

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

June 2006

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. EP-W-06-018.

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), 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, and 2006 Monthly Reports may be accessed from the Internet at www.epa.gov/superfund/resources/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.

- 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`

Questions and Answers

SUPERFUND

***Q:** CERCLA §103(a) and 40 CFR §302.6(a) require that any person in charge of a facility must immediately notify the National Response Center (NRC) as soon as he or she has knowledge of a release of a hazardous substance from the facility in a quantity equal to or exceeding the reportable quantity (RQ) in any 24-hour period. Must the person in charge of a facility notify the NRC if contaminated soil containing an RQ amount or more of a hazardous substance is moved from one location to another on-site location?*

A: Moving a hazardous substances that is already on or in the ground to another location in the environment is a release. If an RQ amount or more of a hazardous substance is released in any 24-hour period, the person in charge of the facility must immediately notify the NRC (40 CFR §302.6(a)). There is no exemption from the release notification requirements for a hazardous substance that was previously released onto the ground if the substance is subsequently moved and released at another on-site location. For example, moving a hazardous substance located on or in the ground at a CERCLA National Priorities List (NPL) site to another location at the site technically constitutes a release and must be reported to the NRC if the release is in an amount equal to or exceeding an RQ.

TRI

***Q:** If a TRI submission included an incorrect toxic chemical identity, may the facility submit a revision with the correct toxic chemical identity?*

A: No, if a facility reported the wrong chemical identity on a Form R or Form A, the facility must withdraw its submission with the incorrect toxic chemical name and submit a new Form R or Form A with the correct toxic chemical identity. The facility may not submit a revision to correct the toxic chemical identity.

RMP

***Q:** If an RMP covered facility replaces a storage tank that is a covered process with a new tank containing the same regulated substance, is this considered to be a modification of an existing process, or a new process?*

A: Assuming the new tank contains the same substance and occupies the same location as the previous tank, this would generally be considered a modification to an existing process.

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

FINAL RULES

SUPERFUND

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update”
June 22, 2006 (71 [FR](#) 35810)**

EPA announced the deletion of the Dixie Oil Processors, Inc. Superfund Site from the National Priorities List (NPL). The effective date of this rulemaking is August 21, 2006, unless EPA receives adverse comments by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
June 22, 2006 (71 [FR](#) 35813)**

EPA announced the deletion of the Davie Landfill Superfund Site from the NPL. The effective date of this rulemaking is August 21, 2006, unless EPA receives adverse comments by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update”
June 23, 2006 (71 [FR](#) 36015)**

EPA announced the deletion of the Brio Refining, Inc. Superfund Site from the NPL. The effective date of this rulemaking is

August 22, 2006, unless EPA receives adverse comments by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
June 23, 2006 (71 [FR](#) 36019)**

EPA published a technical correction to the June 22, 2000, final notice of partial deletion of the Motor Wheel Disposal Superfund Site due to errors that were published in that final rule and in the NPL in 40 CFR Part 300, Appendix B (65 [FR](#) 38774). The effective date of this rulemaking is June 23, 2006.

TRI

**“Community Right-to-Know; Toxic Chemical Release Reporting Using North American Industry Classification System (NAICS); Final Rule”
June 6, 2006 (71 [FR](#) 32464)**

EPA announced that beginning with reporting year 2006 (RY06), facilities must refer to North American Industry Classification System (NAICS) codes to determine TRI reporting applicability instead of the previously used Standard Industrial Classification (SIC) codes. Additionally, facilities will be required to report their primary and secondary NAICS codes. Because the SIC and NAICS systems differ in the way they assign codes to auxiliary establishments, EPA changed its interpretation of the applicability of TRI

reporting requirements to these auxiliary facilities. EPA also took this opportunity to expand the owners of leased property exemption. The effective date of this rulemaking is August 7, 2006.

PROPOSED RULES

SUPERFUND

**“National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List Update”
June 22, 2006 (71 FR 35857)**

EPA announced its intent to delete the Dixie Oil Processors, Inc. Superfund Site from the NPL. Comments must be received by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
June 22, 2006 (71 FR 35858)**

EPA announced its intent to delete the Davie Landfill Superfund Site from the NPL. Comments must be received by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update”
June 23, 2006 (71 FR 36048)**

EPA announced its intent to delete the Brio Refining, Inc. Superfund Site from the NPL. Comments must be received by July 24, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
June 28, 2006 (71 FR 36736)**

EPA announced its intent to delete portions of the Ellsworth Air Force Base (AFB) Site,

from the NPL. Comments must be received by July 28, 2006.

NOTICES

EPCRA

**“Agency Information Collection Activities OMB Responses”
June 16, 2006 (71 FR 34932)**

This document announced the Office of Management and Budget's (OMB) responses to Agency Clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, Information Collection Request (ICR) Number 1395.06, “Emergency Planning and Release Notification Requirements under Emergency Planning and Community Right-to-Know Act Sections 302, 303, and 304 (Renewal),” was approved on May 9, 2006. This ICR, OMB Control Number 2050-0092, expires May 31, 2009.

SETTLEMENT AND CONSENT DECREE NOTICES

“Proposed Settlement; Many Diversified Interest Superfund Site”
June 1, 2006 (71 FR 31182)

“Proposed Settlement; Shenandoah Road Groundwater Contamination Superfund Site”
June 1, 2006 (71 FR 31183)

“Consent Decree; *United States v. American Cyanamid, et al.*”
June 1, 2006 (71 FR 31212)

“Consent Decree; *United States v. American Cyanamid, et al.*”
June 1, 2006 (71 FR 31212)

“Consent Decree; *United States v. Portland Terminal Railroad Company*”
June 1, 2006 (71 FR 31213)

“Consent Decree; *In re W.R. Grace & Co., et al.*”
June 1, 2006 (71 FR 31214)

“Proposed Settlement; Rawleigh Building Superfund Site”
June 7, 2006 (71 FR 32960)

“Consent Decree; *United States v. Industrial Excess Landfill, Inc.*”
June 7, 2006 (71 FR 33001)

“Consent Decree; *United States, et al. v. Oxy Vinyls, L.P.*”
June 21, 2006 (71 FR 35701)

“Proposed Settlement; Mohawk Tannery Superfund Site”
June 22, 2006 (71 FR 35906)

“Proposed Settlement; Romarc Industries Superfund Site”
June 27, 2006 (71 FR 36526)

“Consent Decree; *United States v. The Gillette Company*”
June 28, 2006 (71 FR 36826)

“Consent Decree; *United States v. Donald E. Horne, et al.*”
June 28, 2006 (71 FR 36826)

“Consent Decree; *United States v. Industrial Excess Landfill, Inc.*”
June 28, 2006 (71 FR 36827)

“Consent Decree; *United States, et al. v. Marine Shale Processors, Inc., et al.*”
June 28, 2006 (71 FR 36827)

“Consent Decree; *United States v. Olin Corporation, et al.*”
June 28, 2006 (71 FR 36828)

“Consent Decree; *United States, et al. v. Southern Wood Piedmont Company, et al.*”
June 28, 2006 (71 FR 36829)