

# MONTHLY HOTLINE REPORT

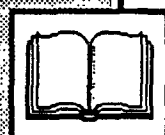
April 1994

## RCRA/UST, Superfund, and EPCRA



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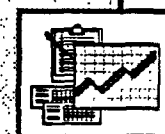
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National Toll-Free Nos.: 800-424-9346 or 800-535-0202  
Local: 703-412-9810  
TDD National Toll-Free No.: 800-553-7672

This report is prepared and submitted in support of Contract No. 68-W0-0039.

EPA Project Officer: Carie VanHook Jasperse  
U.S. Environmental Protection Agency  
Washington, DC 20460

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## HOTLINE QUESTIONS AND ANSWERS

### RCRA

#### 1. Surface Impoundment Leachate Collection and Removal Systems

*According to 40 CFR §265.221(a), owners or operators of new surface impoundments, lateral expansions of surface impoundments, and replacements of existing surface impoundments must install two or more liners and a leachate collection and removal system in accordance with §264.221(c), unless exempted under §§264.221(d), (e), or (f). When must an owner or operator complete installation of the leachate collection and removal system?*

An owner or operator must complete installation of the leachate collection and removal system at least 30 days prior to receipt of waste. The installation completion date stems from the requirement for owner or operators to have a construction quality assurance (CQA) program. Surface impoundments required to comply with §265.221(a) must have a CQA program to ensure that the constructed unit meets or exceeds all design criteria and specifications in the permit (§265.19). The CQA program addresses various physical components of surface impoundment construction including the leachate collection and removal system. An owner or operator of a surface impoundment must certify to the Regional Administrator that the CQA plan has been successfully carried out and that the unit meets the requirements of 40 CFR §265.221(a) at least 30 days prior to receiving waste. Therefore, an owner or operator must complete

installation of the leachate collection and removal system at least by the date of this certification.

#### 2. Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste Recycling Facilities

*Conditionally exempt small quantity generators (CESQGs) of hazardous waste must ensure delivery of their wastes to appropriate treatment, storage, recycling, or disposal facilities (see 40 CFR §§261.5(f)(3) and 261.5(g)(3)). Under 40 CFR §§261.5(f)(3)(v) and 261.5(g)(3)(v), one option CESQGs have for managing their waste is sending it to a facility which beneficially uses or reuses waste; legitimately recycles or reclaims waste; or treats waste prior to its beneficial use, reuse, legitimate recycling or reclamation. In order to be eligible to receive CESQG waste, must such recycling facilities comply with any federal or state permitting, licensing, or registration requirements?*

Recycling facilities meeting the criteria of 40 CFR §§261.5(f)(3)(v) and 261.5(g)(3)(v) need not be permitted, licensed, or registered by EPA or the state in order to receive CESQG waste. While individual states may rule on the legitimacy of such CESQG waste recycling operations and may impose more stringent requirements such as permitting, federal regulations do not require any formal approval of a recycler in order for CESQGs to send their waste to the recycler.

### 3. Designating Exempt Recycling Facilities on the Manifest

*A generator who transports, or offers for transportation, hazardous waste for off-site treatment, storage, or disposal must prepare a hazardous waste manifest and designate on the manifest one facility that is permitted to handle the shipment (§§262.20(a) and (b)). Does the requirement to designate a permitted facility preclude shipments of hazardous waste to recycling facilities that are exempt from RCRA permitting requirements?*

No, the Federal EPA requirement to designate on the manifest a destination for each hazardous waste shipment does not prohibit generators from sending waste to exempt recycling facilities. Box 9 on the Uniform Hazardous Waste Manifest (EPA Form 8700-22) is reserved for the name and site address of the "designated facility." As indicated in the definition of "designated facility" under §260.10, the universe of sites to which a generator may direct hazardous waste includes permitted facilities, facilities operating under interim status, facilities which reclaim precious metals from hazardous waste, and hazardous waste recycling facilities exempt from permitting requirements under §261.6(c)(2). (For further explanation of this provision see 50 FR 652; January 4, 1985.) Although the recycling process itself is exempt from RCRA regulation, owner/operators of facilities that recycle hazardous waste must obtain an EPA identification number and comply with the manifest requirements under §§265.71 and 265.72 (§261.6(c)(2)).

## UST

### 4. Occurrence Definition for Underground Storage Tank (UST) Financial Responsibility

*The financial responsibility requirements of Part 280 require owners or operators of USTs to demonstrate that they can pay for accidental leaks and spills of petroleum products on a per-occurrence, as well as an aggregate basis. For the purposes of the UST financial responsibility regulations, how is the term "occurrence" defined?*

EPA interprets the term occurrence to refer to all contamination discovered during a single site investigation. For example, if two tanks are discovered to be leaking during the same site investigation, regardless of whether they are part of the same UST system or two separate tanks, EPA considers it to be one occurrence, with one cleanup conducted. This is consistent with the insurance industry's policy, which would require the owner or operator to pay only one deductible in such a situation. Leaks discovered at different times from the same UST system, as a result of unrelated investigations, however, would be considered two occurrences, with two deductibles paid by the owner/operator.

## EPCRA

### 5. Revisions to the Toxic Chemicals List under EPCRA §313

*EPCRA §313(d) provides for the addition and deletion of chemicals to and from the list of toxic chemicals found at 40 CFR §372.65. According to EPCRA §313(d)(4), any revision to the list made on or after January 1 and before December 1 of any calendar year will take effect beginning with the next calendar*

*year. Any revision made on or after December 1 and before January 1 of the next calendar year will take effect beginning with the calendar year following the next calendar year. While all additions to the list are subject to these provisions, the Agency has not applied the delayed effective dates specified in EPCRA §313(d)(4) for any rules deleting chemicals from the EPCRA §313 list. To date, the promulgated final rules delisting chemicals have been effective on the date of publication of the final rule in the Federal Register. Moreover, when EPA has issued the final rule before July 1, the Agency has relieved facilities of their reporting obligation for the previous calendar year in addition to obviating future reporting. Given the statutory language, why has EPA not promulgated a delayed effective date for those actions deleting substances from the list of toxic chemicals?*

Although the statutory language outlines a delayed effective date provision, EPA interprets EPCRA §313(d)(4) to apply only to actions which add to the list of toxic chemicals. As explained in the final rule deleting di-n-octyl phthalate from the EPCRA §313 list, published on October 5, 1993 (58 FR 51785), the Agency believes that it may, in its discretion, make deletions effective immediately upon the determination that a chemical does not satisfy the listing criteria found at EPCRA §313(d)(2). Since a deletion from the list alleviates a regulatory burden, and 5 U.S.C. §553(d)(1) permits any substantive rule which relieves a restriction to take effect without delay, EPA is authorized to delete chemicals from the list effective immediately. The Agency believes that the purpose of EPCRA §313(d)(4) is to provide facilities with adequate time to incorporate newly listed chemicals into their data collection processes. Because facilities can immediately cease reporting on a delisted chemical, and since the chemical no longer satisfies the listing criteria,

EPA has not specified a delayed effective date for deletions from the list of toxic chemicals under EPCRA §313.

## **6. Hydrogen Sulfide Collection and Transport Under EPCRA §313**

*A manufacturing facility subject to EPCRA §313 draws water to the surface from an underground formation. During this activity, naturally occurring hydrogen sulfide (CAS no. 7783-06-4) is released from the water due to the change in pressure from the formation to the surface. The facility collects this hydrogen sulfide in storage tanks and uses a pipeline to transport the chemical off-site. The water is then pumped back into the underground formation to maintain the level of pressure necessary to extricate additional hydrogen sulfide. The collected hydrogen sulfide is not altered in any way, and is distributed in the same form and concentration as it is drawn from the formation. Hydrogen sulfide is a newly designated EPCRA §313 toxic chemical, and must be considered for threshold and release determinations for the 1994 reporting year (58 FR 63500; December 1, 1993). Would these extrication, collection, and transport activities be considered reportable under EPCRA §313, thus requiring the facility to file a Form R for hydrogen sulfide?*

A facility would need to file a Form R, if the facility exceeds the applicable threshold level, because the hydrogen sulfide has been processed. Section 313 requires that a covered facility indicate whether it is manufacturing, processing, or otherwise using the listed toxic chemical. The term "process" is defined as the preparation of a toxic chemical, after its manufacture, for distribution in commerce (40 CFR §372.3). Although the hydrogen sulfide is not altered in any way, it is still considered processed because the facility is selling the

listed toxic chemical and preparing it for distribution in commerce.

A facility engaged in this type of activity would need to indicate on the Form R the specific type of processing that the hydrogen sulfide is undergoing. Repackaging, considered to be a type of processing, includes any transfer of a toxic chemical from one container to another, regardless of the size or type of containers involved (Monthly Hotline Report; March 1993). The transfer of hydrogen sulfide from the storage tank to the pipeline constitutes repackaging. Thus, the facility would indicate this activity by marking §3.2(d) of the Form R.

## **7. Coincidental Production of Hazardous Chemicals Requires Reporting Under EPCRA §304**

*Pursuant to EPCRA §304(a)(2), the owner or operator of a facility must report to the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC) any releases of extremely hazardous substances (EHSs) or CERCLA hazardous substances which equal or exceed established reportable quantities (RQs). This requirement only applies, however, to owners and operators of facilities at which hazardous chemicals are produced, used, or stored. For purposes of EPCRA emergency release notification, is a hazardous chemical considered "produced" if it is generated solely as a by-product which is immediately released to the air? Does the facility become subject to release reporting requirements even if this by-product is the only hazardous chemical present on-site?*

Generation of a hazardous chemical as a by-product is considered "production" under EPCRA §304(a)(2), and any facility generating

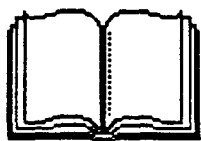
a hazardous chemical in this manner must evaluate EHS and CERCLA hazardous substance releases for EPCRA notification purposes. EPA considers the term "produce" to be synonymous with "manufacture" under EPCRA §313, and according to the definition in 40 CFR §372.3, manufacturing includes coincidental generation of a chemical by-product during the production, processing, use, or disposal of another chemical substance or mixture. Releasing the chemical by-product to the air immediately following production in no way alleviates the facility's reporting burden. Further, when a facility produces substances which themselves are not hazardous chemicals, but which after release rapidly form hazardous chemicals in the environment, the hazardous chemicals are also considered "produced" for purposes of EPCRA emergency release notification (51 FR 34534; September 29, 1986). Therefore, facilities at which hazardous chemicals are produced as a by-product of facility operations, including those rapidly formed in the environment subsequent to their release, are required to notify the SERC and LEPC of any EHS or CERCLA hazardous substance release which equals or exceeds an RQ within a 24-hour period.

## **8. MSDS Submission for Leaded and Unleaded Gasoline**

*A service station stores both leaded and unleaded gasoline on-site. For the purpose of EPCRA §311 hazardous chemical inventory reporting, is the owner/operator of the facility required to submit separate material safety data sheets (MSDS) for each type of gasoline, or is a single MSDS sufficient?*

Section 311 of EPCRA requires the owner/operator of a facility to submit a MSDS to the state and local authorities for each hazardous chemical present at the facility above

appropriate thresholds. A hazardous chemical is defined under Occupational Safety and Health Act (OSHA) regulations codified at 40 CFR §1910.1200(c) as any chemical which poses a physical or health hazard. This definition also applies to EPCRA §§311 and 312. A facility owner or operator is required under OSHA to prepare and maintain a MSDS for each hazardous chemical present on-site. The OSHA Hazard Communication Standard at 29 CFR §1910.1200(g)(4) specifies, however, that where complex mixtures have similar hazards and contents, it is sufficient to prepare one MSDS to apply to all similar mixtures. OSHA interprets this provision to permit the preparation of a single MSDS to cover all blends of leaded and unleaded gasoline, provided that hazards associated only with leaded gasoline, or only with unleaded gasoline, are identified separately on the MSDS. Consequently, the requirements under EPCRA §311 can be met either by submitting a separate MSDS for each type of gasoline if available, or by submitting one MSDS for all gasoline blends at the facility.



## NEW PUBLICATIONS

### HOW TO ORDER ...

**NTIS Publications** are available by calling (703) 487-4650, or writing NTIS, 5285 Port Royal Road, Springfield, VA 22161. Use the NTIS Order Number listed under the document.

**EPA Publications** are available through the Hotline. Use the EPA Order Number listed under the document.

**RCRA/UST, Superfund, and EPCRA**

National Toll-Free Nos.: 800-424-9346 or 800-535-0202

Local: 703-412-9810

TDD National Toll-Free No.: 800-553-7672

### RCRA

**TITLE:** "Reusable News, Winter 1994"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-N-94-001

Reusable News is a quarterly newsletter that reports on municipal solid waste management issues. The winter 1994 edition focuses on EPA's WasteWiSe program, a program to help businesses reduce solid waste. The newsletter also explains the key provisions of Executive Order 12873, entitled "Federal Acquisition, Recycling, and Waste Prevention." Another article contains information about a "Buying Recycled" campaign which is a joint venture between EPA and Keep America Beautiful, Inc. This issue includes a detachable order form introducing waste prevention publications.

**TITLE:** "Collecting Used Oil for Recycling/Reuse: Tips for Consumers Who Change Their Own Motor Oil and Oil Filters"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-F-94-008

This brochure provides step-by-step instructions on how to safely change motor oil and oil filters. It stresses the importance of

recycling used oil and provides tips for safeguarding the environment.

**TITLE:** "MSW Factbook"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-C-93-001a

(3.5" disk)

**EPA-530-C-93-001b**

(5.25" disk)

This IBM-compatible electronic reference manual contains information on waste prevention, recycling, waste-to-energy combustion, and land disposal. It provides data on state solid waste management programs and other solid waste issues in the form of charts, graphs, maps, and tables. Lists of helpful contacts and related publications are also included.

**TITLE:** "Municipal Solid Waste Flow Control: Summary of Public Comments"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-R-94-008

This document contains written comments received by EPA in preparation of the Report to Congress on Municipal Solid Waste Flow Control. These comments reflect the opinions of various parties concerned with MSW flow controls. The document, however, does not reflect EPA's position on any of the issues. The report

summarizes comments from state and local governments, waste management agencies, recycling industries, environmental groups and individuals. Chapters pertain to impacts of flow controls on solid waste management, source reduction and recycling, economics, recyclable materials, and human health and the environment.

**TITLE:** "The 1993 RCRA Inspection Manual"

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB94-963 605

This manual provides procedural and technical information that inspectors may use to determine facility compliance with RCRA standards. It includes information on conducting inspections, procedures for developing permit-specific TSDF inspections, and guidelines for inspection follow-ups. The publication contains checklists to guide RCRA inspections and includes a list of resources such as guidance documents and Federal Register notices, for additional information.

## UST

**TITLE:** "Don't Wait Until 1988: Spill, Overfill, and Corrosion Protection for Underground Storage Tanks"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA510-B-94-002

This booklet was developed to assist owners and operators in meeting the upgrade requirements for existing underground storage tanks. Federal regulations require that existing underground storage tanks have spill protection, overfill protection, and corrosion protection by December 22, 1998.

## CERCLA

**TITLE:** "Superfund Revitalization: Measures of Success"

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB94-963 217

This report summarizes the status of several initiatives undertaken as part of the Superfund revitalization effort, and to the extent possible, estimates the benefits that may be attributable to those initiatives. The revitalization effort focuses on streamlining the Superfund program to ensure that risks are addressed quickly and effectively. The initiatives discussed include: construction completion, Superfund Accelerated Cleanup Model (SACM), presumptive remedies, Quick Turnaround Method (QTM) Analytical Services, de minimis settlements, contracts management, and communications with states and the public.

**TITLE:** "Health and Safety Plan (HASP) User's Guide"

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB93-963 414

A site-specific health and safety plan must be developed and implemented for each Superfund site where workers are potentially exposed to hazardous substances. Health and Safety Planner (HASP) Version 3.0/4.0 is a software program that generates a site-specific safety plan using an automated decision-making process. This user's guide provides information on HASP's system requirements and installation as well as step-by-step instructions that teach the user about HASP's capabilities.



**TITLE:** "Site Inspection Prioritization Guidance"

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB93-963 340

The revision of the Hazard Ranking System (HRS) in December of 1990 (55 FR 51532; December 14, 1990), created a backlog of Superfund sites which required additional investigation to be properly evaluated. Consequently, EPA established the Site Inspection Prioritization (SIP) Program to help set priorities among these sites for inclusion on the National Priorities List (NPL) and to screen out sites not meeting the criteria for inclusion on the NPL. This fact sheet provides guidance to EPA, state, and contractor staff responsible for conducting SIPs.

## **EPCRA**

**TITLE:** "1992 Toxics Release Inventory: State Fact Sheet"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA745-F-94-001

Under §313 of EPCRA, certain manufacturers must report on the transfer and releases of toxic chemicals and chemical compounds to the EPA. This public data release features a state listing of the top ten toxic chemical emitters and a table depicting the status of state TRI programs.

**TITLE:** "1992 Toxics Release Inventory: Public Data Release"

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA745-F-92-001

This document provides an overview of the transfers and releases of toxic chemicals from facilities into the air, water, and land. The information is indexed by state, chemical, industry, and year.

## **OTHER**

**TITLE:** "Monthly Hotline Report"

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** See below

Yearly Subscription PB94-922 400  
530-R-94-005

January 1994 PB94-922 401  
530-R-94-005a

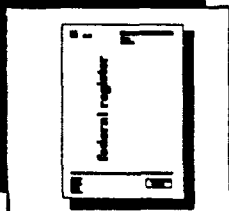
February 1994 PB94-922 402  
530-R-94-005b

March 1994 PB94-922 403  
530-R-94-005c

April 1994 PB94-922 404  
530-R-94-005d

The reports contain questions that required EPA resolution or were frequently asked, publications availability, Federal Register summaries, and Hotline call statistics.

The Monthly Hotline Report Questions and Answers are also available for downloading at no charge from CLU-IN at (301) 589-8366.



## FEDERAL REGISTERS

### FINAL RULES

#### RCRA

**"North Carolina; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 4, 1994 (59 FR 15633)

EPA intends to approve the State of North Carolina's hazardous waste program revisions under RCRA. Final authorization will be effective June 3, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before May 4, 1994.

**"North Dakota; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 7, 1994 (59 FR 16566)

EPA intends to approve the State of North Dakota's hazardous waste program revisions under RCRA. Final authorization will be effective June 6, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before May 9, 1994.

**"Colorado; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 7, 1994 (59 FR 16568)

EPA intends to approve the State of Colorado's hazardous waste program revisions under RCRA. Final authorization will be effective June 6, 1994, unless EPA publishes a prior action withdrawing

this immediate final rule. Comments must be received on or before May 9, 1994.

**"Texas; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 11, 1994 (59 FR 16987)

EPA intends to approve the State of Texas' hazardous waste program revisions under RCRA. Final authorization will be effective June 27, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before May 26, 1994.

**"Texas; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 12, 1994 (59 FR 17273)

EPA intends to approve the State of Texas' hazardous waste program revisions under RCRA. Final authorization will be effective June 27, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before May 27, 1994.

**"Georgia; Final Authorization of State Hazardous Waste Management Program Revisions"**  
April 26, 1994 (59 FR 21664)

EPA intends to approve the State of Georgia's hazardous waste program revisions under RCRA. Final authorization will be effective June 27, 1994, unless EPA publishes a prior action withdrawing this immediate final rule. Comments must be received on or before May 26, 1994.

**CERCLA****"Acquisition Regulation Concerning Conflicts of Interest"****April 19, 1994 (59 FR 18600)**

EPA amended acquisition regulation coverage on organizational conflicts of interest for all EPA contracts. Under this rule, contracts funded through EPA's Superfund program will contain clauses requiring confidentiality agreements; requiring contractors to notify EPA immediately of conflicts of interest; and restricting future contracts. This rule is effective May 19, 1994.

**PROPOSED RULES****RCRA****"Identification and Listing of Hazardous Waste; Proposed Amendment"****April 11, 1994 (59 FR 17080)**

EPA proposed to modify an exclusion from the list of hazardous wastes previously granted for certain solid wastes generated by POP Fasteners in Shelton, Connecticut. Comments must be submitted on or before May 11, 1994.

**"Comprehensive Guideline for Procurement of Products Containing Recovered Materials"****April 20, 1994 (59 FR 18852)**

EPA proposed a Comprehensive Procurement Guideline designating items that are or can be made with recovered materials. This proposed rule implements RCRA §6002(e). Comments must be submitted on or before June 20, 1994.

**NOTICES****RCRA****"Cheyenne River Sioux Tribe; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Programs"****April 7, 1994 (59 FR 16642)**

Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of the Cheyenne River Sioux Tribe's municipal solid waste landfill permit program. The public hearing is scheduled for June 1, 1994. Comments must be received on or before June 1, 1994.

**"South Dakota; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"****April 7, 1994 (59 FR 16648)**

Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of South Dakota's municipal solid waste landfill permit program. The public hearing is scheduled for June 2, 1994. Comments must be received on or before June 2, 1994.

**"1993 RCRA Inspection Manual; Notice of Availability"****April 8, 1994 (59 FR 16811)**

EPA announced the availability of a final inspection guidance entitled The 1993 RCRA Inspection Manual. The manual provides guidance concerning the procedures and checklists employed by duly authorized inspectors during inspections pursuant to §3007.

**NOTICES**

**"Ohio and Wisconsin; Schedules of Compliance for Modification of Hazardous Waste Programs"**  
April 11, 1994 (59 FR 16991)

EPA published compliance schedules for Ohio and Wisconsin to modify their respective RCRA programs in accordance with 40 *CFR* §271.21(g). The modifications are retroactive to January 1, 1993.

**"Missouri; Final Determination of Adequacy of State/Tribal Municipal Solid Waste Permit Program"**  
April 13, 1994 (59 FR 17526)

Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of full program adequacy for Missouri's municipal solid waste landfill permit program. The determination of adequacy is effective April 13, 1994.

**"Extension of Comment Period for Carbamate Production Proposed Rule"**  
April 18, 1994 (59 FR 18348)

EPA extended the comment period for a proposed rule published on March 1, 1994 (59 *FR* 9808), which proposed to amend RCRA regulations by proposing to list as hazardous certain wastes from the production of carbamate chemicals. Comments must now be submitted on or before May 16, 1994.

**"Storage Prohibition at Facilities Generating Mixed Radioactive Hazardous Waste; Enforcement"**  
April 20, 1994 (59 FR 18813)

EPA announced an extension of its policy on the civil enforcement of the storage prohibition in RCRA §3004(j) at facilities which generate mixed radioactive hazardous waste. This action generally renews the August 1991 (56 *FR* 42730), policy for

an additional two-year period. This rule is effective April 20, 1994.

**"Consent Decree; Rolling Mills, Inc."**  
April 20, 1994 (59 FR 18829)

A Consent Decree in United States v. National Rolling Mills, Inc., was lodged with the U.S. District Court for the Eastern District of Pennsylvania on March 24, 1994. The decree requires the defendant to pay \$300,000 for RCRA violations at the facility in Malvern, Pennsylvania. Comments will be received for a period of 30 days from the date of publication.

**"Recovered Materials Advisory Notice"**  
April 20, 1994 (59 FR 18892)

EPA gave notice of the issuance of a draft recovered materials advisory notice. The notice designates items that are or can be made with recovered materials pursuant to RCRA §6002. Comments must be submitted on or before June 20, 1994.

**CERCLA**

**"Proposed Settlement; Mosely Road Sanitary Landfill Site"**  
April 4, 1994 (59 FR 15728)

EPA proposed to enter into a de minimis settlement under CERCLA §122(g). The settlement requires the settling parties to reimburse EPA for costs incurred in connection with the Mosely Road Sanitary Landfill Site in Oklahoma City, Oklahoma. Comments will be received for a period of 30 days from the date of publication.

**NOTICES****"Consent Decree; Davis Liquid Waste Site"  
April 5, 1994 (59 FR 15949)**

A Consent Decree in United States v. Davis was lodged with the U.S. District Court for the District of Rhode Island on March 23, 1994. The decree requires the defendants to reimburse EPA \$1,500,000 for costs incurred in connection with the Davis Liquid Waste Site in Smithfield, Rhode Island. Comments will be received for a period of 30 days from the date of publication.

**"Consent Decree; Fletcher's Paint Works and Storage Facility Site"  
April 5, 1994 (59 FR 15949)**

A Consent Decree in United States v. General Electric, et al., was lodged with the U.S. District Court for the District of New Hampshire on March 24, 1994. The decree requires the defendants to reimburse EPA \$600,000 for costs incurred in connection with the Fletcher's Paint Works and Storage Facility Site in Milford, New Hampshire. Comments will be received for a period of 30 days from the date of publication.

**"Proposed Settlement; Lee Chemical Company Site"  
April 18, 1994 (59 FR 18398)**

EPA proposed to enter into an administrative settlement under CERCLA §122(i). The settlement requires the settling parties to reimburse EPA \$389,522 for costs incurred in connection with the Lee Chemical Company Site in Liberty, Missouri. Comments will be received for a period of 30 days from the date of publication.

**"Consent Decree; Caldwell Trucking Site"  
April 19, 1994 (59 FR 18578)**

A Consent Decree in United States v. The Carborundum Company, et al., was lodged with the U.S. District Court for the District of New Jersey on March 30, 1994. The decree requires the defendants to reimburse EPA \$1,960,000 for costs incurred in connection with the Caldwell Trucking Site in Fairfield, New Jersey. Comments will be received for a period of 30 days from the date of publication.

**"Consent Decree; Jacksonville and Rogers Road Municipal Landfill Sites"  
April 19, 1994 (59 FR 18578)**

Two Consent Decrees in United States v. City of Jacksonville, Arkansas, were lodged with the U.S. District Court for the Eastern District of Arkansas on April 6, 1994. The decrees are de minimis settlements under CERCLA §§106 and 107, and resolve the city's liability with respect to the Jacksonville and Rogers Road Municipal Landfill Sites. Comments will be received for a period of 30 days from the date of publication.

**"Consent Decree; Malitovsky Drum Site"  
April 19, 1994 (59 FR 18578)**

A Consent Decree in United States v. Malitovsky Cooperage Co. was lodged with U.S. District Court for the Western District of Pennsylvania on March 31, 1994. The decree requires the defendants to reimburse EPA \$750,000 for costs incurred in connection with the Malitovsky Drum Site in Pittsburgh, Pennsylvania. Comments will be received for a period of 30 days from the date of publication.

**NOTICES****"Consent Decree; Savage Municipal Water Supply Well Site"****April 20, 1994 (59 FR 18828)**

A Consent Decree in United States and State of New Hampshire v. Conduction Corporation, et al., was lodged with the U.S. District Court for the District of New Hampshire on April 7, 1994. The decree requires the defendants to reimburse EPA and the State of New Hampshire \$4,000,000 for costs incurred in connection with the Savage Municipal Water Supply Well Site in Milford, New Hampshire. Comments will be received for a period of 30 days from the date of publication.

**"Consent Decree; JMC Furniture Site"****April 20, 1994 (59 FR 18829)**

A Consent Decree in United States v. Gaither S. Walser, Executor of the Estate of Nancy Miller, et al., was lodged with the U.S. District Court for the Middle District of North Carolina on April 7, 1994. The decree requires the defendants to reimburse EPA \$145,000 for costs incurred in connection with the JMC Furniture Site in Lexington, North Carolina. Comments will be received for a period of 30 days from the date of publication.

**"Radiation Site Cleanup Regulation Subcommittee; Public Meeting"****April 25, 1994 (59 FR 19719)**

EPA gave notice of a two-day meeting of the Radiation Cleanup Regulation Subcommittee of the National Advisory Council for Environmental Policy and Technology on May 18 and 19, 1994, in Washington, DC. The meeting will discuss progress in developing regulations governing the disposal of wastes generated during cleanup operations.

**"Proposed Settlement; Jones Tire & Battery Site"****April 25, 1994 (59 FR 19720)**

EPA proposed to enter into a de minimis settlement under CERCLA §122(g)(4). The settlement requires the settling parties to reimburse EPA for costs incurred in connection with the Jones Tire and Battery Site in Birmingham, Alabama. Comments will be received for a period of 30 days from the date of publication.

**"Administrative Order on Consent for Removal Action; McCluskey Farm Drum Site"****April 26, 1994 (59 FR 21766)**

EPA has agreed to settle claims for response costs at the McCluskey Farm Drum Site in Dacula, Georgia. Comments will be received for a period of 30 days from the date of publication.

**"Proposed Cost Recovery Agreement; T/B Star 6 Mobile Bay Site"****April 26, 1994 (59 FR 21766)**

EPA has agreed to settle claims for response costs at the T/B Star 6 Mobile Bay Site in Mobile, Alabama. Comments will be received for a period of 30 days from the date of publication.

**CERCLA/IRS****"Tax on Certain Imported Substances; Withdrawal of Petition"****April 18, 1994 (59 FR 18439)**

The Internal Revenue Service announced the withdrawal of a petition requesting that acrylonitrile-butadiene-styrene pellets be added to the list of taxable substances under §4672(a)(3) of the Internal Revenue Code.

**NOTICES****"Tax on Certain Imported Substances;  
Withdrawal of Petition"  
April 18, 1994 (59 FR 18439)**

The Internal Revenue Service announced the withdrawal of a petition requesting that alpha methyl styrene polymer be added to the list of taxable substances under §4672(a)(3) of the Internal Revenue Code.

**"Tax on Certain Imported Substances;  
Filing of Petition"  
April 18, 1994 (59 FR 18439)**

The Internal Revenue Service announced the acceptance of a petition requesting that di-2 ethyl hexyl phthalate be added to the list of taxable substances under §4672(a)(3) of the Internal Revenue Code. Comments must be received on or before June 17, 1994.

**"Tax on Certain Imported Substances;  
Filing of Petition"  
April 18, 1994 (59 FR 18440)**

The Internal Revenue Service announced the acceptance of a petition requesting that polycarbonate be added to the list of taxable substances under §4672(a)(3) of the Internal Revenue Code. Comments must be received on or before June 17, 1994.

**"Tax on Certain Imported Substances;  
Filing of Petitions"  
April 18, 1994 (59 FR 18440)**

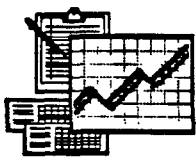
The Internal Revenue Service announced the acceptance of petitions requesting that sodium nitrilotriacetate monohydrate, diphenyl oxide, and tetrachlorophthalic anhydride be added to the list of taxable substances under §4672(a)(3) of the Internal Revenue Code. Comments must be received on or before June 17, 1994.

**EPCRA****"Federal Compliance with Right-to-Know  
Laws and Pollution Prevention  
Requirements; Federal Facility  
Workshops"  
April 29, 1994 (59 FR 22158)**

EPA gave notice of a series of three-day workshops for federal agencies' personnel on the requirements of Presidential Executive Order (EO) 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements. The workshops begin May 10-12, 1994, in Washington, DC.

**OTHER****"EPA Semiannual Regulatory Agenda"  
April 25, 1994 (59 FR 21042)**

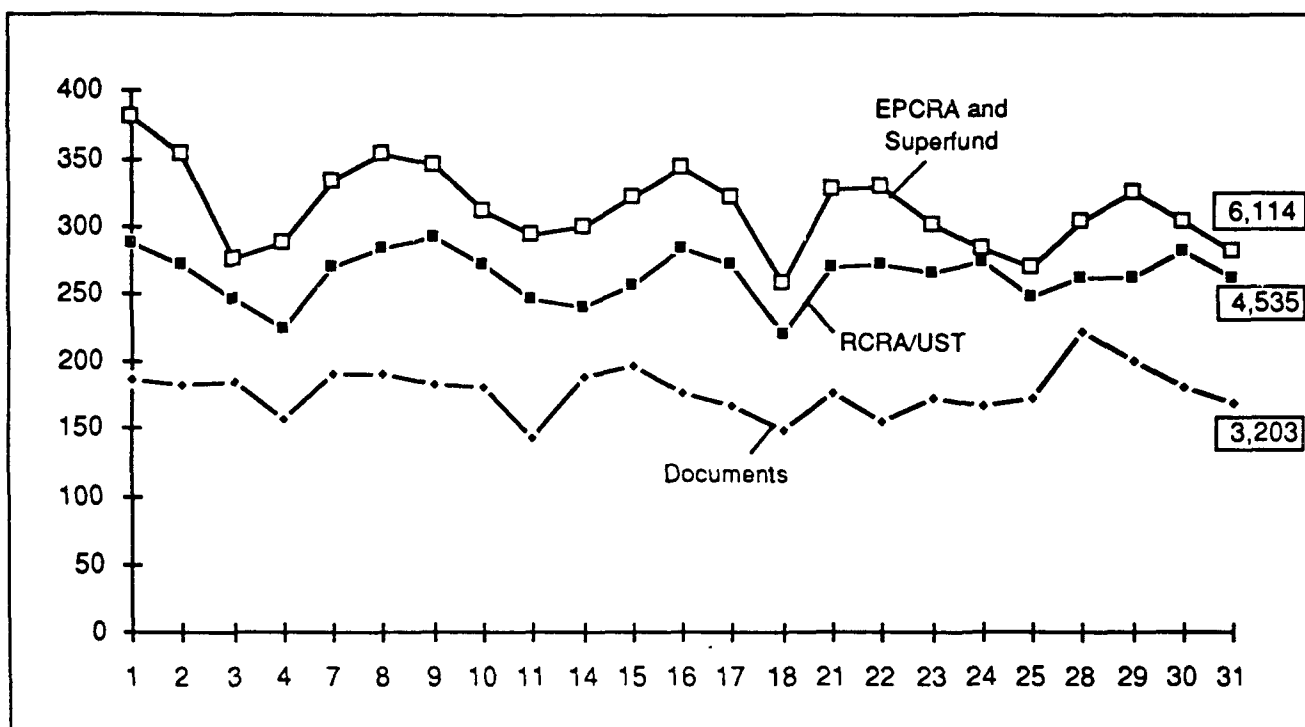
EPA's semiannual regulatory agenda describes the Agency's ongoing and long-term plans for policy and regulation development, revision, and review.



## CALL ANALYSES

### CALLS ANSWERED BY HOTLINE

#### April Daily Volume\*



#### Year to Date\*

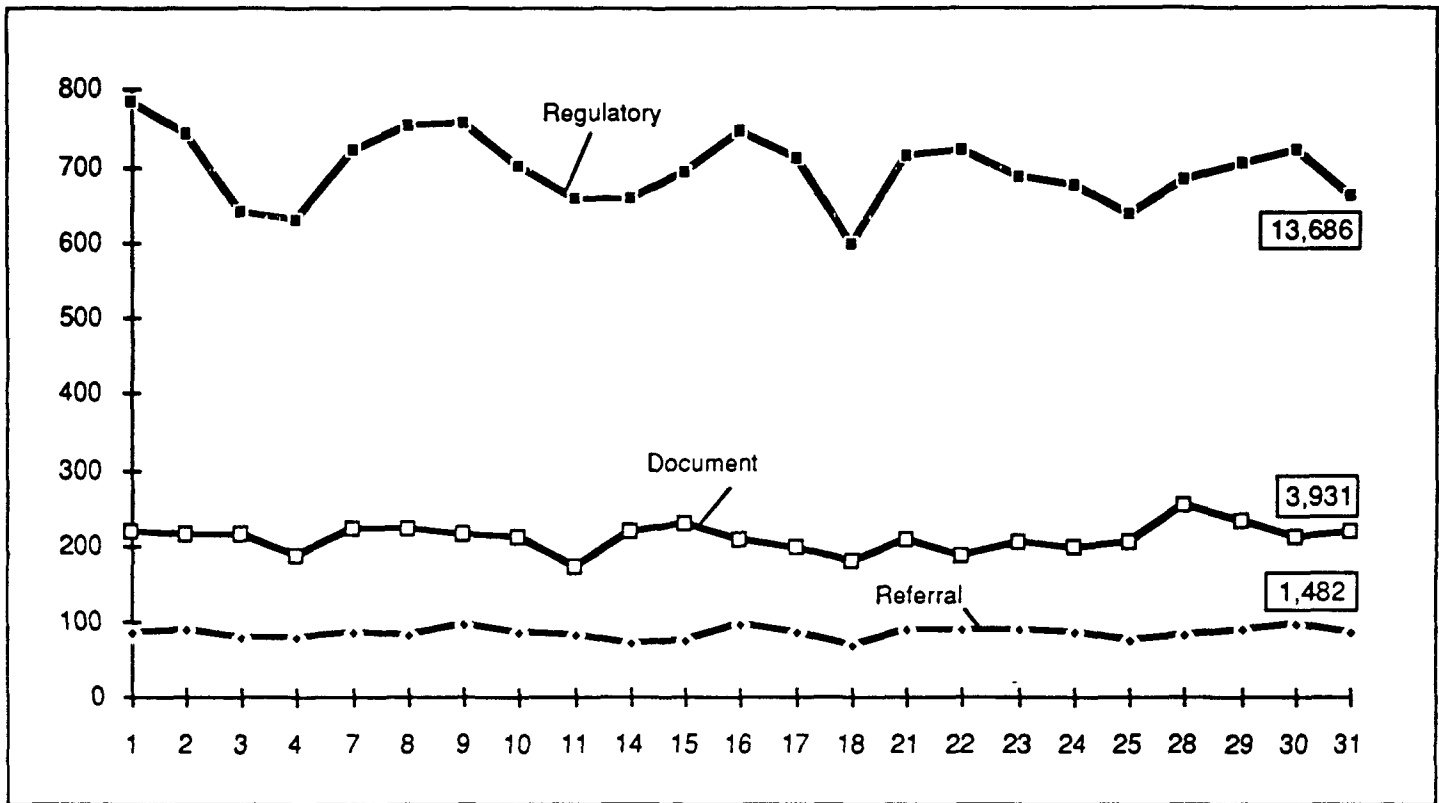
RCRA/UST			EPCRA and Superfund			Documents (All Program Areas)		
	Month	Cumulative		Month	Cumulative		Month	Cumulative
January	5,843	5,843	January	4,418	4,418	January	4,050	4,050
February	5,069	10,912	February	6,835	11,253	February	4,095	8,145
March	6,059	16,971	March	7,203	18,456	March	4,081	12,226
April	4,535	21,506	April	6,114	24,570	April	3,203	15,429

\*All calls answered by the Call Management System, the Message Retrieval Line, and the Document Retrieval Line.



# QUESTIONS ANSWERED BY TYPE

## April Daily Volume\*

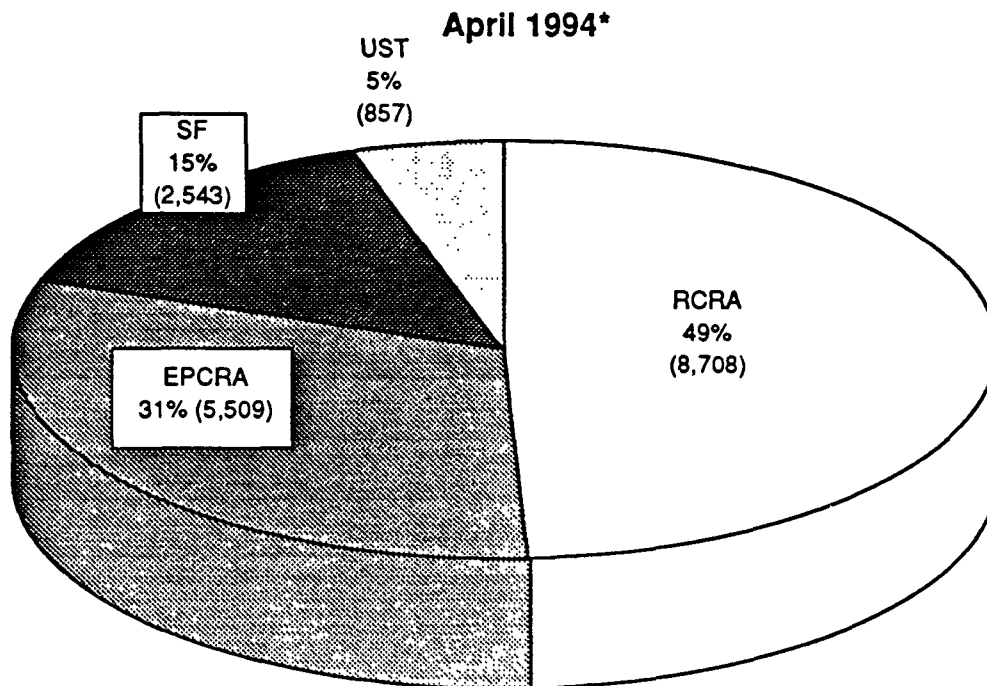


## Year to Date\*

Regulatory			Document			Referral		
	Month	Cumulative		Month	Cumulative		Month	Cumulative
January	12,042	12,042	January	4,353	4,353	January	768	768
February	12,609	24,651	February	4,528	8,881	February	1,288	2,056
March	15,947	40,598	March	4,789	13,670	March	1,954	4,010
April	13,686	54,284	April	3,931	17,601	April	1,482	5,492

\* All questions answered by the Call Management System, the Message Retrieval Line, and the Document Retrieval Line. A single call may include multiple questions combined with document requests and referrals.

# **QUESTIONS ANSWERED BY PROGRAM AREA**



\*Based on 17,617 questions and excludes 1,482 referrals made from both Hotlines. Includes the Message Retrieval Line and the Document Retrieval Line.

## **Year to Date\***

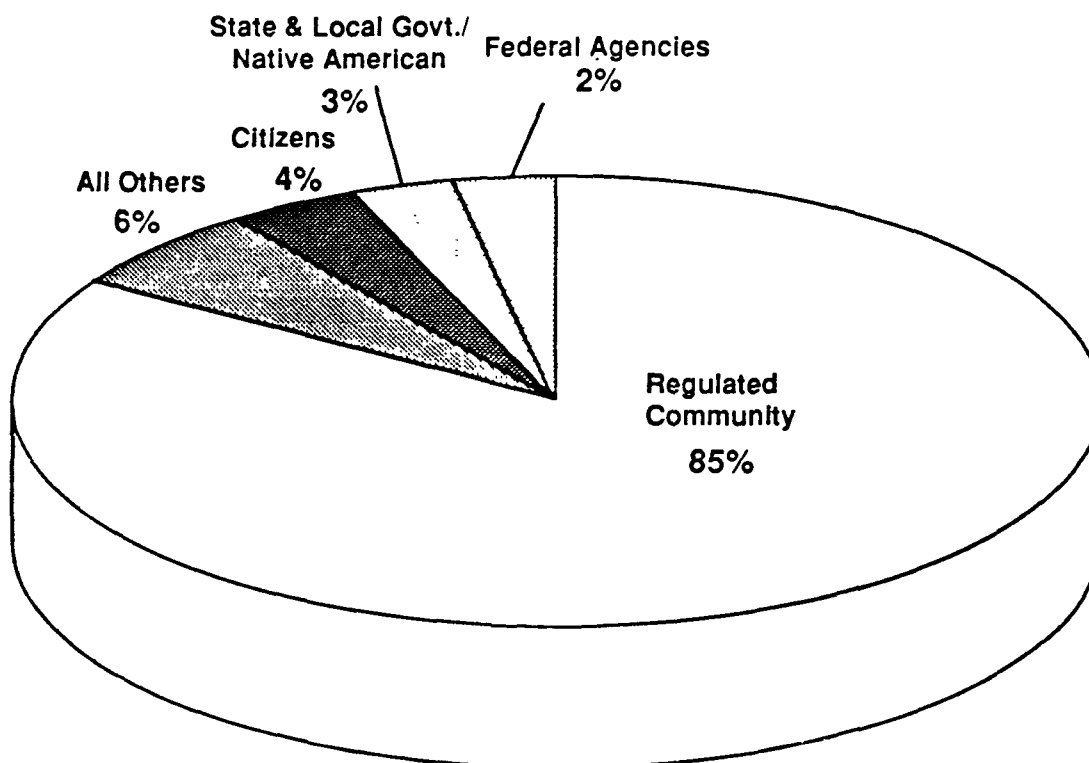
	RCRA		UST		EPCRA		Superfund	
	Month	Cumulative	Month	Cumulative	Month	Cumulative	Month	Cumulative
January	57% (9,394)	57% (9,394)	4% (668)	4% (668)	25% (4,100)	25% (4,100)	14% (2,223)	14% (2,223)
February	51% (8,788)	54% (18,182)	5% (831)	5% (1,499)	29% (4,923)	27% (9,023)	15% (2,595)	14% (4,818)
March	54% (11,149)	54% (29,331)	5% (993)	5% (2,492)	27% (5,588)	27% (14,611)	14% (3,006)	14% (7,824)
April	49% (8,708)	53% (38,039)	5% (857)	5% (3,349)	31% (5,509)	28% (20,120)	15% (2,543)	14% (10,367)

## CALLER PROFILE

### RCRA/UST Hotline

Regulated Community	5,030
Citizens	239
State & Local Govt./Native American	206
Federal Agencies	104
Educational Institutions	148
EPA	95
Media	6
Interest Groups	9
Congress	3
International	5
Other	58
Referrals*	220
Document Retrieval Line*	105
Message Retrieval Line*	100

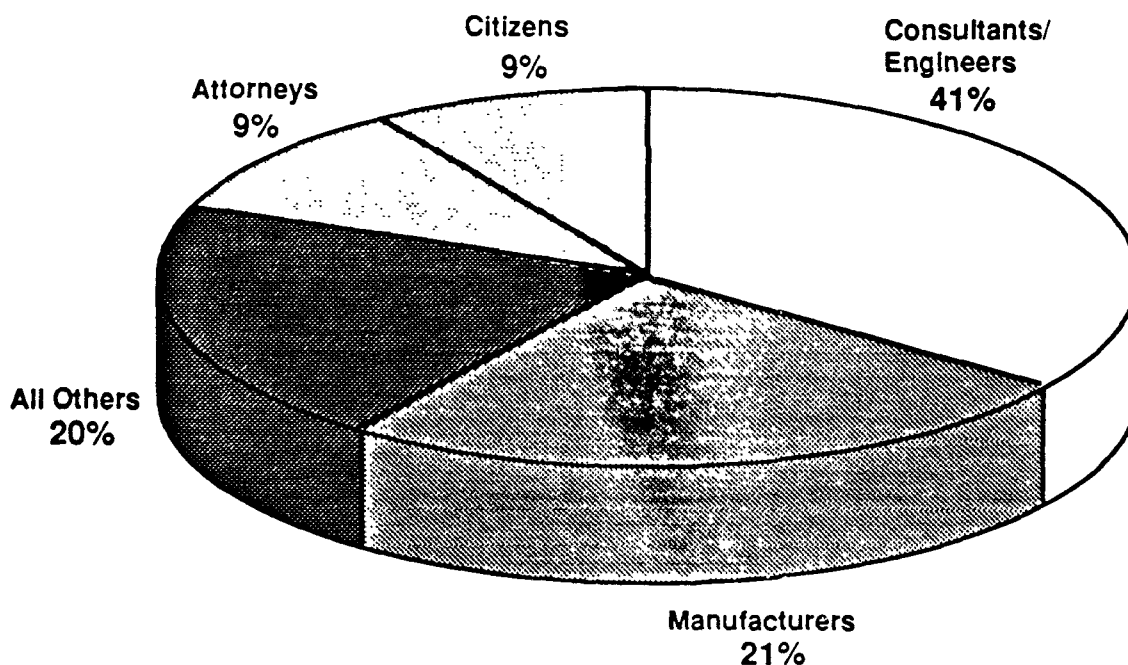
**TOTAL** **6,328**



\* No caller profile data available.

### Emergency Planning and Community Right-to-Know/ Superfund Hotline

<b>Manufacturers</b>		<b>Consultants/Engineers</b>	<b>2,394</b>
Food/Tobacco	60	Attorneys	511
Textiles	15	Citizens	545
Apparel	2	Public Interest Groups	92
Lumber & Wood	17	Educational Institutions	161
Furniture	15	EPA	78
Paper	31	Federal Agencies	155
Printing & Publishing	35	GOCOs	24
Chemicals	340	Congress	7
Petroleum & Coal	135	State Officials/SERCs	89
Rubber and Plastics	56	Local Officials/LEPCs	82
Leather	16	Fire Departments	26
Stone, Clay & Glass	40	Hospitals/Laboratories	58
Primary Metals	48	Trade Associations	28
Fabricated Metals	148	Union/Labor	5
Machinery (Excluding Electrical)	29	Farmers	7
Electrical&Electronic Equipment	62	Distributors	47
Transportation Equipment	38	Insurance Companies	7
Instruments	17	Media/Press	45
Misc. Manufacturing	120	Native Americans	2
		International	9
		Other	242
		Referrals*	1,262
Subtotal	1,224	Document Retrieval Line*	31
		Message Retrieval Line*	393
		<b>TOTAL</b>	<b>7,524</b>



\* No caller profile data available.

## HOTLINE TOPICS

<b>RCRA</b>		Paper & Paper Products	6
Special Wastes		Re-refined Lubricating Oil	3
Ash	14	Retread Tires	5
Mining Wastes, Bevill	16	<b>Solid Waste Recycling (General)</b>	<b>351<sup>1</sup></b>
Medical Wastes	81	Aluminum	10
Oil and Gas	4	Batteries	19
Subtitle C (General)	405	Glass	16
<b>Hazardous Waste Id. (General)</b>	<b>1,518<sup>1</sup></b>	Paper	18
Toxicity Characteristic	79	Plastics	23
Wood Preserving	19	Tires	20
Listing of Used Oil	82	Used Oil	168
Fluff	1	Markets (General)	10
Radioactive Mixed Waste	48	Aluminum	2
Delisting Petitions	22	Batteries	4
<b>Hazardous Waste Recycling</b>	<b>214<sup>1</sup></b>	Compost	2
<b>Generators</b>	<b>595<sup>1</sup></b>	Glass	2
Small Quantity Generators	227	Paper	3
Transportation/Transporters	89	Plastics	3
TSDFs General	263	Tires	12
TSDFs Siting Facilities	13	Used Oil	5
TSDFs Capacity	6	RCRA General	1,624 <sup>4</sup>
TSDFs Treatment	102	<b>TOTAL</b>	<b>8,708*</b>
TSDFs Burning	52	* Includes 1,864 RCRA document requests.	
TSDFs Storage	64		
TSDFs Disposal	55		
<b>Land Disposal Restrictions</b>	<b>488<sup>1</sup></b>	<b>UST</b>	
Permits and Permitting	135	General/Misc.	194 <sup>1</sup>
Corrective Action	213	Applicability/Definitions	129
Financial Liability/Enforcement	121	Regulated Substances	16
Test Methods	93	Standards for New Tank Systems	48
Health Effects	6	Tank Standards and Upgrading	61
<b>Waste Min./Pollution Prevention</b>	<b>245<sup>1,2</sup></b>	Operating Requirements	50
State Programs	119	Release Detection	72
Hazardous Waste Data	20	Release Reporting & Investigation	39
Household Hazardous Waste	182	Corrective Action for USTs	99 <sup>5</sup>
<b>Subtitle D (General)</b>	<b>652<sup>1,3</sup></b>	Out-of-Service/Closure	44
Siting Facilities	16	Financial Responsibility	68
Combustion	13	State Programs	9
Industrial Waste	17	Liability/Enforcement	14
Composting	28	LUST Trust Fund	14
Source Reduction/Poll. Prev.	35	<b>TOTAL</b>	<b>857*</b>
Grants & Financing	5	* Includes 354 UST document requests.	
Procurement (General)	37		
Building Insulation	4		
Cement & Products with Fly Ash	4		

<sup>1</sup>Hot topics for this month.

<sup>2</sup>Includes 100 message retrievals for information on the Regional Roundtables on the Draft Waste Minimization and Combustion Strategy.

<sup>3</sup>Includes 47 document retrievals for the "Municipal Solid Waste Factbook."

<sup>4</sup>Includes 24 document retrievals for the "Catalog of Hazardous and Solid Waste Publications."

<sup>5</sup>Includes 34 document retrievals for "An Overview of UST Remediation Options."

■ Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.

**EMERGENCY PLANNING AND  
COMMUNITY RIGHT-TO-KNOW****General:**

General Title III Questions	497
Trade Secrets	10
Enforcement	46
Liability/Citizen Suits	3
Training	62
Chemical-Specific Information	81

**Emergency Planning (§§301-303):**

General	138
Notification Requirements	56
SERC/LEPC Issues	53
EHSs/TPQs	74
Risk Communication/ Hazards Analysis	55
Exemptions	5

**Emergency Release Notification (§304):**

General	81
Notification Requirements	90
Reportable Quantities	133
CERCLA §103 vs. SARA §304	72
ARIP/AHEDB/ERNS	5
Exemptions	30

**Hazardous Chemical Reporting  
(§§311-312):**

General	109
MSDS Reporting Requirements	111
Tier I/II Requirements	249
Thresholds	86
Hazard Categories	13
Mixtures Reporting	39
Exemptions	58

**Toxic Chemical Release Inventory (§313):**

General	602 <sup>2</sup>
Reporting Requirements	494
Thresholds	255
Form R Completion	624
Supplier Notification	27
NOTES/NONs	2
Voluntary Revisions	32
Pollution Prevention, 33/50	42
Public Access to Data	150
TRI Database	71
Petitions	46
TRI Expansion	261
Exemptions	132

**Special Topics:**

CAA §112	
General	91
RMPs	126
List of Regulated Substances	310 <sup>3</sup>
HF Study	1
Federal Facilities Executive Order	87

**TOTAL 5,509**

\*Includes 1,070 Emergency Planning and Community  
Right-to-Know document requests

**SUPERFUND**

General/Misc.	225
Access & Information Gathering	16
Administrative Record	6
ARARs	93
CERCLIS	145
Citizen Suits	6
Claims Against Fund	11
Clean-Up Costs	28
Clean-Up Standards	83
Community Relations	39
Contract Lab Program (CLP)	26
Contractor Indemnification	15
Contracts	20
Definitions	18
Enforcement	61
Federal Facilities	23
Hazardous Substances	133
HRS	23
Liability	79
Local Gov't Reimbursement	7
Natural Resource Damages	9
NCP	45
Notification	103
NPL	263 <sup>1</sup>
Off Site Policy	22
OSHA	20
PA/SI	35
PRPs	35
RD/RA	19
Reauthorization	40
Remedial	104
Removal	43
RI/FS	42
Risk Assess./Health Effects	96
ROD	48
RQ	277 <sup>1</sup>

<sup>1</sup> Hot topics for this month.

<sup>2</sup>Includes 228 message retrievals for information on the 1993 TRI Form R reporting package.

<sup>3</sup>Includes 151 message retrievals and 22 document retrievals for information on the Clean Air Act §112(r) Final List Rule.

■ Topics are calculated as the summation of all questions received by the Hotline. A single call may result in multiple questions.