

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

April 2006

Services in support of OSRTI, OIAA, and OEM

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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.

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Questions and Answers

SUPERFUND

Q: Has EPA established a preliminary remediation goal for perchlorate in groundwater?

A: Following the National Academy of Sciences' National Research Council review, EPA has adopted a reference dose (RfD) for perchlorate of 0.0007 milligram/kilogram-day (mg/kg-day) for the CERCLA (Superfund) program. This RfD leads to a Drinking Water Equivalency Level (DWEL) and preliminary remediation goal (PRG) of 24.5 micrograms/liter (ug/L) or 24.5 parts per billion (ppb).

The National Contingency Plan (NCP) calls for the development of preliminary remediation goals (PRGs) based on readily available information (40 CFR §300.430(e)(2)(i)). PRGs are generally conservative, default endpoint concentrations used in screening and initial development of remedial alternatives before consideration of information from a site-specific risk assessment. PRGs may be modified as more information becomes available through the site characterization and remedial investigation process.

PRGs are often based on applicable or relevant and appropriate requirements (ARARs) under federal environmental, state environmental, or facility siting laws. Where no federal or state ARARs have been promulgated (as with perchlorate), PRGs may be developed based on “to be considered” (TBC) values (§300.400(g)(3)). The perchlorate RfD and corresponding DWEL of 24.5 ppb are respectively the recommended TBC value and PRG for perchlorate.

RMP

Q: The endpoint concentrations for regulated toxic substances under the risk management program rule (40 CFR Part 68 Appendix A) are listed in units of milligrams per liter (mg/L). Is this equivalent to parts per million (ppm)?

A: No, mg/L is not always equivalent to ppm. Whereas ppm is a volume-to-volume or mass-to-mass ratio, mg/l is a mass-to-volume relationship. To convert from units of mg/L to ppm, use the following equation.

$$\text{Endpoint}_{\text{ppm}} = \frac{\text{Endpoint}_{\text{mg/L}} \times 1,000 \times 24.5}{\text{Molecular Weight}}$$

EPA has included the RMP toxic endpoints in both ppm and mg/L in Appendix B of the Risk Management Program Guidance for Offsite Consequence Analysis (EPA550-B-99-009, April, 1999).

OIL POLLUTION PREVENTION

Q: If the owner or operator of a facility subject to the SPCC regulations determines that the installation of any of the specified secondary containment structures or equipment is not practicable and accordingly provides in the facility's SPCC Plan an oil spill contingency plan following the provisions of 40 CFR Part 109 pursuant to §112.7(d), must the licensed Professional Engineer (PE) who reviews and certifies the SPCC Plan pursuant to §112.3(d) certify the contingency plan? If the owner or operator has submitted an FRP for the facility in question, must the PE certify the FRP?

A: PE certification is required for any SPCC Plan that may include a contingency plan following 40 CFR Part 109 when secondary containment is determined to be

impracticable. The determination of impracticability involves good engineering practice and compliance with alternative measures in lieu of secondary containment. Therefore, the contingency plan is technically a material part of the SPCC Plan. No PE certification is required for an FRP, even when an impracticability determination is made pursuant to §112.7(d).

Q: The SPCC rule requires inspections, tests, and evaluations of aboveground containers (40 CFR §112.8(c)(6)). Does the rule set schedules for how often these need to be conducted?

A: The SPCC rule does not prescribe a specific frequency or methodology for performing the required inspections, evaluations, and tests for aboveground containers. The SPCC rule is a performance-based regulation that relies on the use of good engineering practices and industry standards. These standards may include testing procedures accepted by the American Petroleum Institute or the Steel Tank Institute, among others. The certifying Professional Engineer (PE) is responsible for establishing procedures for inspections and testing at the facility and attests that the Plan was prepared in accordance with good engineering practices and consideration of industry standards. The PE may also use recommended practices, safety considerations, and requirements of other federal, state, and local regulations. As described in 40 CFR §112.3(d), the PE must attest that a facility's SPCC Plan is effective to satisfy the requirements of the SPCC rule, and this includes an appropriate inspection program for aboveground containers.

TRI

Q: For Toxics Release Inventory (TRI) reporting under EPCRA §313, is on-site conversion of a metal compound to an elemental metal or from the elemental form of a metal to a compound of that same metal considered treatment for destruction?

A: Generally, if the conversion of a listed TRI toxic chemical into another substance (listed or not) takes place in a wastestream, it is considered treatment for destruction of the initial chemical. Metals, however, generally are not considered as treated for destruction because only the weight of the parent metal is reported and the parent metal cannot be destroyed. Therefore, the conversion of an elemental metal to a compound of the same metal or from a metal compound to the elemental form of the same metal is not considered treatment for destruction, even when such conversion takes place in a wastestream. There are, however, a few instances in which a TRI metal or metal category compound may be considered treated for destruction upon its conversion to another form or substance because the newly formed substance is not a listed TRI chemical. For example, when elemental barium or a barium compound is converted to barium sulfate in a wastestream, this is reported as treatment for destruction because barium sulfate is not a listed TRI chemical. Similarly, aluminum and zinc, which are only reportable in the form of fumes or dusts, are considered treated for destruction when they are converted into non-reportable forms if this conversion takes place in a wastestream.

Q: *How should quantities of toxic chemicals released and managed as waste as a result of non-production related events, such as remedial actions or catastrophic events, be reported on the EPCRA §313 Toxic Chemical Release Reporting Form (Form R)?*

A: Quantities of a toxic chemical released to the environment on site and quantities transferred *off site* for disposal, treatment, recycling, or energy recovery as a result of remedial actions, catastrophic events, or other one-time events not associated with production processes may be reported distinctly in Section 8.8 (instead of Sections 8.1, 8.3, 8.5, or 8.7). In contrast, quantities of a toxic chemical combusted for energy recovery, recycled, or treated for destruction *on site* must be reported in Sections 8.2, 8.4, and 8.6, respectively - never in Section 8.8 - even if they result from non-production related, remedial, or catastrophic events.

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

FINAL RULES

SUPERFUND

**“National Priorities List for Uncontrolled Hazardous Waste Sites”
April 19, 2006 (71 FR 20016)**

EPA added six new sites to the General Superfund Section of the National Priorities List (NPL). The effective date of this rulemaking is May 19, 2006.

PROPOSED RULES

SUPERFUND

**“National Priorities List for Uncontrolled Hazardous Waste Sites, Proposed Rule No. 44”
April 19, 2006 (71 FR 20052)**

EPA proposed to add four new sites to the General Superfund Section of the NPL. This rule also proposes to restore one site to the NPL and withdraws one site from proposal to the NPL. Comments must be received by June 19, 2006.

**“National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List”
April 26, 2006 (71 FR 24627)**

EPA announced its intent to delete the Internal Parcel of the Rocky Mountain Arsenal National Priorities List Site from the

NPL. Comments must be received by May 26, 2006.

CROSS-PROGRAM

**“Spring 2006 Regulatory Agenda”
April 24, 2006 (71 FR 23226)**

EPA published the Semiannual Regulatory Agenda to update the public about regulations and major policies currently under development, reviews of existing regulations and major policies, and regulations and major policies completed or canceled since the last Agenda.

NOTICES

EPCRA

**“Agency Information Collection Activities; Proposed Collection; Comment Request; Trade Secret Claims for Community Right-To-Know and Emergency Planning (EPCRA Section 322); EPA ICR No. 1428.07, OMB Control No. 2050-0078”
April 26, 2006 (71 FR 24670)**

EPA announced its plans to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval: “Trade Secret Claims for Community Right-To-Know and Emergency Planning (EPCRA Section 322),” ICR Number 1428.07, OMB Control Number 2050-0078. The current

expiration date for this ICR is October 31, 2006. Comments must be received by June 26, 2006.

SETTLEMENT AND CONSENT DECREE NOTICES

“Consent Decree; *United States v. Ametek, Inc. and John Evans' Sons, Inc.*”
April 5, 2006 (71 FR 17140)

“Consent Decree; *United States and State of Oregon v. City of Millersburg*”
April 5, 2006 (71 FR 17141)

“Consent Decree; *United States v. Monarch Greenback, L.L.C., et al.*”
April 5, 2006 (71 FR 17141)

“Consent Decree; *United States v. Sahli Enterprises, Inc. and Michael Sahli*”
April 5, 2006 (71 FR 17142)

“Consent Decree; *United States v. Dravo Corporation, et al.*”
April 13, 2006 (71 FR 19205)

“Consent Decree; *United States v. The Standard Oil Co., et al.*”
April 20, 2006 (71 FR 20418)

“Consent Decree; *United States v. AOL Express, Inc., et al.*”
April 26, 2006 (71 FR 24760)

“Consent Decree; *Crane Co., et al. v. United States*”
April 26, 2006 (71 FR 24761)

“Consent Decree; *United States and the State of Wisconsin v. NCR Corporation and Sonoco-U.S. Mills, Inc.*”
April 26, 2006 (71 FR 24761)