

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

October 2006

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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.

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QUESTIONS AND ANSWERS

TRI

Q: Can TRI data published in the annual Public Data Release be obtained on a CD?

A: Raw TRI data are available on CD by request. Requests should be directed to EPA's TRI Program Division via e-mail at tri.us@epa.gov or phone at 202-566-0250. Additional information regarding how to obtain TRI data is available at www.epa.gov/tri/tridata.

Q: Pursuant to the TRI Burden Reduction Final Rule (71 FR 76932; December 22, 2006), the owner or operator of a TRI-covered facility may use the Form A for a persistent, bioaccumulative, and toxic (PBT) chemical, except for dioxin and dioxin-like compounds, if the facility manufactured, processed, or otherwise used less than or equal to one million pounds of the chemical; the total disposal or other releases of the chemical were zero; and the total annual amount of the PBT chemical recycled, combusted for energy, and treated for destruction did not exceed 500 pounds (40 CFR §372.27(a)(2)). May a facility owner or operator round small PBT chemical releases to zero and, as long as the facility meets the other criteria, use the Form A?

A: Except for dioxins and dioxin-like compounds, a facility owner or operator may round a PBT chemical release of 0.1 pound or less to zero and remain eligible to use the Form A, as long as the facility meets the other criteria in §372.27. In the PBT Chemicals Final Rule, EPA clarified that an owner or operator must report PBT chemical releases greater than 0.1 pound (except dioxins and dioxin-like compounds). EPA

believes that a facility may be able to calculate their estimates of releases to one-tenth of a pound and that such guidance is consistent with the requirements of EPCRA §313(g) and (h) (64 FR 58666, 58672; October 29, 1999). The TRI Burden Reduction Rule modifies the Form A eligibility by allowing its limited use for PBT chemicals; the rule does not change the criteria for estimating releases of PBT chemicals.

Q: Would paving activities (e.g., the use of asphalt or cement) at a facility qualify for the structural component exemption (40 CFR 372.38(c)(1))?

A: The use of toxic chemicals in asphalt or cement to make and maintain process-related roads and driveways (e.g., a driveway leading to a loading dock) at a TRI-covered facility is not eligible for the structural component exemption (40 CFR §372.38(c)(1)). However, the use of toxic chemicals present in asphalt used to pave employee parking lots at a TRI-covered facility is considered non-process related and is eligible for the structural component exemption.

Placing asphalt or cement containing TRI toxic chemicals on the ground at a facility is considered a release of the toxic chemicals. If the paving activity did not qualify for the exemption and the facility exceeds an activity threshold, such releases must be documented in Sections 5 and 8 of the Form R.

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.

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CERCLA

TITLE: Proposal Guidelines for
Brownfields Assessment, Revolving Loan
Fund, and Cleanup Grants

PUBLICATION DATE: October 2006

EPA ORDER NO.: EPA560-F-06-246

AVAILABILITY: Internet

URL: www.epa.gov/oswer/docs/grants/epa-oswer-obcr-07-01.pdf

This guidance document describes the procedures that eligible entities must follow when applying for brownfield assessment, cleanup, and redevelopment funding assistance. The document also provides a brief summary of the Small Business Liability Relief and Brownfields Revitalization Act, information on the types of funding available under the Act, and a description of the eligibility requirements.

FEDERAL REGISTERS

Availability

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FINAL RULES

CROSS PROGRAM

**“Administrative Reporting Exemption for Certain Air Releases of NO_x (NO and NO₂)”
October 4, 2006 (71 FR 58525)**

EPA broadened the existing reporting exemptions for releases to the air of less than 1,000 pounds of nitrogen oxide (NO) and less than 1,000 pounds of nitrogen dioxide NO₂ in 24 hours that are the result of combustion. This exemption is consistent with EPA’s goal to reduce unnecessary reporting given that the levels for which the Clean Air Act regulates NO_x are considerably higher than the individual reportable quantities of 10 pounds for both NO and NO₂. EPA believes that the information gained through submission of the reports for those exempted releases would not contribute significantly to the data that are already available through the permitting process to the government and the public. The effective date of this rulemaking is November 3, 2006.

PROPOSED RULES

CERCLA

**“Proposed Test Rule for Certain Chemicals on the ATSDR/EPA CERCLA Priority List of Hazardous Substances”
October 20, 2006 (71 FR 61926)**

EPA proposed to require testing for certain chemicals on the Agency for Toxic Substances and Disease Registry (ATSDR)/EPA Priority List of Hazardous Substances. The testing would address data needs identified to enable ATSDR to conduct comprehensive health assessments for populations living near sites identified on the CERCLA National Priorities List that may be exposed to the chemical substance.

NOTICES

CERCLA

**“Availability of Draft Toxicological Profiles”
October 18, 2006 (71 FR 61479)**

EPA announced the availability of one new and six updated draft toxicological profiles of priority hazardous substances prepared by the Agency for Toxic Substances and Disease Registry. Comments must be received by February 26, 2007.

SETTLEMENTS AND CONSENT

- “Consent Decree; In re Kmart Holding Corp.”
October 3, 2006 (71 FR 58390)
- “Consent Decree; *United States v. Nacelle Land & Management Corporation, et al.*”
October 4, 2006 (71 FR 58631)
- “Consent Decree; *United States and the State of Delaware v. E.I. Du Pont De Nemours & Company, Inc., and CIBA Speciality Chemicals Corporation*”
October 12, 2006 (71 FR 60193)
- “Consent Decree; *United States v. Afton Chemical Corp, et al.*”
October 18, 2006 (71 FR 61507)
- “Consent Decree; *United States v. Cooper Industries, LLC*”
October 18, 2006 (71 FR 61507)
- “Consent Decree; *United States v. Mallinckrodt, et al.*”
October 18, 2006 (71 FR 61509)
- “Consent Decree; *United States of America v. Union Pacific Railroad Company*”
October 18, 2006 (71 FR 61509)
- “Consent Decree; *United States v. A-L Processors, f.k.a. Atlas-Lederer Co., et al.*”
October 25, 2006 (71 FR 62487)
- “Consent Decree; *United States v. Martin Marietta Materials, Inc., et al.*”
October 25, 2006 (71 FR 62488)
- “Proposed Settlement; Terrero Mine Superfund Site”
October 27, 2006 (71 FR 63012)
- “Proposed Settlement; La Costex Refinery Superfund Site”
October 30, 2006 (71 FR 63321)
- “Proposed Settlement; Empire Canyon Site”
October 31, 2006 (71 FR 63759)