

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

May 2006

Services in support of OSRTI, OIAA, and OEM

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## 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](http://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.

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## Questions and Answers

### TRI

*Q: If waste fuel and commercial fuel are mixed together and sent off site for energy recovery, is the commercial fuel portion considered processed?*

**A:** The entire waste fuel is considered a waste and none if it is considered processed when mixed and sent off site. Once a commercial fuel is blended with waste the entire batch (waste + fuel) is considered a waste and is reported on the form if a threshold is tripped elsewhere at the facility.

*Q: When making threshold determinations under EPCRA §313, must a person count any amount of a toxic chemical that is created at a facility toward the manufacturing threshold, even if the chemical is almost immediately destroyed?*

**A:** Yes. Any time a toxic chemical (or the reportable form of a qualified toxic chemical) comes into existence at a facility, it must be counted toward the manufacturing threshold. This is the case regardless of whether the chemical is created actively or passively, on purpose or on accident, in a process stream or in a waste stream, and regardless of how long the chemical exists at the facility. [Note that there are special exceptions to this rule for sulfuric acid and hydrochloric acid aerosols generated in acid reuse systems and storage tanks (see *EPCRA Section 313 Guidance for Reporting Hydrochloric Acid* and *EPCRA Section 313 Guidance for Reporting Sulfuric Acid*, available at [www.epa.gov/tri/guide\\_docs](http://www.epa.gov/tri/guide_docs).)]

### CROSS-PROGRAM

*Q: When a facility releases a reportable quantity of a hazardous substance, are there any requirements for written follow-up notification, after the initial telephone notifications, under EPCRA or CERCLA?*

**A:** Under EPCRA, an owner or operator must provide a written follow-up emergency notice setting forth and updating the information provided under the initial telephone notification. This notice must include information about the actions taken to respond to and contain the release, known or anticipated health risks associated with the release, and any appropriate advice regarding medical attention necessary for exposed individuals (40 CFR §355.40(b)).

CERCLA does not require any written follow-up notice to the National Response Center after the initial telephone notification. CERCLA does contain a statutory provision that requires the owner or operator of any vessel or facility from which a hazardous substance has been released to “provide reasonable notice to potential injured parties by publication in local newspapers serving the affected area” (CERCLA §111(g)).

# 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](http://www.epa.gov/fedrgstr)

## PROPOSED RULES

### SUPERFUND

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
May 24, 2006 (71 FR 29880)**

EPA announced its intent to delete the Internal Parcel of the Rocky Mountain Arsenal National Priorities List (NPL) Site On-Post Operable Unit from the NPL on April 26, 2006 (71 FR 24627). EPA is extending the public comment period for an additional thirty days. Comments must be received by June 26, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”  
May 26, 2006 (71 FR 30356)**

EPA announced its intent to delete the Cedartown Industries, Inc. Superfund Site from the NPL. Comments must be received by June 26, 2006.

## NOTICES

### SUPERFUND

**“Brownfields State and Tribal Response Grant Program”  
May 15, 2006 (71 FR 28025)**

EPA announced the addition of the Brownfields State and Tribal Response grant program authorized by CERCLA §128(a) to the list of environmental grant programs eligible for inclusion in Performance Partnership Grants.

**“Public Health Assessments Completed: January 2006-March 2006”  
May 17, 2006 (71 FR 28702)**

EPA announced the completion of the Agency for Toxic Substance and Disease Registry completed public health assessments during the period from January 2006 through March 2006. The list includes sites that are on or proposed for inclusion on the NPL as well as sites for which assessments were prepared in response to requests from the public.

**SETTLEMENT AND CONSENT  
DECREE NOTICES**

“Proposed Settlement; Baxley  
Complaint Superfund Site”  
May 2, 2006 (71 FR 25841)

“Consent Decree; *CoZinCo, Inc. v  
United States Environmental Protection  
Agency, et al.*”  
May 3, 2006 (71 FR 26110)

“Proposed Settlement; Estate of Evelyn  
Porter Superfund Site”  
May 5, 2006 (71 FR 26499)

“Consent Decree; *United States v.  
General Electric Company*”  
May 11, 2006 (71 FR 27516)

“Consent Decree; *United States v. Jay  
James Jackson et al.*”  
May 11, 2006 (71 FR 27517)

“Proposed Settlement; Dayton X-Ray  
Company Superfund Site”  
May 18, 2006 (71 FR 28862)

“Proposed Settlement; Casmalia  
Disposal Superfund Site”  
May 19, 2006 (71 FR 29153)

“Consent Decree; *United States v.  
Browning-Ferris, Inc., et al.*”  
May 25, 2006 (71 FR 30162)

“Consent Decree; *Washington, et al. v.  
United States of America*”  
May 25, 2006 (71 FR 30164)

“Proposed Settlement; P & W Electric  
Superfund Site”  
May 26, 2006 (71 FR 30404)