

2006 Compliance Assistance Conference

Right-to-Know (RTK)
Toxic Release Inventory (TRI)
and
RCRA Annual Report
Requirements



Right-to-Know (RTK) Reporting

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Division of Air Pollution Control



RTK Intent

Emergency Planning

- ★ Information Gathering and Management
- ★ Hazard Analysis (EHS facilities)
- ★ County HazMat Plan Development/Exercise

Community Right-to-Know

- ★ The public can request facility specific information



Who Must Report?

- ★ Facility that is subject to the OSHA Hazard Communication Standard, 1910.1200.

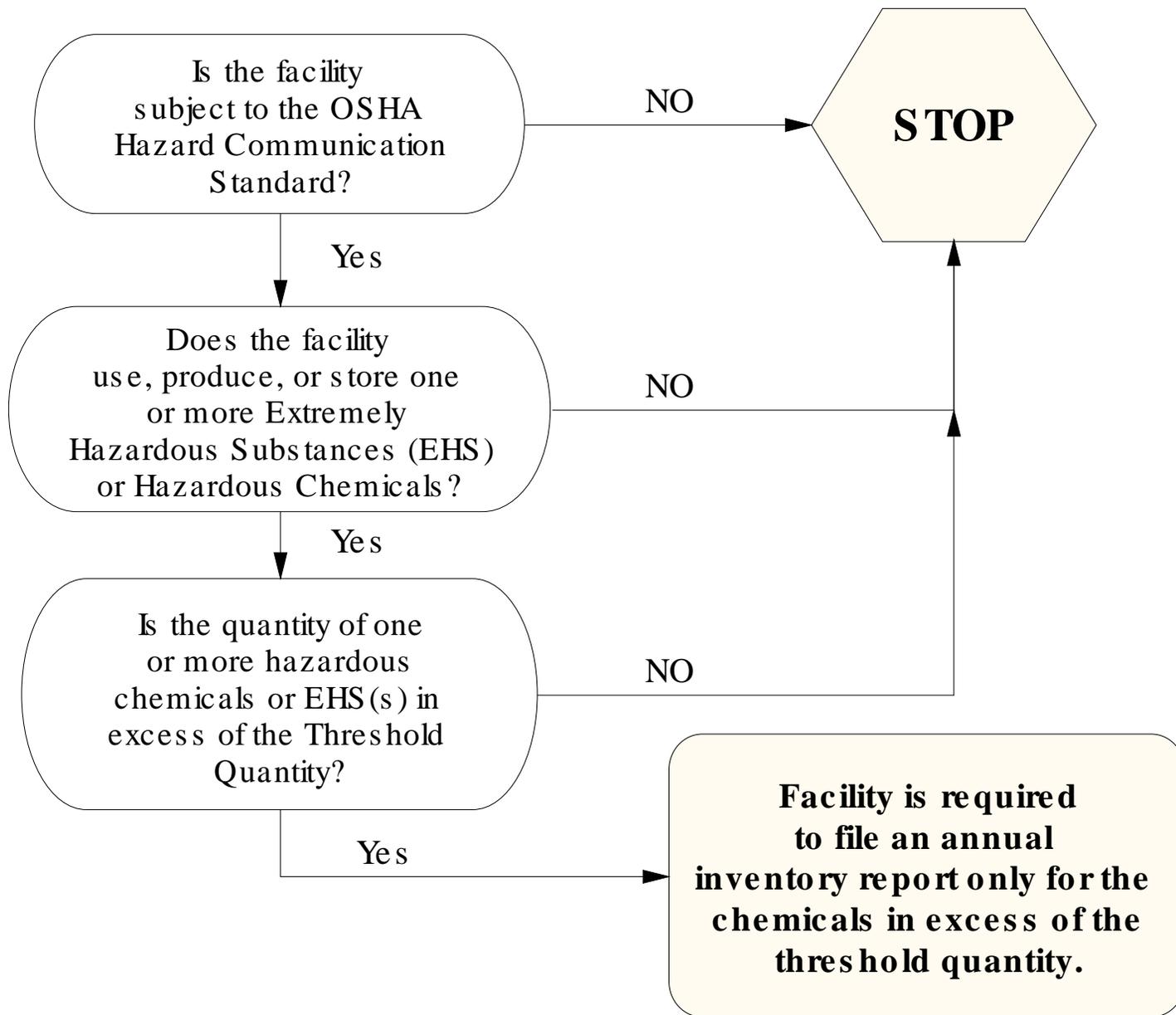
- ★ Facility has one or more Extremely Hazardous Substances (EHS)
 - ★ There is a published list of Extremely Hazardous Chemicals of approximately 360 chemicals
 - ▶ List is available in the Right-to-Know Reporting Booklet

 - ★ Threshold Quantity ranges from 1 to 500 pounds
 - ▶ Examples include
 - Ammonia (500 pounds)
 - Chlorine (100 pounds)
 - Sarin (10 pounds)
 - Sulfuric Acid (500 pounds)



Who Must Report (continued)

- ★ Facility has one or more hazardous chemicals
- ★ There is no comprehensive list of hazardous chemicals
- ★ The term “Hazardous Chemical” refers to any chemical, chemical compound or mixture with health hazard or physical hazard characteristics
 - ★ Examine MSDS for words such as:
 - ▶ Carcinogen, Irritant, Corrosive, Toxic Agent, Combustible, Compressed Gas, Explosive, Flammable, Organic, Reactive, Unstable (Reactive), etc.
 - ★ Examples of hazardous chemicals include gasoline and 1,1,1-trichloroethane
- ★ Threshold Quantity is 10,000 pounds or more



Reporting Exemptions

- ★ Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration
- ★ Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use
- ★ Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and used by the general public

Reporting Exemptions (continued)

- ★ Any substance to the extent it is used at a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual
- ★ Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer



Who's Reporting?

Reports received from, but not limited to:

Large Chemical Manufactures

Refineries

Paint Manufacturers

Hospitals

Petroleum Distributors

Trucking Companies

Liquid Propane (LPG) Distributors

Concrete Companies

Cold Storage Facilities

Agricultural Dealers

Private WWTP/WTP

Asphalt Plants

Gasoline Stations

Oil & Gas Extraction Sites

Reporting Overview

- ★ Reports are due annually on March 1 for the previous calendar year
- ★ One report covers the entire facility and includes information on any chemical for which the reporting threshold was exceeded
- ★ A complete report consists of the following parts:
 - ★ Facility Identification Form
 - ★ Emergency & Hazardous Inventory Form(s)
 - ★ Site Map
 - ★ Annual Filing Fee



Facility Identification Form

- ★ County
- ★ Parent Company information
- ★ Facility information
- ★ Facility Emergency Contact Names & Phone Numbers
- ★ Permit Numbers
- ★ Certification



Emergency & Hazardous Inventory Form

- ★ Facility Name/Address
- ★ CAS Registry Number
- ★ Chemical Name(s)
- ★ Physical/Health Hazards
- ★ Specific Storage Location
- ★ Storage Containment Type
- ★ Temperature/Pressure Conditions
- ★ Amount

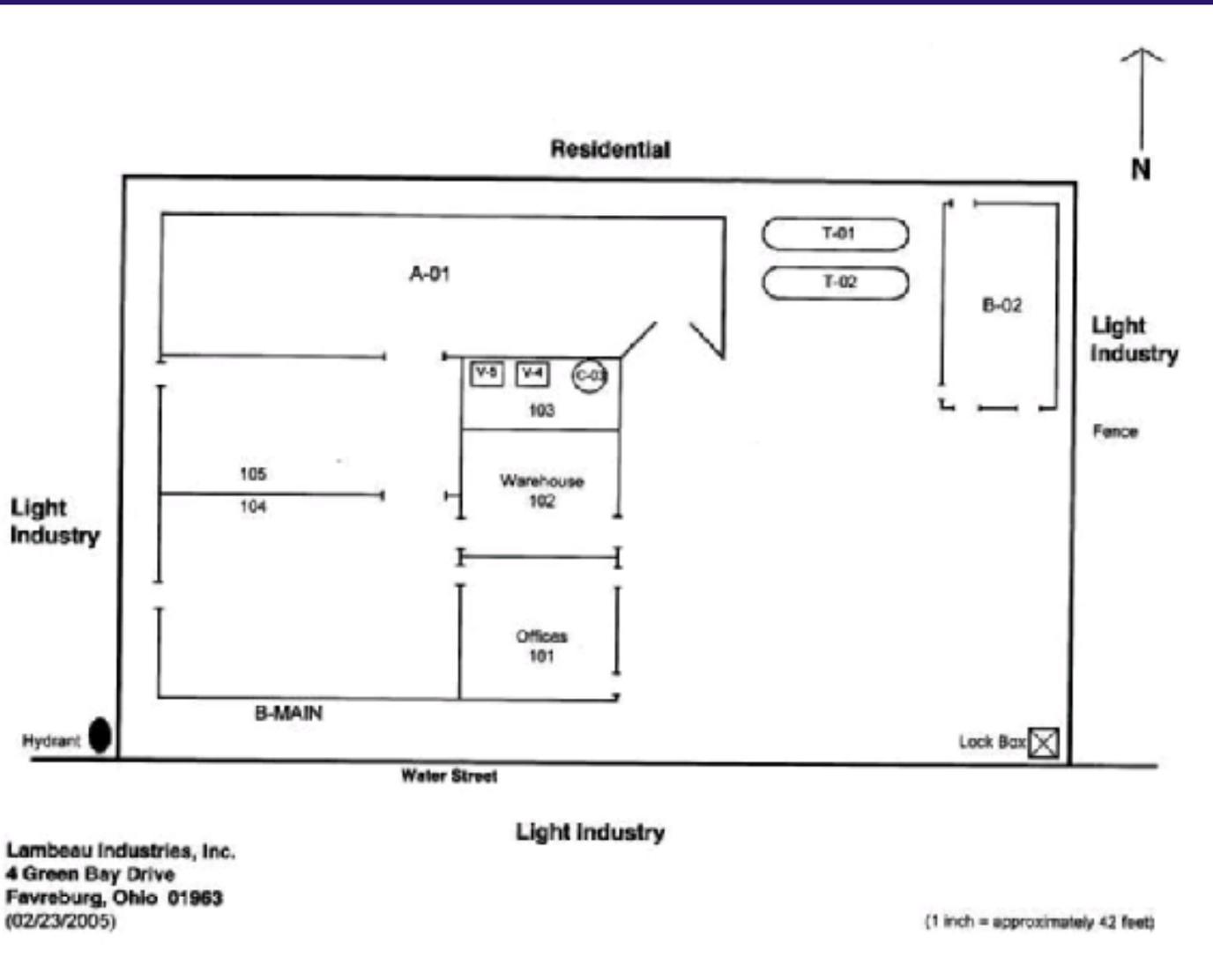


Reporting Form (continued)

You have the option of completing a hard copy form, or U.S. EPA's reporting software (Tier2Submit)

- ★ Software is FREE and can be downloaded from the internet at <http://www.epa.state.oh.us/dapc/serc/>
- ★ The validation program checks for basic information and data entry errors
- ★ It is easy to import/export and update data
- ★ Software was designed for compatibility with the CAMEO software which is a software program used by emergency responders in the areas of planning, preparedness and response

Site Map



Filing Fee Schedule

★ Industry

- ★ Base Fee of \$150
- ★ Additional fee of \$20 for each hazardous chemical reported
- ★ Additional fee of \$150 for each EHS reported
- ★ Maximum Fee = \$2,500
- ★ Late Fee Penalty – 10% for reports filed after March 31



Filing Fee Schedule

★ Oil & Gas

- ★ Base Fee of \$150
- ★ Additional fee of \$10 for each oil and gas well after the 25th
- ★ Maximum Fee = \$900
- ★ Late Fee Penalty – 10% for reports filed after March 31



Send Original Reports to:

State Emergency Response Commission (SERC)
122 South Front Street/PO Box 1049
Columbus, OH 43216-1049

Send copy to:

(County) Local Emergency Planning Committee (LEPC)

Jurisdictional Fire Department



Release Reporting

Regulated Substances

- ★ Extremely Hazardous Substances (40 CFR Part 355)
- ★ CERCLA Hazardous Substances (40 CFR Part 302)
- ★ Oil
 - ★ Reportable Quantity (RQ) - a visible sheen on navigable waters
 - ★ RQ - 25 gallons or more on land



Verbal Notification

- ★ Within 30 minutes upon discovery and/or knowledge
- ★ Verbal notification must be made to:
 - ★ Jurisdictional Fire Department
 - ★ Ohio EPA Emergency Response (1-800-282-9378)
 - ★ Local Emergency Planning Committee (LEPC)
Emergency Coordinator



Written Follow-Up Report

- ★ “Due within 30 days of release”
- ★ A written follow-up report must be submitted to:
 - ★ Ohio EPA/DERR/Emergency Response
Attention ER Records Management
Lazarus Government Center
122 South Front Street
P.O. Box 1049
Columbus, OH 43216-1049
 - ★ Local Emergency Planning Committee Emergency Coordinator



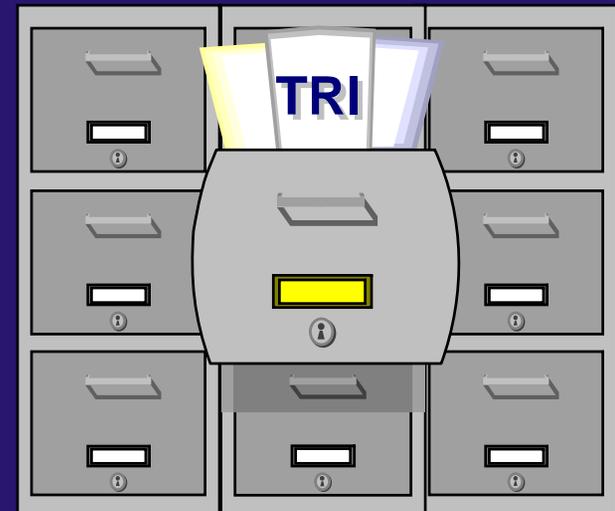
For Additional Information

- ★ Right-to-Know contacts at Ohio EPA
 - ★ Jeff Beattie – jeff.beattie@epa.state.oh.us
 - ★ Linda Lazich – linda.lazich@epa.state.oh.us
 - ★ 1-888-644-2260 (toll free)
 - ★ 644-2260
- ★ U.S. EPA software assistance
 - ★ (301) 429-5018
 - ★ userrmp.usersupport@csc.com



Toxic Release Inventory Reporting

- ★ TRI
- ★ Section 313
- ★ Emergency Planning and Community Right-to-Know Act (EPCRA)



Purpose of TRI Reporting

- ★ To provide the public and authorities with information on releases and other waste management of the Section 313 toxic chemicals and chemical categories in the communities.
- ★ To provide EPA with such information for yearly trend data and comparison, and to assist in determining the need for future regulations.

Limitations of TRI Data

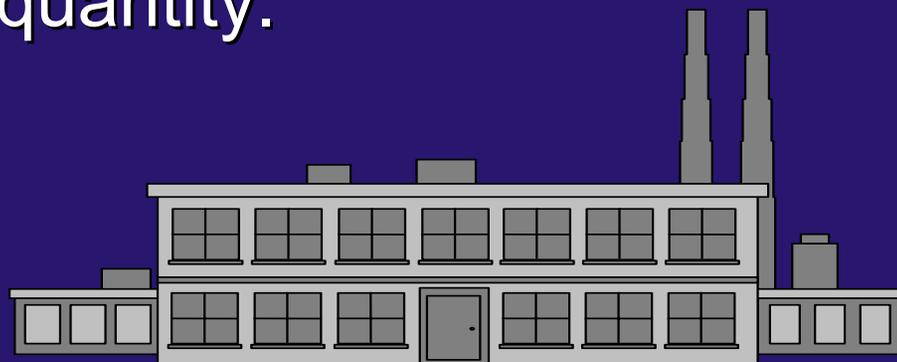
- ★ TRI data reflects releases and other waste management of chemicals, NOT exposures of the public to those chemicals.
- ★ The TRI Program does not cover ALL sources of releases and other waste management activities such as automobile emissions, and does not cover ALL toxic chemicals or industry sectors.



Who Must Report

Facilities must meet 3 criteria to trigger reporting:

- ★ It must conduct operations in a covered Standard Industrial Classification code; and
- ★ It must have 10 or more employees; and
- ★ It manufactures, processes or otherwise uses any listed toxic chemical in amounts greater than the “threshold” quantity.



Covered SIC Codes

Industrial Sector	Primary SIC Code
Manufacturing	20-39
Metal Mining	10 (except 1011, 1081, and 1094)
Coal Mining	12 (except 1241)
Electric Utilities	4911, 4931 and 4939, limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce
Treatment, Storage and Disposal Facilities	4953, (limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C)
Solvent Recovery Services	7389, limited to facilities primarily engaged in solvent recovery services on a contract
Chemical Distribution	5169
Petroleum Bulk Terminals	5171

Employee Threshold

- ★ 10 full-time employees (20,000 hours)
 - ★ Working at or directly for facility
 - ★ Includes operational staff, administrative staff, contractors, dedicated sales staff, company drivers, off-site direct corporate support
 - ★ Does NOT include contract drivers or janitorial contractors
 - ★ Determinations based on available time management systems/data



Listed TRI Chemicals



- ★ All chemicals reportable under TRI are considered toxic.
 - ★ The chemicals adversely effect human health
 - ★ The chemicals are listed on the TRI chemical list
 - ▶ Full chemical list can be found in 40 CFR 372.65 and
 - ★ U.S. EPA routinely evaluates the chemicals on the list and adds or removes chemicals from the list
- ★ Current list contains more than 600 individual chemicals and chemical categories

Persistent Bioaccumulative Toxic (PBT) Chemicals

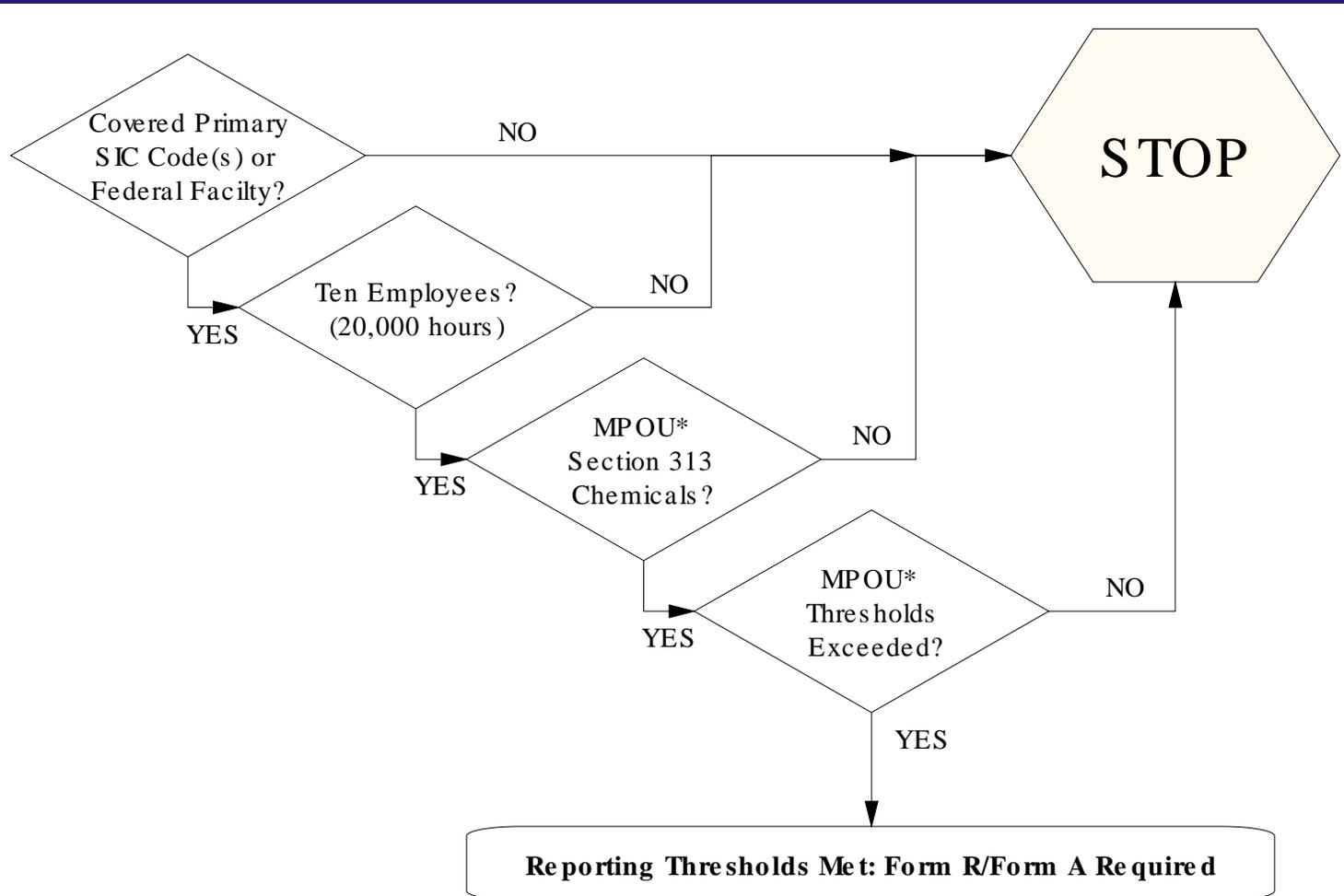
- ★ Within the list of 600 chemicals and chemical categories, there is a subset of chemicals designated as **Persistent Bioaccumulative Toxic (PBT)** chemicals.
 - ★ Remain (persist) in the environment over a long period of time.
- ★ PBT chemicals include:
 - ★ Aromatics such as Dioxin, Polycyclic Aromatic Compounds
 - ★ Metals such as Mercury and Lead
 - ★ Pesticides such as Chlordane
- ★ For PBT chemicals, U.S. EPA has adopted lower thresholds of either 100 pounds, 10 pounds, or 0.1 gram for dioxin and dioxin-like compounds.

Section 313 Chemicals (non-PBT) Thresholds

- ★ A facility meeting all applicability criteria must file a Form R report for a non-PBT Section 313 chemical if the facility:
 - ★ Manufactured (including imported) more than 25,000 pounds of the chemical in the reporting year, or
 - ★ Processed more than 25,000 pounds of the chemical in the reporting year, or
 - ★ Otherwise used more than 10,000 pounds of the chemical in the reporting year.



TRI Reporting Process



*MPOU: Manufacture (including import), process or otherwise use

Use Exemptions

★ Types of exemptions

- ★ *De minimis*

- ★ Article

- ★ Laboratory activities

- ★ Otherwise Use exemptions

- ▶ Motor vehicle maintenance

- ▶ Routine janitorial or facility grounds maintenance

- ▶ Structural components

- ▶ Personal use

- ▶ Intake water and air



Common Misapplication of Exemptions

- ★ De Minimis Exemption – Applies to the starting material only. Diluting a chemical does not get you out of reporting.
- ★ Article Exemption
 - ★ An Article must meet three criteria
 - ▶ Formed into a specific shape or design during manufacture; and
 - ▶ Has end-use functions dependent in whole or in part on its shape or design during end-use; and
 - ▶ Does NOT release a Section 313 chemical under normal processing or use at a facility
 - ★ The manufacturing of an article is not exempt.
 - ★ If there are any releases of a TRI chemical from the articles (from grinding, etc.) the item is not exempt.

Reporting Under TRI

The reporting forms are called Form R and Form A

- ★ Form R consists of a five-page report
 - ★ Part I, Facility Identification Information
 - ★ Part II, Chemical-Specific Information
 - ★ A Form R is submitted for each chemical for which the reporting threshold was exceeded
- ★ Form A
 - ★ Used by facilities with small quantities of TRI chemicals released or managed as a waste
 - ★ Multiple chemicals can be reported on a Form A

Reporting Releases

1) Release to Air

- ★ Identifies fugitive and point-source (stack) emissions to the air

2) Release to Water

- ★ Identifies the release amount and the stream or water body name

3) Deep Well Injection

- ★ Identifies quantity injected by the facility and whether the well is Class I or Class II-V

Reporting Releases

- 4) Release to Land On-site
 - ★ Identifies whether the released amount was to RCRA Subtitle C landfill, other landfill, land treatment, RCRA Subtitle C surface impoundment, other surface impoundment or other disposal

- 5) Discharges to POTW
 - ★ Identifies the amount released to POTWs and their names and addresses

- 6) Off-Site Disposal/Treatment
 - ★ Quantity and off-site location information (address, RCRA ID etc.) of chemicals shipped off-site for disposal/treatment

Reporting Releases

7) Energy Recovery On/Off-Site

- ★ Identifies quantities of the listed chemicals that have been used for energy recovery and whether the use was on-site or off-site

8) Recycled On/Off-Site

- ★ Identifies quantities of the listed chemicals that have been recycled and whether the recycling occurred on-site or off-site

9) Treatment On-Site

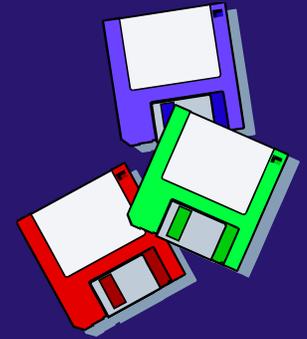
- ★ Identifies quantities of the listed chemicals that have been treated and whether the treatment took place on-site or off-site

Submitting TRI Reports

- ★ Reports are due July 1
 - ★ The report summarizes the releases which occurred in the previous calendar year.
- ★ TRI reports must be submitted to both Ohio EPA and U.S. EPA.
- ★ Ohio EPA also collects an annual filing fee
 - ★ Base \$50.00 (not required if only filing Form “A”)
 - ★ Additional \$15.00 for each Form “R” submitted
 - ★ Fee cap \$500.00
 - ★ Late fee penalty 15% after August 1st



Submitting TRI Reports



- ★ Facilities are encouraged to use U.S. EPA's reporting software (TRI-Me) to prepare and submit reports.
 - ★ Software leads user through series of logical questions and streamlines the analysis needed to determine if a user must complete a Form "R" or Form "A" for a particular chemical.
 - ★ Built in edit checks eliminate many errors.
 - ★ Reports prepared electronically can be filed through the internet to U.S. EPA, and with a diskette to Ohio EPA.
 - ★ Download software at www.epa.gov/tri/

Reports and Forms

- ★ U.S. EPA mails the TRI reporting manual and software to facilities each year.
- ★ Reporting form and instructions can be downloaded at:
<http://www.epa.gov/triinter/report/index.htm>
- ★ Ohio EPA's fee sheet can be downloaded at:
<http://www.epa.state.oh.us/dapc/tri/tri.html>



Toxic Release Inventory

- ★ Annually, U.S. EPA collects more than 95,000 individual TRI reports from approximately 25,000 facilities across the country.
- ★ U.S. EPA compiles all the reports into a database that can be accessed over the internet.
 - ★ TRI Explorer at www.epa.gov/triexplorer
 - ★ TRI Envirofacts at www.epa.gov/enviro
 - ★ The TRI data is also available on U.S. EPA's compliance website, along with the compliance history of facilities. Visit www.epa.gov/echo

Negative Reports

- ★ Facilities can fall in and out of reporting based on chemical usage and the number of employees.
- ★ Ohio EPA created a voluntary negative form in response to requests from facilities who wanted to notify the agency that they did not have to report.
- ★ Submission of the negative report is voluntary.
- ★ There is no fee for submitting the form.



TRI Reporting in Ohio

- ★ In Ohio for reporting year 2003
 - ★ 1,647 facilities
 - ★ 6,292 TRI reports
 - ★ An average facility reports 4 chemicals



What Happens After You Submit Your TRI Report to Ohio EPA?

- ★ You can relax
- ★ Ohio EPA enters the data, or uploads the data from disks
 - ★ Midpoints are entered for range codes
- ★ Ohio EPA reviews your forms for completeness and technical errors
- ★ Ohio EPA contacts you with questions or requests revisions
 - ★ Large increasers and decreasers will receive letters
- ★ Ohio EPA releases an annual report



TRI Reports

- ★ Ohio consistently ranks as the state with the largest number of TRI reports.
- ★ Ohio frequently listed in the top 5 for total air (fugitive and stack) air emissions.
- ★ Since 1998 and the inclusion of coal-burning power plants, Ohio has consistently ranked number one for total air emissions.



Ohio's National Rank

Based on the Calendar Year 2003 TRI Data

- ★ Stack air - #1
- ★ Class I underground injection - #3
- ★ Total on-site and off-site disposal or other releases - #4
- ★ Fugitive air - #5
- ★ Surface water - #13
- ★ Class II-V underground injection - #42
- ★ For emissions of mercury and mercury compounds
 - ★ Ohio ranked #2 in fugitive air emissions in 2003
 - ▶ largely due to a mercury cell chlorine production facility in northeast Ohio.
 - ★ Ohio ranked #3 in stack air emissions
 - ▶ largely due to coal burning power plants, as coal contains roughly 0.1 ppm mercury.

Ohio's Annual Report

- ★ Ohio EPA's annual TRI report includes:
 - ★ The top releasing facilities;
 - ★ The quantity of chemicals released to each media (air, land, water...); and
 - ★ County summaries
- ★ Copies of the reports are available at <http://www.epa.state.oh.us/dapc/tri/reptsdb.html>
- ★ Facilities named in the report as a “top facility” receive an advanced copy of the report.



Technical Assistance

- ★ U.S. EPA Reporting Center
(301) 429-5005
1-800-424-9346

www.epa.gov/tri/

- ★ Ohio EPA TRI Unit
Muhammad Elsalahat muhammad.elsalahat@epa.state.oh.us
Greg Nogrady greg.nogrady@epa.state.oh.us
Mark Besel mark.besel@epa.state.oh.us

614-644-2070



In Closing

- ★ TRI can be looked at a public “report card” for the industry community.
- ★ Communities can use the TRI data to evaluate local facilities through comparisons and can learn more about how toxic chemicals are being managed. This and other information can help to identify and evaluate potential health risks within neighborhoods and communities.



Annual Hazardous Waste Report



What is a Hazardous Waste?

- ★ No longer usable = WASTE
- ★ Generator is required to determine if a waste is HAZARDOUS.
- ★ There are two ways in which your waste can be classified as a hazardous waste. It may be:
 - ★ a listed hazardous waste, or
 - ★ a characteristic hazardous waste.



What is a Hazardous Waste? Cont'd

- ★ Specifically named on one of the lists = LISTED HAZARDOUS WASTE. Spent solvents such as acetone and trichloroethylene are examples.
- ★ Not on the lists . . . may still be a hazardous waste if it has one or more of the following four characteristics: Ignitability, Corrosivity, Reactivity and/or Toxicity.



What is a Hazardous Waste? Cont'd

- ★ Ignitable — can burst into flames easily (flash point less than 140° F). Gasoline and paint are ignitable.
- ★ Corrosive — can wear away (corrode) or destroy a substance (corrosive materials have a pH of less than or equal to 2 or greater than or equal to 12.5). For example, most acids are corrosives.

What is a Hazardous Waste? Cont'd

- ★ **Reactive** — explode or create poisonous gas when combined with other chemicals or with water.
- ★ **Toxic** — can poison people and other life. Toxic waste contains contaminants above a level set in the HW rules. Contaminated antifreeze, fluorescent lamps and electronic equipment can all be toxic.

Where to get more information

- ★ Read the Generator Handbook:
http://www.epa.state.oh.us/dhwm/pdf/gen_handbook.pdf
- ★ Review the Generator Requirements information:
<http://www.epa.state.oh.us/dhwm/guidancedocs.html#generator>
- ★ Call DHWM's Regulatory Services Unit at (614) 644-2917



Who is required to file?

- ★ Any site which was a Large Quantity Generator (LQG) of hazardous waste (HW) in any one calendar month during the year.
- ★ Facilities that have a permit to treat, store or dispose of HW.



If it's a one-time event, does that exempt me from reporting?

- ★ No, the rules do not contain an exemption for one-time generators or remedial activities.
- ★ Being a LQG for one month doesn't make you a LQG forever. Follow the rules applicable to whatever size generator you are at the time.



Examples of one-time or periodic report filers:

- ★ Going out of business
- ★ Spill
- ★ Remediation
- ★ Cleanup of old chemicals or products
- ★ Sandblasting of lead-based paint
- ★ Tank cleanouts
- ★ Spent plating bath removal
- ★ Had an “oops” in one month where more than the normal amount was generated
- ★ New owner cleans up what was left behind



How will EPA know I'm not usually a LQG?

- ★ One of the report forms, the Site Identification form, has two separate generator size check boxes, one for the purpose of the HW Report filing and the other for the current or normal status of the site.
- ★ Please include notes in the Comment section which state the report was for a one-time event.



What information will I need to prepare the report?

- ★ Shipment manifests
- ★ Results of laboratory analysis of the wastes
- ★ Records of quantities of HW generated or accumulated
- ★ Documents you've exchanged with the facilities that will receive your HW shipments
- ★ The report instruction booklet – Please read it!

What information do I supply on the report forms?

- ★ There are three forms that together comprise the HW Report for generators:
 - ★ Site Identification (ID) form
 - ★ Generation and Management (GM) Form
 - ★ Off-Site Transporter and Receiving Facility Information (OI) Form



Site ID form – one per report

- ★ RCRA EPA ID number
- ★ Name
- ★ Address
- ★ Contact person
- ★ NAICS code
- ★ Owner/Operator name & address and date the relationship began
- ★ Check boxes for RCRA-regulated activities the site conducts
- ★ Waste codes (D001, F003, etc.)
- ★ Comments
- ★ Certification



Generation & Management (GM) Form – one per waste

- ★ Text description of the waste
- ★ Waste codes
- ★ Source of the waste (e.g. painting, cleaning, off-spec, remediation)
- ★ Form code (liquid or solid, organic or inorganic)
- ★ Quantity generated, unit of measure, density
- ★ EPA ID of Facility the waste was shipped to, what they did with it (Mgmt Method Code) and how much went there



Off-site Transporter & Receiving Facility Information (OI) Form

- ★ List up to five waste handlers per page
- ★ Cross-links with receiving facilities listed on the GM form
- ★ Check boxes indicate whether the handler was a Transporter or a Receiving Facility, or both
- ★ Report the EPA ID, Name, and Address of the handler (address is only required for receivers)

Where do I get the forms?

- ★ Adobe Acrobat versions of the instructions and forms are always on our Web page:
http://www.epa.state.oh.us/dhwm/ann_report.html
- ★ Can also file electronically but you'll need to apply for a PIN; download software and PIN Application form from:
<http://www.epa.state.oh.us/dhwm/demwebpg.html>

Getting the forms, continued

- ★ Your responsibility to obtain them but we try to contact the new filers if we know who they are.
- ★ Sites that recently notified as a LQG automatically receive a mailing from us, typically in early January.
- ★ Starting in 2005 we stopped mailing booklets and instead mailed business card-sized CDs.



Sign up for Annual Report e-mail reminders

- ★ You can sign up for our listserv to receive e-mails about various RCRA-related topics. When Annual Report time approaches, this reminds you of the requirement.
- ★ Go to this Web page to sign up:

<http://www.epa.state.oh.us/dhwm/listserv.html>



Due Date is March 1

- ★ Reports are due at Ohio EPA no later than March 1 each year and cover the previous calendar year.
- ★ We do not accept faxed forms.
- ★ We do not grant extensions to the filing deadline.
- ★ We do not issue automatic fines for being late.



What if I don't file the report as required?

- ★ We check the waste receipt data to find generators who should have filed and didn't.
- ★ The Division of Hazardous Waste Mgmt will send you a Notice of Violation of the Annual HW Report requirement.
- ★ You'll have 30 days to submit the report.
- ★ If you hired a contractor, you can ask them to work on the report but you are responsible for certification.



Please submit a complete Report

- ★ Many paper-based report forms are submitted incomplete and are missing information.
- ★ We issue a Notice of Violation if info required by the rule is missing.
- ★ The software is designed to prevent omissions and produce a higher quality report.
- ★ Read the instructions and review the forms thoroughly before sending them in.



What does EPA do with the reports?

- ★ Enter them to a database and share the information with U.S. EPA.
- ★ Review them as part of pre-inspection prep.
- ★ Compile statistics and mine the information to help us conduct the RCRA program in Ohio.
- ★ Answer information requests for internal and external customers.



For assistance with Annual HW Report issues:

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614-644-2954

Paula Canter, System Administrator

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