

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

March 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](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).

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## Questions and Answers

### OIL POLLUTION PREVENTION

*Q: What are the current compliance dates for preparing or amending, and implementing SPCC Plans?*

**A:** On February 17, 2006, EPA published a final rule extending the compliance dates for preparing or amending, and implementing SPCC Plans (71 FR 8462). Under the revised 40 CFR §112.3(a), a facility that was in operation on or before August 16, 2002, must make any necessary amendments to its SPCC Plan and implement that Plan on or before October 31, 2007. Under the new §112.3(b), a facility that came into operation after August 16, 2002, must prepare and implement an SPCC Plan on or before October 31, 2007. Finally, under the new §112.3(c), a mobile facility must prepare or amend and implement an SPCC Plan on or before October 31, 2007.

*Q: If there is a change in ownership at a facility, can the facility operate under the same SPCC plan without the certification from a professional engineer (PE)?*

**A:** If no change in procedures has been made, it may still be feasible to operate under the existing SPCC Plan. The information in the existing Plan must be changed to reflect the new owner/company names. Changes which are non-technical changes do not require a PE certification. Non-technical changes are changes which do not require the exercise of good engineering practice. If the change in ownership results in any change in the facility's operation or maintenance that materially affects the facility's potential for a discharge as described in §112.1(b), the SPCC Plan must be amended within six months and any technical amendments must be certified by a PE (40 CFR §112.5).

### TRI

*Q: Form R and Form A submissions under EPCRA §313 must be submitted by July 1st. What if July 1st falls on a Saturday or Sunday?*

**A:** If the reporting deadline falls on a Saturday or Sunday, EPA will accept forms that are postmarked on the following Monday (i.e., the next business day).

*Q: Can the owner or operator of a facility that has never previously submitted a Form R or Form A pursuant to EPCRA §313 make the facility's first TRI submission via EPA's Central Data Exchange (CDX)?*

**A:** Yes. Beginning with Reporting Year 2004, TRI first-time reporters are able to submit forms over the Internet via CDX.

*Q: Under §313 of EPCRA and §6607 of the Pollution Prevention Act of 1990, facilities that meet certain criteria must report annually the quantities of toxic chemicals that they dispose or otherwise release, treat for destruction, combust for energy recovery, and recycle, as well as quantities that they transfer off site for disposal, treatment for destruction, energy recovery, or recycling. If a TRI covered facility sends metal scraps containing a toxic chemical off-site to be melted and subsequently reused, is the toxic chemical in the metal scraps considered to be transferred off-site for recycling?*

**A:** Quantities of toxic chemicals that are directly reused on-site or sent off-site for direct reuse without undergoing any reclamation or recovery steps prior to that reuse need not be reported. Assuming no contaminants are removed during the melting process, the toxic chemical in the

metal scraps is not actually being recovered but merely melted and reused. Therefore, the amount of the toxic chemical in the metal scraps would not be reportable in Part II, Sections 6.2 or 8 of the Form R. If the facility is repackaging and distributing the toxic chemical in commerce as part of its reuse, the facility should consider the amounts of toxic chemical toward the facility's processing threshold.

EPA has not yet promulgated regulations defining the term "recycle" for the purpose of EPCRA §313. Even so, for the purposes of TRI reporting, EPA considers toxic chemicals "recycled" when the toxic chemicals are recovered for reuse. If toxic chemicals are directly reused without any intervening reclamation or recovery steps the toxic chemicals are not considered recycled for Form R reporting purposes. Reclamation or recovery would not include simple phase changing of the toxic chemical before further reuse (e.g., simple remelting of scrap metal). Changing the relative amounts of the chemicals in an alloy (which may occur when mixed scrap metal is melted together) would constitute a reclamation or recovery step. Another example of a recovery step would be removing toxic chemicals using a pollution control device or removing contaminants from the toxic chemical after it has been used and can no longer be reused for its intended purpose without reclamation or recovery. Accordingly, if the scrap metal is not mixed with other scrap with varying concentrations of chemicals and can be melted and directly reused, without any recovery steps, then the toxic chemicals in the scrap metal are being directly reused and do not need to be reported as recycling. Facilities should use their best readily available information in determining if the scrap sent off-site is being directly reused or instead is recycled because of an intervening reclamation or recovery step prior to reuse.

## SUPERFUND

*Q: Under CERCLA §121(e), no federal, state, or local permits are required for response activities conducted entirely on-site and in compliance with the cleanup standards of §121. Does this permit waiver apply to Clean Water Act (CWA) §404 activities?*

**A:** Yes, the CERCLA §121(e) permit waiver applies to CERCLA responses that involve dredge and fill activities conducted entirely on-site. However, consultation with the Army Corps of Engineers remains an important part of developing a CERCLA response due to the Corps' expertise in assessing the public interest factors for dredging and filling operations that can contribute to the overall quality of a response action.

## RMP

*Q: Can an RMP regulated facility submit a Risk Management Plan (RMP) that includes substances not held at the facility at the time of submission?*

**A:** Yes. Predictive filing is an option that allows owners and operators of facilities whose operations involve highly variable types and quantities of regulated substances (e.g., chemical warehouses, chemical distributors, and batch processors) to include chemicals in their facilities' RMPs that are not on site at the time of submission if they are able to forecast their inventories with some degree of accuracy. Predictive filing can prevent such facility owners and operators from having to update and resubmit their facilities' RMPs every time they receive new regulated substances if those substances were included in their latest RMP submissions (as long as the quantities received do not trigger revised offsite consequence analyses pursuant to 40 CFR §68.36).

If a facility owner or operator opts to utilize predictive filing, he or she must implement and prepare the RMP exactly as if all of the substances were already located on site. Depending on the substance, a facility may need to perform additional worst-case and alternative release scenarios and implement additional prevention program elements in relation to substances included 'predictively' on the facility's RMP. Additional information on predictive filing can be found in Chapter 9 of the General Guidance on Risk Management Programs for Chemical Accident Prevention (EPA550-B-04-001).

## 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.

### SUPERFUND

**TITLE:** Integrated Exposure Uptake Biokinetic Model for Lead in Children (IEUBKwin v1.0 build 263)

**PUBLICATION DATE:** December 2005

**AVAILABILITY:** Internet

**EPA ORDER No.:** NA

**URL:** [www.epa.gov/superfund/programs/lead/products.htm](http://www.epa.gov/superfund/programs/lead/products.htm)

This updated software program assists users in providing appropriate input to the Integrated Exposure Uptake Biokinetic (IEUBK) Model for Lead. The model is designed to model exposure from lead in air, water, soil, dust, diet, paint, and other sources to predict blood levels in children ages 6 months to 7 years. It was developed to recognize the multimedia nature of lead exposure; incorporate important absorption and pharmacokinetic information; and allow the risk manager to consider the potential distributions of exposure and risk likely to occur at a site.

# 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

#### **“Regulated Navigation Area; Middle Waterway EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA”**

**March 13, 2006 (71 FR 12654)**

The Coast Guard proposed to create a permanent regulated navigation area on a portion of Commencement Bay, Tacoma, Washington. This regulated navigation area would preserve the integrity of a clean sediment cap placed over certain areas of the Middle Waterway as part of the remediation process at the Commencement Bay Nearshore/Tideflats EPA Superfund cleanup site. This regulated navigation area would prohibit activities that would disturb the seabed, such as anchoring, dragging, trawling, or other activities that involve disrupting the integrity of the cap. It would not affect transit or navigation of the area. Comments must be received by April 12, 2006.

## NOTICES

#### **“Public Health Assessments Completed October 1, 2005-December 31, 2005”**

**March 29, 2006 (71 FR 15747)**

This notice announced the sites for which the Agency for Toxic Substance Disease Registry completed public health

assessments during the period from October 1, 2005, through December 31, 2005. This list includes sites that are on or proposed for inclusion on the National Priorities List as well as sites for which assessments were prepared in response to requests from the public.

### TRI

#### **“Agency Information Collection Activities OMB Responses” March, 16 2006 (71 FR 13590)**

This document announced Office of Management and Budget (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq). Specifically, Information Collection Request (ICR) Number 1363.14, “Toxic Chemical Release Reporting (Form R) (Renewal),” was approved on March 3, 2006. This ICR, OMB Control Number 2070-0093 expires January 31, 2008. Additionally, ICR Number 1704.08, “Toxic Chemical Release Reporting, Alternate Threshold for Low Annual Reportable Amounts (Form A) (Renewal),” was approved on March 3, 2006. This ICR, OMB Control Number 2070-0143, expires January 31, 2008.

**OIL POLLUTION PREVENTION**

**“Agency Information Collection Activities; Submission to OMB for Review and Approval; Comment Request; Spill Prevention, Control and Countermeasure (SPCC) Plans (Renewal), EPA ICR No. 0328.11, OMB Control No. 2050-0021”  
March 8, 2006 (71 FR 11618)**

EPA announced that the following ICR has been forwarded to OMB for review and approval, “Spill Prevention, Control and Countermeasure (SPCC) Plans (Renewal),” ICR Number 0328.11, OMB Control Number 2050-0021. The current expiration date for this ICR is February 28, 2006. Comments must be received by April 7, 2006.

**RMP**

**“Agency Information Collection Activities OMB Responses”  
March 1, 2006 (71 FR 10499)**

This document announced OMB responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.). Specifically, ICR Number 1656.12, “Risk Management Program Requirements and Petitions to Modify the List of Regulated Substances under §112(r) of the Clean Air Act (Renewal),” was approved on January 9, 2006. This ICR, OMB Control Number 2050-0144, expires January 31, 2009. Additionally, ICR Number 2132.01, “CAMEO Software Usability Evaluation Survey,” was approved on February 8, 2006. This ICR, OMB Control Number 2050-0198, expires February 28, 2007.

**SETTLEMENT AND CONSENT DECREE NOTICES**

“Proposed Settlement; San Joaquin Drum Superfund Removal Site”  
March 1, 2006 (71 FR 10514)

“Proposed Settlement; Intermountain Waste Oil Refinery Superfund Site”  
March 9, 2006 (71 FR 12196)

“Proposed Settlement; Stringfellow Acid Pits Superfund Site”  
March 9, 2006 (71 FR 12197)

“Consent Decree; *United States, the State of West Virginia, and the State of Ohio v. Elkem Metals Company L.P., et al.*”  
March 9, 2006 (71 FR 12217)

“Consent Decree; *United States v. Quanex Corporation*”  
March 9, 2006 (71 FR 12218)

“Proposed Settlement, Chem-Wood Facility”  
March 14, 2006 (71 FR 13125)

“Consent Decree; *United States v. Coffee County, et al.*”  
March 15, 2006 (71 FR 13431)

“Consent Decree; *United States of America v. Raymond and Donnis Holbrook Trust*”  
March 15, 2006 (71 FR 13433)

“Proposed Settlement; Patrick Bayou Superfund Site”  
March 20, 2006 (71 FR 13971)

“Consent Decree; *United States v. Adeline R. Bennett, MD Living Trust and Pitts Granchildren’s Trust*”  
March 29, 2006 (71 FR 15764)

“Proposed Settlement; Davis Refining  
Superfund Site”  
March 31, 2006 (71 ER 16307)