

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

February 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) 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/infocenter/reports.htm.

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: Where can I find the national Soil Screening Levels?

A: The Soil Screening Guidance is a tool that EPA developed to help standardize and accelerate the evaluation and cleanup of contaminated soils at sites on the National Priorities List (NPL) with anticipated future land use scenarios. This guidance provides a methodology for environmental science/engineering professionals to calculate risk-based, site specific, soil screening levels (SSLs), for contaminants in soil that may be used to identify areas needing further investigation at NPL sites. The initial Soil Screening Guidance focused strictly on the resident land use scenario, a 2002 supplement to the guidance broadened coverage to include non residential land uses and an updated approach for dermal exposures associated with the residential exposures.

Appendix A of the [Soil Screening Guidance: Technical Background Document](#) provides generic SSLs for 110 chemicals that are common contaminants found at NPL sites. Generic SSLs were derived using default values in the standardized equations presented in the Technical Background document. The default values (listed in Table A-2) are conservative and are likely to be protective for the majority of site conditions across the nation. However, the generic SSLs are not necessarily protective of all known human exposure pathways, reasonable land uses, or ecological threats. Thus, before applying generic SSLs at a site, it is extremely important to compare the conceptual site model described in the [Soil Screening Guidance: User's Guide](#) with the assumptions behind the SSLs to ensure that the site conditions and exposure pathways

match those used to develop generic SSLs. If this comparison indicates that the site is more complex than the SSL scenario, or that there are significant exposure pathways not accounted for by the SSLs, then generic SSLs are not sufficient for a full evaluation of the site. A more detailed site-specific approach will be necessary to evaluate the additional pathways or site conditions. Furthermore, the generic SSL table in Appendix A of the *Technical Background Document* has not been updated and does not reflect the changes that comprise the updated guidance. For these reasons and because site and chemical specific characteristics can impact the inhalation and leaching to ground water pathway, EPA strongly supports the use of the simple site-specific approach rather than generic values found in Appendix A.

Information about the Soil Screening Guidance is available at:

www.epa.gov/superfund/resources/soil/index.htm

TRI

Q: Are diesel, gasoline, and fuel oils reportable under EPCRA §313?

A: Although diesel, gasoline, and fuel oils are not listed as TRI toxic chemicals, these products contain listed toxic chemicals that may be reportable under EPCRA §313, if applicable activity thresholds are met. An EPCRA Section 313 listed toxic chemical that is a constituent of a fuel that is combusted on-site is being “otherwise used” (62 FR 23834, 23851; May 1, 1997). In addition, the combustion of fuels can cause listed toxic chemicals to be generated, or “manufactured.” Toxic chemicals in fuel that are prepared for distribution in

commerce are "processed." For example, toxic chemicals in fuel contained in automobiles that are sold by a facility are considered toward the processing threshold.

Estimated concentrations of toxic chemical constituents in crude oil and various petroleum products can be found in Table 3-4 of the Electricity Generating Facilities EPCRA Section 313 Industry Guidance (EPA 745-B-00-004), in Table 2-2 of the Guidance for Reporting Toxic Chemicals: Polycyclic Aromatic Compounds Category (EPA 260-B-01-03), and in Table 4-8 of the Guidance for Reporting Releases and Other Waste Management Quantities of Toxic Chemicals: Lead and Lead Compounds.

Estimated quantities of certain toxic chemicals manufactured as a result of fuel combustion are provided in Tables 3-8, 3-9, and 3-11 in the Electricity Generating Facilities Guidance and in Table 2-3 of the Polycyclic Aromatic Compounds Guidance.* Additional toxic chemical emissions estimates from fuel combustion are provided in the Compilation of Air Pollutant Emission Factors (AP 42) and other resources available through EPA's Clearing House for Inventories and Emissions Factors (www.epa.gov/ttn/chief/efpac/abefpac.html).

EPCRA

Q: How should a person determine whether very similar combinations of hazardous chemicals (e.g., different colors of paint or different blends of gasoline) that have separate MSDSs (Material Safety Data Sheet) should be aggregated for Tier II reporting?

A: The owner or operator of a facility may make the EPCRA §§311 and 312 threshold determination for a hazardous chemical that is a mixture of non-EHS hazardous chemicals based on either the total quantity

of each component of the mixture or the total quantity of the mixture itself. If the owner or operator chooses to make the threshold determination based on the mixture as a whole, he or she is required to aggregate all amounts of the same mixture present throughout the facility. This aggregation obligation requires owners/operators to determine if hazardous chemical combinations present at their facility are the "same" mixture or are "different" mixtures.

In general, "different" mixtures are represented by different MSDSs. However, the fact that a facility has two or more MSDSs for its chemical combinations does not necessarily mean that these combinations are considered "different" mixtures. For example, if a facility receives multiple MSDSs for essentially the same material simply because the mixture is provided by different suppliers, all quantities of the mixture present at the facility must be aggregated for mixture threshold determinations. Conversely, if two or more chemical combinations are represented by different MSDSs and present different physical or health hazards, they would not be aggregated for §§311/312 purposes. Beyond this, the facility owner/operator must determine, based on professional judgement, if the two materials present the same physical/health hazards and are sufficiently similar to warrant aggregation as the "same" mixture.

Once a facility owner/operator has made a compliance determination and identified which hazardous chemicals must be reported, questions about whether similar mixtures may be reported together on a Tier II report should be directed to the appropriate [State Tier II contact](#).

Q: When using EPA's Tier2 Submit software to comply with the annual Hazardous Chemical Inventory reporting requirement under EPCRA §312, how can a person withhold confidential chemical location information from disclosure to the public?

A: In order to fulfill the proper reporting under EPCRA, a facility owner or operator using Tier2 Submit to complete a Tier II report with "confidential" storage locations must also submit a [Confidential Location Information Sheet](#) to the SERC, LEPC, and fire department. This form is used by the authorities to verify actual locations for audits and emergencies and not by public citizens.

Q: If the Material Safety Data Sheet (MSDS) and label for a particular liquid hazardous chemical does not indicate the weight of the substance, how should the facility owner or operator make threshold and applicability determinations for EPCRA §312 (Tier II) Reporting?

A: If a liquid is not labeled in pounds, its weight can be calculated by multiplying the liquid's volume by its density. The density (mass per unit volume) should be noted on the MSDS. If the liquid's density is not indicated on the MSDS, the facility owner or operator may estimate the weight based on the density of water (8.3 pounds per gallon, or 2.2 pounds per liter), when making EPCRA§312 threshold determinations.

Q: The Tier II Hazardous Chemical Inventory form, used to meet annual EPCRA §312 reporting requirements, requires facility owners or operators to note whether reported hazardous chemicals are present at, above, or below ambient temperature. For temperatures below ambient, the form distinguishes between "less than ambient temperature but not cryogenic" and "cryogenic conditions." What is considered cryogenic conditions?

A: Some gases are stored under "cryogenic conditions," which means that they are stored at very low temperatures (-130 degrees Fahrenheit or less). Examples of gases that may be stored this way include air, argon, carbon monoxide, ethylene, fluorine, helium, hydrogen, methane, nitrogen, and oxygen.

OIL POLLUTION PREVENTION

Q: If a gas station that has less than 42,000 gallons completely buried oil storage capacity and no aboveground oil storage capacity installs a new aboveground tank with a capacity greater than 1,320 gallons, must the facility's Spill Prevention, Control, and Countermeasure (SPCC) Plan address the underground storage tanks in addition to the AST?

A: Once a facility is subject to the SPCC rule, all aboveground containers and completely buried tanks are subject to the rule requirements, unless these containers are otherwise exempt from the regulation. Under §112.1(d)(4), the SPCC rule exempts completely buried storage tanks, as well as connected underground piping, underground ancillary equipment, and containment systems, when such tanks are subject to all of the technical requirements of 40 CFR Part 280 or a state program approved under 40 CFR Part 281 (the Underground Storage Tank regulations). Although these tanks are exempt from the SPCC requirements, they

must still be marked on the facility diagram if the facility is otherwise subject to the SPCC rule (§112.7(a)(3)). For additional information about the SPCC rule, see the rule text at 40 CFR Part 112 and the [SPCC Guidance for Regional Inspectors](#) which is available at www.epa.gov/oilspill/guidance.htm.

New Publications

How to order...

For publications available from **NTIS**, call (800) 553-6847 or (703) 605-6000, or write to NTIS, 5285 Port Royal Road, Springfield, VA 22161. Use the NTIS Order Number listed under the document.

For publications available from **NSCEP**, call (800) 490-9198 or write to USEPA/NSCEP, PO Box 42419, Cincinnati, OH 45242-0419. Use the EPA Order Number listed under the document.

TRI

TITLE: Toxic Chemical Release Inventory Reporting Forms and Instructions; Revised 2005

PUBLICATION DATE: January 2006

AVAILABILITY: Internet

EPA No.: EPA260-B-06-001

URL: www.epa.gov/tri/report

This document provides general guidance on completing and submitting the Form R and Form A Certification Statement under EPCRA §313. Reporting Year 2005 forms, included in this document, must be submitted by July 1, 2006.

TITLE: TRI-Made Easy (TRI-ME) software

PUBLICATION DATE: January 2006

AVAILABILITY: Internet

EPA No.: NA

URL: www.epa.gov/tri/report

The TRI-ME software is a tool to help facilities comply with EPCRA §313 reporting obligations. The software helps prospective reporters in determining if they need to submit Form R Reports or Form A Certification Statements, preparing EPCRA §313 submissions, and submitting the forms electronically. In addition, the software includes the Toxic Release Inventory Assistance Library (TRIAL), which contains current TRI guidance documents to aid facilities in reporting.

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

OIL POLLUTION PREVENTION

**“Oil Pollution Prevention; Non-Transportation Related Onshore Facilities”
February 17, 2006 (71 [FR](#) 8462)**

EPA announced an extension of the dates by which facilities must prepare or amend SPCC Plans, and implement those Plans. The effective date of this rulemaking is February 17, 2006.

NOTICES

SUPERFUND

**“Availability of Final Toxicological Profiles”
February 23, 2006 (71 [FR](#) 9345)**

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

EPCRA

**“Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Emergency Planning and Release Notification Requirements Under Emergency Planning and Community Right-to-Know Act Sections 302, 303, and 304 (Renewal), EPA ICR Number 1395.06, OMB Control Number 2050-0092”
February 1, 2006 (71 [FR](#) 5315)**

EPA announced that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: “Emergency Planning and Release Notification Requirements Under Emergency Planning and Community Right-to-Know Act Sections 302, 303, and 304 (Renewal),” EPA ICR Number 1395.06, OMB Control Number 2050-0092. The current expiration date for this ICR is February 28, 2006. Comments must be received by March 3, 2006.

CROSS-PROGRAM**“National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Charter Renewal”
February 15, 2006 (71 FR 7937)**

EPA announced that the charter for EPA’s National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL) has been renewed for an additional two-year period, in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2 sec. 9(c). The purpose of NAC/AEGL is to provide advice and recommendations to the EPA Administrator on issues associated with the development of acute exposure guideline levels for hazardous substances for use in chemical emergency programs.

**SETTLEMENT AND CONSENT
DECREE NOTICES**

“Consent Decree; *United States v. Adeline R. Bennett, MD Living Trust and Pitts Grandchildren's Trust*”
February 1, 2006 (71 FR 5379)

“Consent Decree; *United States v. Quaker City, Inc.*”
February 1, 2006 (71 FR 5380)

“Consent Decree; *United States v. Air Products and Chemicals, Inc., et al.*”
February 9, 2006 (71 FR 6791)

“Consent Decree; *United States v. RSR Corp., et al.*”
February 9, 2006 (71 FR 6792)

“Consent Decree; *United States, et al. v. Schlumberger Technology Corporation*”
February 9, 2006 (71 FR 6792)

“Consent Decree; *United States v. Zidell Marine Corporation*”
February 9, 2006 (71 FR 6792)

“Proposed Settlement; Davenport and Flagstaff Smelters Superfund Site”
February 14, 2006 (71 FR 7776)

“Proposed Settlement; Union Creosoting Superfund Site”
February 15, 2006 (71 FR 7959)

“Consent Decree; *United States v. Exxon Mobile Corporation, et al.*”
February 15, 2006 (71 FR 7998)

“Proposed Settlement; Grand Junction Anti-Freeze Superfund Site”
February 16, 2006 (71 FR 8303)

“Proposed Settlement; SRS Superfund Site”
February 24, 2006 (71 FR 9598)

“Consent Decree; *United States v. Ryder System, Inc.*”
February 24, 2006 (71 FR 9598)

“Proposed Settlement; Western Minerals Superfund Site”
February 27, 2006 (71 FR 9822)