) permits to owners and operators of MSWLF units in accordance with state law. The effective date of this rulemaking is February 15, 2005.

“Mississippi: Final Authorization of State Hazardous Waste Management Program Revision” February 23, 2005 (70 FR 8731)

Mississippi applied for final authorization of the changes to its hazardous waste program under RCRA §3006(b), 42 U.S.C. 6926(b). EPA determined that these changes satisfy all requirements needed to qualify for final authorization and authorized the state's changes through this rule. The effective date of this rulemaking is April 25, 2005, unless EPA receives adverse comments by March 25, 2005.

“Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents; Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards” February 24, 2005 (70 FR 9137)

EPA listed as hazardous nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants. This listing sets annual mass loadings for constituents of concern, such that wastes would not be hazardous if the constituents

are below the regulatory thresholds. If the wastes meet or exceed the regulatory levels for any constituents of concern, the wastes must be managed as listed hazardous wastes, unless the wastes are either disposed in a landfill unit that meets certain liner design criteria, or treated in a combustion unit as specified in the listing description. This rule also adds five toxic constituents to the list of hazardous constituents that serves as the basis for classifying wastes as hazardous. In addition, this rule establishes Land Disposal Restrictions treatment standards for the wastes, and designates these wastes as hazardous substances subject to CERCLA. The effective date of this rulemaking is August 23, 2005.

CERCLA

“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Direct Final Rule of Deletion of the Southern Maryland Wood Treating Superfund Site from the NPL” February 4, 2005 (70 FR 5930)

EPA announced the deletion of the Southern Maryland Wood Treating Superfund Site from the National Priorities List (NPL). The effective date of this rulemaking is April 5, 2005, unless EPA receives adverse comments by March 7, 2005.

“National Priorities List for Uncontrolled Hazardous Waste Sites” February 11, 2005 (70 FR 7182)

EPA announced the addition of the Vieques portion of the Atlantic Fleet Weapons Training Area to the Federal Facilities section of the NPL. The effective date of this rulemaking is March 14, 2005.

PROPOSED RULES

RCRA

“South Carolina: Final Authorization of State Hazardous Waste Management Program Revisions” February 9, 2005 (70 FR 6819)

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of South Carolina. EPA authorized the state’s changes as a direct final rule without prior proposal in the Final Rules section (70 FR 6765, February 9, 2005). The direct final rule provides a detailed rationale for authorization. Comments must be received by March 11, 2005.

“Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion” February 9, 2005 (70 FR 6811)

EPA proposed to grant a petition submitted by Shell Oil Company to exclude (i.e., delist) a certain sludge waste generated by its Houston, Texas, Deer Park facility from the lists of hazardous wastes. EPA used the Delisting Risk Assessment Software in the evaluation of the impact of the petitioned waste on human health and the environment. The proposed decision would exclude the petitioned waste from the requirements of hazardous waste regulations under RCRA. Comments must be received by March 11, 2005.

“Mississippi: Final Authorization of State Hazardous Waste Management Program Revisions” February 23, 2005 (70 FR 8756)

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of Mississippi. EPA

authorized the state's changes as a direct final rule without prior proposal in the Final Rules section (70 FR 8731, February 23, 2005). The direct final rule provides a detailed rationale for authorization.

Comments must be received by March 25, 2005.

CERCLA

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Proposed Rule; Notice of Intent to Delete the Southern Maryland Wood Treating Superfund Site from the National Priorities List”
February 4, 2005 (70 FR 5949)**

EPA announced its intent to delete the Southern Maryland Wood Treating Superfund Site from the NPL. Comments must be received by March 7, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
February 14, 2005 (70 FR 7455)**

EPA announced its intent to delete the Firestone Tire and Rubber Company Superfund Site from the NPL. Comments must be received by March 16, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
February 15, 2005 (70 FR 7708)**

EPA announced its intent to delete the Syosset Landfill Superfund Site from the NPL. Comments must be received by March 17, 2005.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
February 24, 2005 (70 FR 9023)**

EPA announced its intent to delete a portion of the Peterson/Puritan, Inc. Superfund Site from the NPL. Comments must be received by March 28, 2005.

NOTICES

RCRA

**“Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Facility Ground-Water Monitoring Requirements (Renewal), EPA ICR Number 0959.12, OMB Control Number 2050-0033”
February 3, 2005 (70 FR 5641)**

EPA announced that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: “Facility Ground-Water Monitoring Requirements (Renewal),” EPA ICR Number 0959.12, OMB Control Number 2050-0033. The current expiration date for this ICR is January 31, 2005. Comments must be received by March 7, 2005.

CERCLA

**“Science Advisory Board Staff Office Notification of an Upcoming Meeting of the Science Advisory Board; Superfund Benefits Analysis Advisory Panel”
February 7, 2005 (70 FR 6436)**

EPA's Science Advisory Board (SAB) Staff Office announced that a public teleconference of the SAB Superfund Benefits Analysis Advisory Panel will be

held on February 11, 2005. In addition, a public meeting will be held on February 24 through 25, 2005, in Washington, DC. The SAB Panel will review EPA's draft Superfund Benefits Analysis and discuss responses to charge questions.

ALL PROGRAMS

“Notice of Open Meeting of the Environmental Financial Advisory Board” February 9, 2005 (70 FR 6869)

EPA announced that a meeting of the Environmental Financial Advisory Board (EFAB) will be held on March 15 through 16, 2005, in Washington, DC. EFAB will address Joint Operations of the State Revolving Fund Programs, Innovations in Watershed Financing, Affordability of Water and Wastewater, Innovative Financing Tools, Preventing Future Non-Funded Abandoned Sites (Financial Assurance), and Useful Life Financing of Environmental Facilities.

“Science Advisory Board Staff Office; Notification of Public Meetings of the Science Advisory Board Environmental Engineering Committee” February 16, 2005 (70 FR 7934)

EPA's SAB Staff Office announced that a public teleconference of the SAB's Environmental Engineering Committee (EEC) will be held on March 10, 2005. In addition, a public meeting will be held on March 15 through 17, 2005, in Washington, D.C. EEC will address the proposed redesign of EPA's Pollution Prevention and New Technologies research program.

“Agency Information Collection Activities; OMB Responses” February 17, 2005 (70 FR 8090)

This document announced OMB responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, ICR Number 1360.07, “Underground Storage Tanks: Technical and Financial Requirements, and State Program Approval Procedures (Renewal),” was approved on January 24, 2005. This ICR, OMB Control Number 2050-0068, expires January 31, 2008. Additionally, ICR Number 1189.14, “Identification, Listing and Rulemaking Petitions (Renewal),” was approved on January 24, 2005. This ICR, OMB Control Number 2050-0053, expires January 31, 2008. ICR Number 0820.09, “Hazardous Waste Generator Standards,” was approved on January 31, 2005. This ICR, OMB Control Number 2050-0035, expires January 31, 2008. ICR Number 1352.10, “Community Right-to-Know Reporting Requirements Under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act (EPCRA) (Renewal),” was approved on January 31, 2005. This ICR, OMB Control Number 2050-0072, expires January 31, 2008.

SETTLEMENTS AND CONSENT DECREES

“Consent Decree; *United States v. Aetna Inc., et al.*”
February 3, 2005 (70 FR 5697)

“Proposed Settlement; Butte Highlands Mill Superfund Site”
February 7, 2005 (70 FR 6408)

“Proposed Settlement; Carolina Steel Drum Superfund Site”
February 10, 2005 (70 FR 7108)

“Proposed Settlement; Carolina Steel
Drum Superfund Site”
February 10, 2005 (70 FR 7108)

“Consent Decree; *In re Armstrong World
Industries, Inc.*”
February 10, 2005 (70 FR 7119)

“Consent Decree; *United States v. Port
of Tacoma, Occidental Chemical
Corporation, Mariana Properties, Inc.,
and Pioneer Americas, LLC*”
February 11, 2005 (70 FR 7306)

“Consent Decree; *United States v.
Ralph Bello, et al.*”
February 17, 2005 (70 FR 8110)

“Consent Decree; *In re Formica Corp.,
et al.*”
February 17, 2005 (70 FR 8110)

“Consent Decree; *United States v.
International Paper Co., et al.*”
February 17, 2005 (70 FR 8111)

“Consent Decree; *In re Polaroid
Corporation, et al.*”
February 17, 2005 (70 FR 8111)

“Consent Decree; *United States v.
Thomasville Furniture Industries, Inc.,
et al.*”
February 17, 2005 (70 FR 8112)

“Proposed Settlement; Sadler Drum
Superfund Site”
February 18, 2005 (70 FR 8372)