

# MONTHLY CALL CENTER REPORT

January 2005

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RCRA, Superfund & EPCRA Call Center  
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National Toll-Free No.: (800) 424-9346      Local: (703) 412-9810  
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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](http://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](http://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,  
`leave-callcenter_oswer@lists.epa.gov`

## FREQUENTLY ASKED QUESTIONS

*A farmer collects irrigation runoff in a basin and redistributes the water to his crops. The collected water is characteristic for Lindane (D013). Is this water regulated under RCRA?*

Irrigation return flows are excluded from the definition of solid waste (40 CFR §261.4(a)(3)). The definition of solid waste excludes solid or dissolved materials in irrigation return flows (45 FR 33066, 33098; May 19, 1980) (42 USC §6903(27)).

*When must owners and operators of UST systems report suspected releases to the implementing agency?*

An owner or operator of a UST system must report to the implementing agency within 24 hours (or another reasonable time period specified by the implementing agency) when there is a discovery of a released regulated substance at the UST site or surrounding area or unusual operating conditions observed by the owner or operator. An owner or operator of a UST system must also report to the implementing agency when monitoring results from a release detection method required in §§280.41 and 280.42 indicate that a release may have occurred, unless the monitoring device is found to be defective and is immediately repaired, recalibrated or replaced, or a second month of inventory control data does not confirm the initial result (§280.50).

*Pursuant to §112.8(c)(6), the owner or operator of a facility subject to the Part 112 oil pollution prevention regulations must test each aboveground container for integrity on a regular schedule. What does the term “regular schedule” mean?*

Testing on a regular schedule means testing per industry standards or at a frequency sufficient to prevent discharges (67 FR 47042, 47119; July 17, 2002).

*What is the difference between a removal action and a remedial action under CERCLA?*

Removal and remedial actions are both used to respond to releases or threatened releases of hazardous substances, pollutants, or contaminants in order to prevent or minimize harm to public health or the environment (§300.5). Removal actions are utilized in emergency and time-critical situations to quickly mitigate and stabilize a threat to human health and the environment at a site, rather than totally eliminate it (55 FR 8666, 8695-96; March 8, 1990). In contrast, remedial actions are utilized to comprehensively address all threats at a site and use remedies with long-term effectiveness that serve to permanently reduce the volume, toxicity, or mobility of hazardous substances at the site (55 FR 8666, 8668, 8695).

*How can chemical identity information be obtained for Tier II reports that have been claimed as a trade secret?*

A member of the public may request the disclosure of chemical identity claimed as trade secret under EPCRA §312 by submitting a petition. Each petition must include: (1) the name, address and telephone number of the petitioner; (2) the name and

address of the company claiming the chemical identity as trade secret; and (3) a copy of the submission in which the submitter claimed chemical identity as trade secret, with a specific indication as to which chemical identity the petitioner seeks disclosed. Following submission of the petition EPA will verify the receipt of the petition by sending the petitioner a letter of acknowledgement. EPA will make a determination concerning a petition within nine months of receipt of the petition (§350.15).

*Can the owner or operator of a facility expect to receive a notice of receipt from EPA when the RMP Reporting Center receives the facility's Risk Management Plan (RMP)?*

Once the RMP Reporting Center receives and processes a facility's RMP, the facility owner or operator will be notified regarding the submission status of the facility's RMP. Notification can take several weeks and delays can occur during peak times ([RMP\\*Submit 2004 User's Manual](#) (EPA550-B-04-002)).

# CALL CENTER QUESTIONS & ANSWERS

## RCRA

### 1. Applicability of the Export Regulations to Universal Waste

*A large quantity handler of universal waste (LQHUW) plans to export universal waste thermostats to Canada for recovery. Under RCRA Subtitle C, export requirements apply to primary exporters of hazardous waste (40 CFR §262.50). EPA defines primary exporter as any person who is required to originate the manifest for a shipment of hazardous waste (§262.51). However, pursuant to the universal waste management requirements in Part 273, large quantity handlers are not required to manifest shipments of universal waste (61 FR 16290; April 12, 1996). Would the large quantity handler of universal waste thermostats be subject to the exporting requirements when exporting the waste to Canada?*

A large quantity handler who exports universal waste to a foreign destination without first sending the waste to a consolidation point or destination facility must comply with the requirements applicable to primary exporters in Part 262, Subpart E, even though a manifest is not required (61 FR 16290, 16306; April 12, 1996). Export requirements for universal waste include notification, annual reporting, and recordkeeping. The exporter must send a notification of intent to export to the Office of Enforcement and Compliance Assurance 60 days prior to exporting the universal waste to a foreign facility. The notification must be in writing, signed by the exporter, and include information such as a description of the waste, estimates of the quantity and frequency the waste is being

shipped, and the name of the foreign destination facility. This notification may cover export activities over a 12-month period (§262.53). EPA, in conjunction with the Department of State, will provide a complete notification to the receiving country and any transit countries. If the receiving country consents to the receipt of the universal waste, EPA will forward an Acknowledgement of Consent to the universal waste handler. Annual reports must be filed by March 1 of each year. Finally, exporters of universal waste must keep copies of each notification of intent to export, Acknowledgement of Consent, confirmation of delivery from the consignee, and annual reports for at least three years (§262.57).

## 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:

RCRA, Superfund & EPCRA National Toll-Free No.: (800) 424-9346 Local: (703) 412-9810  
TDD National Toll-Free No.: (800) 553-7672 Local: (703) 412-3323

### RCRA

**TITLE:** America's Marketplace Recycles: A Guide to Waste Reduction at Shopping Centers

**PUBLICATION DATE:** December 2004

**EPA ORDER NO.:** EPA530-R-04-031

**AVAILABILITY:** Internet Only

**URL:** [www.epa.gov/epaoswer/osw/conserves/amrguide/amrguide.pdf](http://www.epa.gov/epaoswer/osw/conserves/amrguide/amrguide.pdf)

This guide was created by EPA, in collaboration with the International Council of Shopping Centers (ICSC), to help shopping centers assess their waste management practices and identify opportunities to reduce waste disposal, increase reuse and recycling, save money, and contribute to their local communities. In addition, this guide serves as a resource to local and state recycling coordinators when working with shopping centers in their jurisdictions to design and implement waste prevention and recycling programs.

**TITLE:** The Resource Conservation Challenge: National Partnership for Environmental Priorities

**PUBLICATION DATE:** February 2005

**EPA ORDER NO.:** EPA530-F-05-002

**AVAILABILITY:** Internet Only

**URL:** [www.epa.gov/epaoswer/osw/conserves/resources/rcc-npep.pdf](http://www.epa.gov/epaoswer/osw/conserves/resources/rcc-npep.pdf)

This document discusses the National Partnership for Environmental Priorities

(NPEP), a voluntary program under the Resource Conservation Challenge (RCC) to foster partnerships among EPA, state regulatory agencies, manufacturers, commercial companies, and federal facilities to reduce the use and/or release of thirty-one priority chemicals. EPA is challenging industry to reduce the presence of these priority chemicals by ten percent by 2008. NPEP partners set goals to eliminate or substantially reduce the use of these chemicals during all stages of the production process or to recover or recycle those chemicals that cannot easily be eliminated or reduced at the source.

**TITLE:** Environmental Fact Sheet: Hazardous Waste Manifest System Streamlined

**PUBLICATION DATE:** February 2005

**EPA ORDER NO.:** EPA530-F-05-001

**AVAILABILITY:** Internet Only

**URL:** [www.epa.gov/epaoswer/hazwaste/gener/manifest/pdf/manfst-fs.pdf](http://www.epa.gov/epaoswer/hazwaste/gener/manifest/pdf/manfst-fs.pdf)

This fact sheet provides an overview of the recent modifications to the Uniform Hazardous Waste Manifest. EPA is improving and modernizing the hazardous waste tracking system by standardizing the manifest form. Standardizing the form streamlines the waste handling process, helps interstate commerce, and reduces regulatory paperwork, saving waste handlers and regulators time and money, while

guaranteeing the continued, safe management of hazardous waste.

## EPCRA

**TITLE:** Factsheet: Tier2 Submit 2004  
**PUBLICATION DATE:** October 2004  
**EPA ORDER NO.:** EPA550-F-04-007  
**AVAILABILITY:** Internet  
**URL:** <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

This fact sheet provides an overview of the Tier2 Submit 2004 Software. Tier2 Submit 2004 is available to facilities fulfilling EPCRA §312 reporting requirements.

**TITLE:** Tier2 Submit 2004 Software  
**PUBLICATION DATE:** NA  
**EPA ORDER NO.:** N/A  
**AVAILABILITY:** Internet  
**URL:** <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

Tier2 Submit 2004 is a software program developed by EPA and the National Oceanic Atmospheric Administration (NOAA) for use by facilities completing Tier II reports pursuant to EPCRA §312. This software updates and replaces Tier2 Submit 2003.

**TITLE:** Tier2 Submit Facility Submission Guide  
**PUBLICATION DATE:** October 2004  
**EPA ORDER NO.:** N/A  
**AVAILABILITY:** Internet  
**URL:** <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/tier2.htm>

This manual assists facilities using the Tier2 Submit 2004 software to prepare EPCRA §312 Tier II reports and submissions. The manual includes information on system requirements and step-by-step instructions for completing and submitting the form.

**TITLE:** EPCRA Section 313 Questions and Answers: Addendum to the Revised 1998 Version as of December 2004  
**PUBLICATION DATE:** December 2004  
**EPA ORDER NO.:** EPA260-B-04-002  
**AVAILABILITY:** Internet  
**URL:** [www.epa.gov/tri/guide\\_docs/index.htm](http://www.epa.gov/tri/guide_docs/index.htm)

This document serves as an addendum to the document [EPCRA Section 313 Questions and Answers: Revised 1998 Version](#). It provides additional clarification on the chemical reporting requirements revised since 1998. This document is intended as guidance and should be used in conjunction with the statute and regulations.

## OIL

**TITLE:** EPA Oil Program Update  
**PUBLICATION DATE:** January 2005  
**EPA NO.:** N/A  
**AVAILABILITY:** Internet  
**URL:** [www.epa.gov/oilspill/document.htm](http://www.epa.gov/oilspill/document.htm)

This quarterly publication provides EPA Regional staff, other federal agencies and departments, industry, and the regulated community with the latest Oil Program developments. This edition contains information on the SPCC Rule deadline extension and notices of data availability, EPA Region I PREP exercises, the Landfarming Pilot Study in Allegany Region Oil Fields, oil spill response and investigation, the 2004 OSC Readiness Training – National Approach to Response, the Clean Gulf 2004 Conference, the 2005 International Oil Spill Conference, and ERT's 2005 oil response training schedule.

# 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](http://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

#### **“New York: Final Authorization of State Hazardous Waste Management Program Revision” January 11, 2005 (70 FR 1825)**

New York applied for final authorization of 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 March 14, 2005, unless EPA receives adverse comments by February 10, 2005.

#### **“Georgia: Final Authorization of State Hazardous Waste Management Program Revision” January 27, 2005 (70 FR 3894)**

Georgia 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 March 28, 2005, unless EPA receives adverse comments by February 28, 2005.

## PROPOSED RULES

### RCRA

#### **“New York: Final Authorization of State Hazardous Waste Management Program Revisions” January 11, 2005 (70 FR 1842)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of New York. EPA authorized the state's changes as a direct final rule without prior proposal in the Final Rules section (70 FR 1825; January 11, 2005). The direct final rule provides a detailed rationale for authorization. Comments must be received by February 10, 2005.

#### **“Proposed Approval of Waste Characterization Activities at the Hanford Central Characterization Project for Disposal at the Waste Isolation Pilot Plant” January 12, 2005 (70 FR 2101)**

EPA announced its proposed approval of the Hanford Central Characterization Project to characterize retrievably-stored, contact-handled, transuranic debris waste for disposal at the Waste Isolation Pilot Plant. Comments must be received by February 28, 2005.

**“Project XL Rulemaking Extension for New York State Public Utilities; Hazardous Waste Management Systems; Proposed Rule”  
January 25, 2005 (70 FR 3501)**

EPA proposed a seventy-two month extension of the Project XL Rule for New York State Public Utilities. Comments must be received by February 24, 2005.

**“Georgia: Final Authorization of State Hazardous Waste Management Program Revision”  
January 27, 2005 (70 FR 3902)**

EPA proposed to grant final authorization to the hazardous waste program revisions submitted by the State of Georgia. EPA authorized the state's changes as a direct final rule without prior proposal in the Final Rules section (70 FR 3894; January 27, 2005). The direct final rule provides a detailed rationale for authorization. Comments must be received by February 28, 2005.

**EPCRA**

**“Toxics Release Inventory Reporting Forms Modification Rule”  
January 10, 2005 (70 FR 1674)**

EPA proposed to revise certain requirements under EPCRA §313 for the Toxic Chemical Release Inventory (TRI) to reduce the reporting burden. The proposed revisions include simplifying several TRI reporting requirements, removing data elements from the Form R and Form A Certification Statement, and updating the regulations to provide corrected contact information and descriptions of the Forms R and A data elements. Comments must be received by March 11, 2005.

**NOTICES**

**“Agency Information Collection Activities: Proposed Collection; Comment Request; State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) and Non-Municipal, Non-Hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste, EPA ICR Number 1608.04, OMB Control Number 2050-0152”  
January 4, 2005 (70 FR 356)**

EPA announced its plans to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval: “State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) and Non-Municipal, Non-Hazardous Waste Disposal Units That Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste,” ICR Number 1608.04, OMB Control Number 2050-0152. The current expiration date for this ICR is June 30, 2005. Comments must be received by March 7, 2005.

**“Science Advisory Board (SAB) Staff Office; Notification of Upcoming Science Advisory Board Meeting”  
January 11, 2005 (70 FR 1889)**

EPA announced that a public teleconference meeting of the Science Advisory Board (SAB) Staff Office will be held on January 26, 2005. The meeting will address two draft SAB reports: Drinking Water Research Program Multi-Year Plan 2003 and Advisory on the Office of Research and Development's Contaminated Sites and RCRA Multi-Year plans.

**CERCLA****“Agency Information Collection Activities OMB Responses”  
January 21, 2005 (70 FR 3195)**

This documented announced OMB responses to Agency clearance requests in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, ICR Number 1463.06, “National Oil and Hazardous Substances Pollution Contingency Plan (NCP),” was approved on January 4, 2005. This ICR, OMB Control Number 2050-0096, expires January 31, 2008.

**“Availability of Final Toxicological Profiles”  
January 21, 2005 (70 FR 3204)**

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

**SETTLEMENTS AND CONSENT DECREEES**

“Consent Decree; *United States v. Johnson Controls, Inc., et al.*”  
January 5, 2005 (70 FR 918)

“Proposed Settlement; Camelot Cleaners West Fargo Superfund Site”  
January 11, 2005 (70 FR 1891)

“Consent Decree; *United States of America v. Weyerhaeuser Company*”  
January 12, 2005 (70 FR 2186)

“Proposed Settlement; R&R Foundry Superfund Site”  
January 14, 2005 (70 FR 2632)

“Proposed Settlement; Carolina Steel Drum Superfund Site”  
January 19, 2005 (70 FR 3032)

“Consent Decree; *In re Outboard Marine Corp.*”  
January 24, 2005 (70 FR 3387)

“Proposed Settlement; Malvern TCE Superfund Site”  
January 26, 2005 (70 FR 3705)

“Consent Decree; *United States v. Chevron U.S.A., Inc.*”  
January 26, 2005 (70 FR 3729)

“Consent Decree; *United States v. N.P. Industrial Center, et al.*”  
January 26, 2005 (70 FR 3729)

“Consent Decree; *United States v. Reichhold Limited, et al.*”  
January 26, 2005 (70 FR 3730)

“Proposed Agreement; Animal Feeding Operations”  
January 31, 2005 (70 FR 4957)