EPA530-R-94-005e
PB94-922 405

MONTHLY HOTLINE REPORT

May 1994

RCRA/UST, Superfund, and EPCRA

Hotline Questions and Answers

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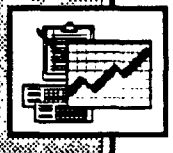

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3 DAYS ONLY

RCRA/UST, Superfund, and EPCRA
National Toll-Free Nos.: 800-424-9346 or 800-535-0202
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This report is prepared and submitted in support of Contract No. 68-W0-0039.

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Washington, DC 20460

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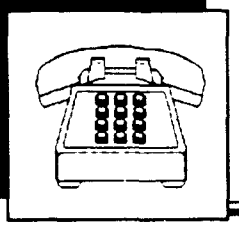


HOTLINE QUESTIONS AND ANSWERS

RCRA

1. Energy Recovery On-Site Constitutes Reuse for the Generator Processing Exemption

A facility generates off-specification used oil that the used oil generator wants to burn on-site for energy recovery. The used oil generator filters the off-specification used oil in order to remove impurities. After filtering the used oil, the generator burns it in an on-site industrial furnace. Does the filtering activity meet the definition of processing in §279.1 and, therefore, subject the generator to the used oil processor standards in 40 CFR Part 279, Subpart F?

While filtering can meet the definition of processing, used oil generators may filter, clean, or otherwise recondition their own used oil on-site for reuse on-site without meeting the processor requirements (59 FR 10560; March 4, 1994; §279.20(b)(2)(ii)(A)). The Agency believes that on-site energy recovery constitutes reuse for purposes of this provision. If, on the other hand, the generator filters the used oil for subsequent burning off-site, the generator would be subject to the processor requirements in Part 279, Subpart F.

Under the generator processing exemptions in §279.20(b), EPA allows on-site but not off-site burning of used oil generated from on-site activities. This approach best enables the Agency to encourage beneficial on-site reuse and recycling activities that pose limited risks. At the same time, the Agency ensures that activities undertaken primarily to make used oil amenable for shipment to an off-site burner are regulated under the more stringent processor standards (59 FR 10556; March 4, 1994).

CERCLA

2. Reportable Quantity Adjustments Under CERCLA and the CWA

In CERCLA §102, Congress established reporting requirements for hazardous substances released to the environment, and directed EPA to assign and adjust their applicable reportable quantities. CERCLA's definition of hazardous substance includes any substances designated pursuant to §311(b)(2)(A) of the CWA. A substance designated pursuant to the CWA is assigned a reportable quantity (RQ) based on aquatic toxicity criteria. This substance is automatically included as a CERCLA hazardous substance, with the CWA RQ serving as the CERCLA statutory RQ. To determine the final RQ, EPA evaluates the possibility of harm from a release of the hazardous substance, and may adjust the CERCLA RQ based on scientific and technical criteria including ignitability, reactivity, chronic toxicity, and potential carcinogenicity. The adjustment of a CERCLA RQ could potentially cause a conflict between the CERCLA and CWA reporting thresholds. How is this conflict resolved?

When an RQ is adjusted under CERCLA the applicable RQ under the CWA is also

adjusted so that the RQs under both programs are always consistent. In the April 4, 1985, final rule, EPA added specific regulatory language to the CWA regulations at 40 CFR §117.3 and the CERCLA regulations at 40 CFR §302.4 to ensure that RQs adjusted under CERCLA would be similarly adjusted for the CWA requirements (50 FR 13456, 13473). A release is reportable under CERCLA if an RQ of a hazardous substance is released to the environment within a twenty-four hour period. Reporting under the CWA is required when an RQ of a substance is released to navigable waters within a twenty-four hour period. Because "releases to navigable waters" is a subset of "releases to the environment" (CERCLA §101(8)), different RQs would render notification requirements more confusing for the regulated community.

EPA employs an RQ adjustment procedure to ensure that RQs are always consistent. An example of this procedure can be found in the rule that adjusted the reportable quantities (RQs) for lead metal, lead compounds, lead-containing hazardous wastes, and methyl isocyanate (58 FR 35314; June 30, 1993). Lead acetate, designated under CWA §311, received a CWA RQ of 5000 pounds. The 5000 pound RQ acted as the statutory CERCLA RQ until the June 30, 1993, rule adjusted it to 10 pounds (58 FR 35314). The 10 pound RQ is the final RQ for purpose of both CERCLA and CWA reporting. In the same rule, EPA adjusted the final CERCLA RQ for lead chloride. This substance had been evaluated using CERCLA criteria and received a final RQ of 100 pounds (51 FR 34535, 34542; September 29, 1986). New data on the chronic toxicity of lead, however, prompted EPA to readjust the RQ to 10 pounds. The same methodology for making RQs consistent between CERCLA and the CWA applies to this situation, so that the 10 pound RQ replaces the 100 pound RQ under both programs. When a hazardous substance is released to navigable waters, one report to the NRC will satisfy the reporting requirements of CERCLA and the CWA.

EPCRA

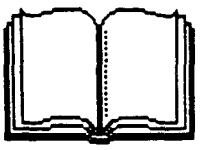
3. Isomer Reporting Under EPCRA §313

Xylene is a chemical that can exist as three different isomers: ortho-, meta-, and para-xylene. A facility processes two of the three isomers in separate streams, along with an additional stream containing a mixture of xylene isomers of unknown concentrations. For the purposes of reporting under EPCRA §313, how would the facility determine if an activity threshold has been exceeded? How would the facility report the xylene on the Form R?

The toxic chemical list at 40 CFR §372.65, contains four xylene listings (mixed isomers, ortho-, meta-, and para-xylene) which appear with their own CAS number. The CAS number specified for xylene (mixed isomers), 1330-20-7, apply to any combination of xylene isomers. The facility must make separate threshold determinations for each individual chemical list of §372.65. If the thresholds are not exceeded for any of the individual xylene listings of §372.65, then the facility would not have to report on any releases of xylene at the facility. For example, if the facility processes, in separate streams, 10,000 pounds of ortho-xylene (CAS number 95-47-6), 10,000 pounds of para-xylene (CAS number 106-42-3), and 10,000 pounds of xylene where the isomers are mixed in unknown concentrations (CAS number 1330-20-7), a threshold is not exceeded for any of the xylene listings. Therefore, no reports for xylene would be required. The quantities of the individual xylene listings processed by the

facility should not be aggregated for the purposes of making threshold determinations.

If the thresholds are exceeded for two or more of the individual isomer xylene listings, the facility has two choices when filling out the Form R. According to the Toxic Chemical Release Inventory Questions and Answers, the facility may file separate Form Rs for each isomer or unique isomer mixture listed in §372.65, or the facility may file one combined report. For example, the facility processes, in separate streams, 30,000 pounds of ortho-xylene (CAS number 95-47-6), 30,000 pounds of para-xylene (CAS number 106-42-3), and 30,000 pounds of xylene where the isomers are mixed in unknown concentrations. Because the activity threshold for each of the three xylene listings is exceeded independently, the facility can report releases from each of three listings separately on three different Form Rs (one for ortho-xylene, one for para-xylene, and one for the mixed isomers) or the facility can report all xylene releases on one Form R as xylene (mixed isomers).



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: "Catalogue of Hazardous and Solid Waste Publications: Seventh Edition"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-B-93-002

The catalogue provides document numbers, titles, dates, summaries, and ordering information for publications pertaining to RCRA. The information in the catalogue is current through December 1993 and only the documents that are frequently requested are included. The catalogue includes a new section, Electronic Media.

TITLE: "Native American Network"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-N-94-002

This quarterly newsletter focuses on RCRA issues relevant to Native Americans. The spring/summer 1994 issue contains information about the EPA/VISTA Alaska Project which is a two-year pilot project addressing solid waste management issues in Alaska. The newsletter also discusses proper disposal methods for household hazardous waste, summarizes three municipal solid waste videos, and introduces the 1994 International Hazardous Materials Spills Conference to be held in Buffalo, New York.

TITLE: "Environmental Fact Sheet: EPA Proposes Comprehensive Procurement Guideline"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-F-94-015

This fact sheet discusses a new proposed rule concerning federal procurement of products containing recovered materials. Under the provisions of §6002 of RCRA, government agencies are encouraged to purchase items with recycled content, which is intended to stimulate markets for recycled products. EPA is required to designate items that can be made with recovered materials and to recommend practices for procuring these items. This fact sheet outlines EPA's proposal to designate 21 new items which should be purchased with the highest attainable percentage of recycled content, and briefly identifies the four components of an affirmative procurement program.

TITLE: "Municipal Solid Waste Landfill Permit Programs: A Primer for Tribes"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-K-94-001

This booklet provides an overview of the MSWLF permit program in order to help tribes decide whether it would be appropriate to develop and operate such a program. More specifically, it describes the advantages, discusses options for development, summarizes EPA's requirements, and outlines the process for applying for permit program approval.

TITLE: "Draft Hazardous Waste Minimization and Combustion Strategy"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-D-94-002

This document provides an overview of EPA's Draft Waste Minimization and Combustion Strategy, and discusses how to implement source reduction and the waste combustion permitting procedures. It outlines the goals and objectives of the project, provides a series of short and long-term actions to achieve these goals, and provides an overview of the implementation of the draft strategy since May 1993.

TITLE: "Environmental Fact Sheet: More Public Participation in RCRA Permitting Process Proposed"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-F-94-014

This fact sheet announces EPA's issuance of a proposed rule pertaining to public participation in RCRA and revisions to the permitting process for combustion facilities. As part of the implementation of the Draft Waste Minimization and Combustion Strategy, EPA is proposing to expand public participation opportunities and to require interim status combustion facilities to adhere to stricter standards.

TITLE: "Executive Summary: Combustion Emissions Technical Resources Document (CETRED)"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-S-94-014

In the Draft Combustion Emissions Technical Resource Document (CETRED), EPA's technical analysis of emissions from certain types of devices that burn hazardous waste is summarized.

TITLE: "Combustion Emissions Technical Resource Document (CETRED)"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-R-94-014

CETRED contains EPA's initial technical analysis of emissions from certain types of devices that burn hazardous waste. This effort is the preliminary step in the development of upgraded standards governing emissions from hazardous waste combustors. The document contains a detailed review of thermal processes and equipment used to combust hazardous waste, characterization of emission levels, and the techniques used to control emissions. CETRED can be regarded as a preliminary technical analysis of certain hazardous waste combustors and their emissions, and is intended to be used as guidance in the approaches used to establish technology based standards and the emission levels representative of best operation practices.

TITLE: "Draft RCRA Hazardous Waste Minimization National Plan"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-D-94-001

This draft document outlines EPA's plan for reducing the amount and toxicity of hazardous

waste generated nationally. It sets forth the goals and objectives of this project, and provides a discussion of specific mechanisms EPA is considering in achieving the goal of pollution prevention. It also outlines the general method for developing a RCRA waste minimization strategy.

TITLE: "Summary of Draft RCRA Hazardous Waste Minimization National Plan"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA530-S-94-002

This document provides an outline of specific components of the Draft RCRA Hazardous Waste Minimization National Plan and discusses how to implement EPA's goal of waste minimization.

UST

TITLE: "Doing It Right II: Installing Required UST Equipment- Video"
AVAILABILITY: Environmental Media Center (800) 552-0362

This video is a companion to Doing It Right: Proper Installation of Underground Storage Tanks and Piping. The original video was produced before EPA published federal rules requiring equipment to prevent pollution, detect leaks, and protect groundwater. This new video focuses on the installation of overfill prevention equipment, spill containment devices, observation wells, and piping leak detection systems.

CERCLA

TITLE: "Conducting Non-Time-Critical Removal Actions Under CERCLA"
AVAILABILITY: NTIS
NTIS ORDER NO.: PB93-963 422

Non-time-critical removal actions are conducted at Superfund sites when the lead agency determines that a removal action is appropriate, and a planning period of at least six months is available before on-site activities must begin. This factsheet summarizes a document entitled Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA, (OSWER Directive 9360.0-32), which describes the essential components of the non-time-critical removal action process with particular emphasis on the Engineering Evaluation/Cost Analysis (EE/CA). The guidance is to be used in conjunction with EPA's Emergency Response Division (ERD) Superfund Removal Procedures (SRP) manual.

TITLE: "Superfund Technical Assistance Grant (TAG) Handbook: The Application Forms with Instructions"
AVAILABILITY: NTIS
NTIS ORDER NO.: PB93-963 353

This application package includes a blank Technical Assistance Grant (TAG) application form along with detailed instructions on the form's completion. The purpose of the TAG program is to provide funds to citizen's groups affected by a Superfund site so that they may hire independent technical advisors to help interpret and comment on site-related information. The package focuses on the successful completion of the form and other pertinent documents necessary to obtain a TAG.

TITLE: "U.S. EPA Contract Laboratory Program National Functional Guidelines for Inorganic Data Review"
AVAILABILITY: NTIS
NTIS ORDER NO.: PB94-963 502

This document is designed to provide guidance on the Contract Lab Program's (CLP) inorganic analytical data evaluation and review procedures. The data review process provides information on analytical limitations of data based on specific quality control (QC) criteria. This document is intended to assist in the technical review of data only, not in the determination of contract compliance.

TITLE: "Progress Toward Implementing Superfund Fiscal Year 1991: Report to Congress"
AVAILABILITY: NTIS
NTIS ORDER NO.: PB94-963 234

As required under CERCLA §301(h), the Agency published its annual report on response activities and accomplishments. Included in the report is a comparison between remedial and enforcement activities undertaken in FY91 with those activities occurring in previous fiscal years. In addition to providing an overall perspective on the program's progress in the past fiscal year, the report contains an abstract of each Record of Decision (ROD) that was signed in FY91; a report on the status of remedial actions, including enforcement activities; and an evaluation of newly developed feasible and achievable treatment technologies.

TITLE: "Emergency Responders Agreements for Fund-Lead Remedial Actions"
AVAILABILITY: NTIS
NTIS ORDER NO.: PB93-963 418

Local responders are often called upon to provide emergency support during remedial actions by Superfund program contractors. In order to ensure proper compliance with Hazardous Waste Operations and Emergency Response (HAZWOPER) standards, EPA may enter into an agreement with local responders for Emergency Response Services. This factsheet further discusses the importance of an Emergency Responders Agreement and provides a sample agreement form.

EPCRA

TITLE: "Toxic Chemical Release Inventory Reporting Form R and Instructions: Revised 1993 Version"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA745-K-94-001

Manufacturing facilities that met employee and activity thresholds in 1993 must file the Toxic Release Inventory Reporting Form R by July 1, 1994. The reporting package contains an instruction book, computer diskettes for magnetic media submissions, and the Form R.

TITLE: "Toxics Release Inventory: List of Toxic Chemicals"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA745-B-94-001

On December 1, 1993, EPA added 32 new chemicals and 2 chemical categories to the Toxic Chemical List. This document lists all of the toxic chemicals alphabetically and by CAS number.

TITLE: "Issues and Concerns for the Definitions and Guidance for the Requirements of §6607 of the Pollution Prevention Act; Summary of Discussion of the Toxics Data Reporting Subcommittee of the National Advisory Council for Environmental Policy and Technology"
AVAILABILITY: Hotline
EPA ORDER NO.: NA

Section 6607 of the Pollution Prevention Act of 1990 (PPA) mandated additional data elements be added to the Form R. The Toxics Data Reporting (TDR) Subcommittee of NACEPT addressed EPA's implementation of these data elements. This paper provides a summary of the TDR Subcommittee's issues and concerns raised during their meetings on this topic.

TITLE: "The Emergency Planning and Community Right-to-Know Act: Section 313 Release Reporting Requirements"
AVAILABILITY: Hotline
EPA ORDER NO.: EPA700-K-94-001

Manufacturing facilities that meet employee and activity thresholds must file annually the Toxic Release Inventory Reporting Form R. This brochure describes in detail which facilities and chemicals are covered by the EPCRA §313 reporting requirements. The pamphlet contains the list of toxic chemicals, EPA regional contacts, and the list of covered Standard Industrial Classification codes.

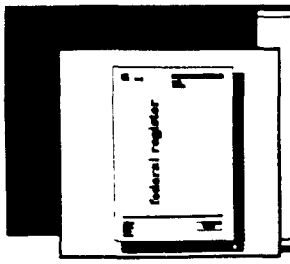
OTHER

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
May 1994	PB94-922 405 530-R-94-005e

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

"Nevada; Final Authorization of Revisions to State Hazardous Waste Management Program"
May 27, 1994 (59 FR 27472)

EPA intends to approve Nevada'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 July 26, 1994.

CERCLA

"National Priorities List (NPL) for Uncontrolled Hazardous Waste Sites"
May 31, 1994 (59 FR 27989)

EPA announced the addition of 42 new sites to the NPL, 18 to the General Superfund Section and 24 to the Federal Facilities Section. This rule is effective June 30, 1994.

PROPOSED RULES

RCRA

"Identification and Listing of Hazardous Waste; Organobromine Production Waste"
May 11, 1994 (59 FR 24530)

EPA proposed to amend RCRA regulations by listing as hazardous waste solids and filter cartridges from the production of 2,4,6-tribromophenol. The Agency also proposed to add 2,4,6-tribromophenol to the list of commercial chemical products that are hazardous wastes when discarded. Comments must be submitted on or before July 11, 1994.

CERCLA/DOI

"Natural Resource Damage Assessments"
May 4, 1994 (59 FR 23098)

DOI proposed revisions of the CERCLA regulations for assessing natural resource damages resulting from a discharge of a hazardous substance as well as the Clean Water Act regulations for assessing natural resource damages resulting from a discharge of oil. Comments must be received on or before July 7, 1994.

NOTICES

RCRA

"Land Disposal Restrictions Exemption: Hoechst Celanese Engineering Resins, Inc."
May 2, 1994 (59 FR 22614)

EPA granted a reissuance of an exemption to the RCRA land disposal restrictions to Hoechst Celanese Engineering Resins, Inc. (HCER), of Bishop, Texas, for the operation of Class I injection wells. HCER has demonstrated that there will be no migration of hazardous constituents from the injection zone of the wells. This action is effective April 22, 1994.

NOTICES

"Land Disposal Restrictions Exemption; ARCO Chemicals"
May 2, 1994 (59 FR 22614)

EPA granted a reissuance of an exemption to the RCRA land disposal restrictions to ARCO Chemicals, of Channelview, Texas, for the operation of Class I injection wells. ARCO Chemicals has demonstrated that there will be no migration of hazardous constituents from the injection zone of the wells. This action is effective April 22, 1994.

"Massachusetts; Adequacy Determination of State/Tribal Municipal Solid Waste Landfill Permit Program"
May 5, 1994 (59 FR 23202)

Pursuant to RCRA §4005(c)(1)(C), EPA gave notice of a tentative determination, public hearing, and public comment period concerning the adequacy of Massachusetts' municipal solid waste landfill permit program. The public hearing is scheduled for June 20, 1994. Comments must be received on or before June 4, 1994.

"Consent Decree; Hawaiian Western Steel, Inc."
May 5, 1994 (59 FR 23232)

A Consent Decree in United States v. Hawaiian Western Steel, Inc. was lodged with the U.S. District Court for the District of Hawaii on April 22, 1994. The decree requires the defendants to pay $700,000 for RCRA violations, and to undergo specified corrective action. Comments will be received for a period of 30 days from the date of publication.

"Groundwater Monitoring at Municipal Solid Waste Landfills (MSWLFs); Public Meetings"
May 9, 1994 (59 FR 23857)

EPA announced a series of four public, one-day meetings on alternatives for groundwater monitoring at small, dry/remote MSWLFs. The first meeting is scheduled for June 8, 1994, in Salt Lake City, Utah.

"Campo Band of Mission Indians; Adequacy Determination of State/Tribal Municipal Solid Waste Permit Program"
May 11, 1994 (59 FR 24422)

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 Campo Band of Mission Indians' municipal solid waste landfill permit program. The public hearing is scheduled for June 30, 1994. Comments must be received on or before July 14, 1994.

"Waste Analysis Plans (WAP) Guidance Manual; Notice of Availability"
May 16, 1994 (59 FR 25455)

EPA announced a revision of the October 1984 Waste Analysis Plan Guidance Manual. The manual is designed to assist the regulated community, permit writers, and enforcement officials by establishing criteria to properly evaluate and prepare RCRA waste analysis plans.

NOTICES

"Land Disposal Restrictions (LDR); Clarification of the Dilution Prohibition and Combustion of Inorganic Metal-Bearing Hazardous Wastes"
May 27, 1994 (59 FR 27546)

EPA announced the availability of a memorandum setting out EPA's policy on the application of the LDR dilution prohibition to the combustion of inorganic metal-bearing hazardous wastes. Copies of the memorandum may be obtained by calling or visiting the RCRA Docket at EPA Headquarters.

"Land Disposal Restrictions Exemption; Sterling Chemicals"
May 31, 1994 (59 FR 28077)

EPA granted a reissuance of an exemption to the RCRA land disposal restrictions to Sterling Chemicals, of Texas City, Texas, for the operation of Class I injection wells. Sterling Chemicals has demonstrated that there will be no migration of hazardous constituents from the injection zone of the wells. This action is effective May 13, 1994.

RCRA/CERCLA/OSHA

"Lead Subcommittee; Public Meeting"
May 2, 1994 (59 FR 22615)

EPA gave notice of a meeting of the Lead Subcommittee of the National Advisory Council for Environmental Policy and Technology to be held on May 11, 1994. The subcommittee will discuss final draft working papers on selected topics, which will be used as background for the subcommittee's report.

CERCLA

"National Priorities List; Bioclinical Laboratories Site"
May 9, 1994 (59 FR 23819)

EPA intends to delete the Bioclinical Laboratories Site in Bohemia, New York, from the National Priorities List. This action is being taken because Superfund Remedial Activities have been completed and no further action is appropriate. Comments must be submitted on or before May 9, 1994.

"Consent Decree; New Castle Abandoned Container Site"
May 9, 1994 (59 FR 23898)

A Consent Decree in United States v. Nashua Corporation, et al., was lodged with the U.S. District Court for the District of Delaware on April 13, 1994. The decree requires the defendant to reimburse EPA $300,000 for costs incurred in connection with the New Castle Abandoned Container Site in New Castle, Delaware. Comments will be received for a period of 30 days from the date of publication.

"Consent Decree; Firestone Tire and Rubber Co. Site"
May 16, 1994 (59 FR 25504)

A Consent Decree in United States v. Bridgestone/ Firestone, Inc., et al., was lodged with the U.S. District Court for the middle district of Georgia on April 25, 1994. The decree requires the defendants to reimburse EPA $348,333 for costs incurred in response to the Firestone Tire and Rubber Co. Site in Albany, Georgia. Comments will be received for a period of 30 days from the date of publication.

NOTICES

"Proposed Settlement; D. L. Mud, Inc. Site" May 17, 1994 (59 FR 25643)

EPA proposed to enter into a settlement under CERCLA §122(h). The settlement requires the defendants to pay EPA for costs incurred in connection with the D. L. Mud, Inc. Site in Vermilion Parish, Louisiana. Comments will be received for a period of 30 days from the date of publication.

"Consent Decree; Donald Distler" May 18, 1994 (59 FR 25960)

A Consent Decree in United States v. Donald Distler was lodged with the U.S. District Court for the Western District of Kentucky on April 26, 1994. The decree requires the defendants to reimburse EPA for costs incurred in connection with several sites in Hardin and Jefferson Counties in Kentucky. Comments will be received for a period of 30 days from the date of publication.

"Modification of Consent Decree; Mill Creek Site" May 18, 1994 (59 FR 26321)

A Modification of Partial Consent Decree in United States v. Atlantic Richfield Company was lodged with the U.S. District Court for the District of Montana on May 3, 1994. The modification would allow ARCO to convey certain property to the Anaconda-Deer Lodge County prior to completion of remediation of the Mill Creek Operable Unit. Comments will be received for a period of 30 days from the date of publication.

"Modification of Consent Decree; Ottati and Goss/Great Lakes Construction Corporation Site" May 19, 1994 (59 FR 26322)

A Modification of Partial Consent Decree in United States v. Ottati and Goss, et al., was lodged with the U.S. District Court for the District of New Hampshire on May 10, 1994. The modification requires the Mobil Oil Corporation to reimburse EPA $10,000 for costs incurred with the Ottati and Goss/Great Lakes Construction Site in Kingston, New Hampshire. Comments will be received for a period of 30 days from the date of publication.

"Consent Decree; Wyckoff/Eagle Harbor Site" May 25, 1994 (59 FR 27032)

A Consent Decree in United States v. Pacific Sound Resources, et al., was lodged with U.S. District Court for the Western District of Washington on May 5, 1994. The decree requires the defendants to reimburse EPA for costs incurred in connection with the Wyckoff/Eagle Harbor Site in Seattle, Washington. Comments will be received for a period of 30 days from the date of publication.

"Proposed Settlement; Forge Road Industrial Park Site" May 26, 1994 (59 FR 27273)

EPA proposed to enter into an administrative settlement under CERCLA §122(i). The settlement requires the defendant to reimburse EPA $32,000 for costs incurred in connection with the Forge Road Industrial Park Site in Canon City, Colorado. Comments must be submitted on or before June 27, 1994.

NOTICES

"Consent Decree; Bunker Hill Site" May 27, 1994 (59 FR 27579)

A Consent Decree in United States v. ASARCO, Inc., et al., was lodged with the U.S. District Court for the District of Idaho on May 10, 1994. The decree requires the defendants to reimburse EPA for costs incurred in connection with the Bunker Hill Site in Shoshone County, Idaho. Comments will be received for a period of 30 days from the date of publication.

"Consent Decree; NIES Site" May 27, 1994 (59 FR 27580)

A Consent Decree in United States v. Chemical Waste Management of Kansas, Inc., was lodged with the U.S. District Court for the District of Kansas on April 18, 1994. The decree requires the defendant to reimburse EPA for costs incurred in connection with the NIES Site in Sedgwick County, Kansas. Comments will be received for a period of 30 days from the date of publication.

"Consent Decree; Wedzeb Site" May 27, 1994 (59 FR 27580)

A Consent Decree in United States v. Wedzeb Enterprises, Inc., et al., was lodged with the U.S. District Court for the Southern District of Indiana on May 12, 1994. The decree requires the defendants to reimburse EPA $2.1 million for costs incurred in connection with the Wedzeb Site in Lebanon, Indiana. Comments will be received for a period of 30 days from the date of publication.

"Proposed Agreement and Covenant Not to Sue; Anaconda Smelter Site" May 31, 1994 (59 FR 28077)

EPA proposed to enter into an Agreement and Covenant Not to Sue under CERCLA §§106 and 107. The settlement requires the purchasers to implement the Anaconda-Deer Lodge Development system and perform operations and maintenance as the contractor of the responsible party. Comments will be received for a period of 30 days from the date of publication.

"Proposed Settlement; Garner Road Dump Site" May 31, 1994 (59 FR 28078)

EPA proposed to enter into a settlement under CERCLA §122(h). The settlement requires the settling parties to reimburse EPA for costs incurred in connection with the Garner Road Dump Site in Cordova, Alabama. Comments will be received for a period of 30 days from the date of publication.

CERCLA/CAA

"Consent Decree; Olin Corporation" May 5, 1994 (59 FR 23233)

A Consent Decree in United States v. Olin Corporation was lodged with the U.S. District Court for the Eastern District of Tennessee on April 21, 1994. The decree requires the defendant to pay a civil penalty of $1,000,000 for CAA and CERCLA violations. Comments will be received for a period of 30 days from the date of publication.

CERCLA/IRS

"Tax on Certain Imported Substances; Notice of Determination" May 27, 1994 (59 FR 27652)

The Internal Revenue Service announced that the list of taxable substances at §4672(a)(3) of the Internal Revenue Code will be modified to include benzoic di-n-hexyl adipate, ortho-dichlorobenzene, and para-dichlorobenzene. This modification is retroactive, effective October 1, 1990.

NOTICES

"Tax on Certain Imported Substances; Notice of Determination"
May 27, 1994 (59 FR 27653)

The Internal Revenue Service announced that the list of taxable substances at §4672(a)(3) will be modified to include epichlorohydrin and allyl chloride. This modification is retroactive, effective October 1, 1992.

"Tax on Certain Imported Substances; Notice of Determination"
May 27, 1994 (59 FR 27653)

The Internal Revenue Service announced that the list of taxable substances at §4672(a)(3) will be modified to include para-nitrophenol, ortho-nitrochlorobenzene, and para-nitrobenzene. This modification is retroactive, effective July 1, 1990.

"Tax on Certain Imported Substances; Filing of Petition"
May 27, 1994 (59 FR 27654)

The Internal Revenue Service announced the acceptance of a petition requesting that texanol benzyl 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 July 26, 1994.

OUST

"Massachusetts; Approved of State Underground Storage Tank (UST) Program"
May 17, 1994 (59 FR 25588)

EPA intends to approve Massachusetts' UST program in lieu of the federal UST program. A public hearing is scheduled for June 30, 1994. Comments must be submitted on or before June 30, 1994.

EPCRA

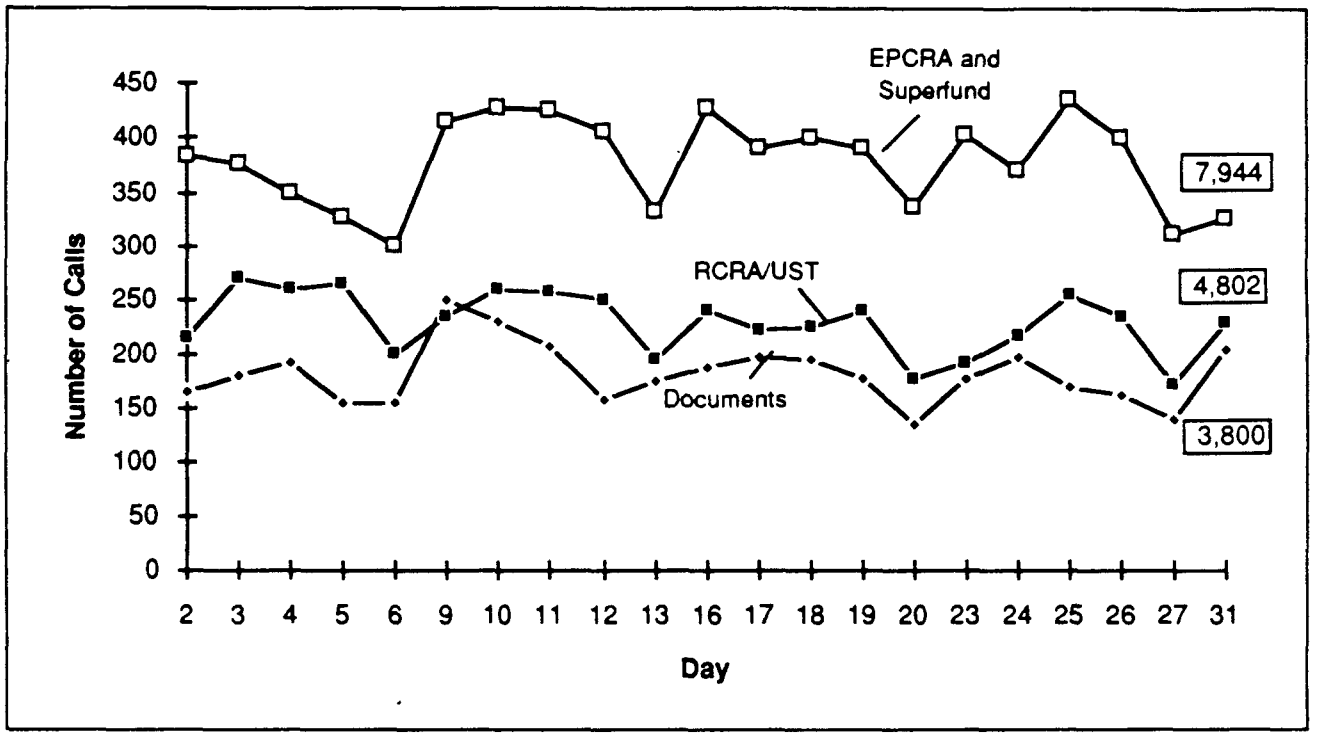
"Forum on State and Tribal Toxics Action (FOSTTA); Open Meeting"
May 27, 1994 (59 FR 27547)

FOSTTA will hold two public meetings on June 13 and 14, 1994, in Alexandria, Virginia. The meetings will address the Toxic Release Inventory Project, the State and Tribal Enhancement Project, the Chemical Management Project, and the Lead Project.

CALL ANALYSES

CALLS ANSWERED BY HOTLINE

May Daily Volume*



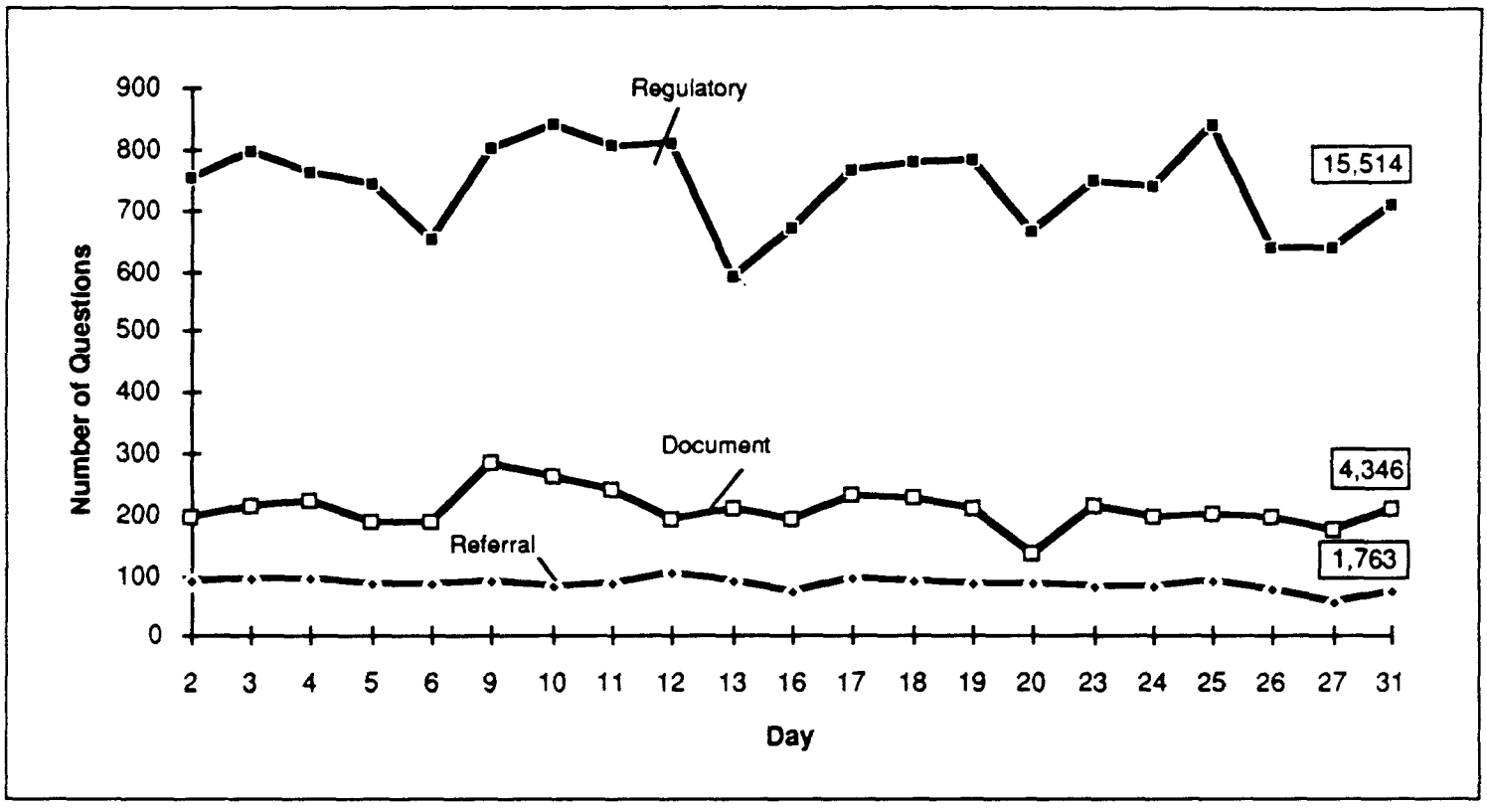
Year to Date*

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
May	4,802	26,308	May	7,944	32,514	May	3,800	19,229

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

QUESTIONS ANSWERED BY TYPE

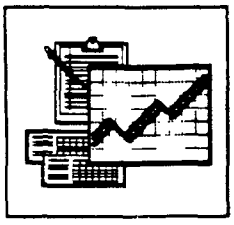
May Daily Volume*



Year to Date*

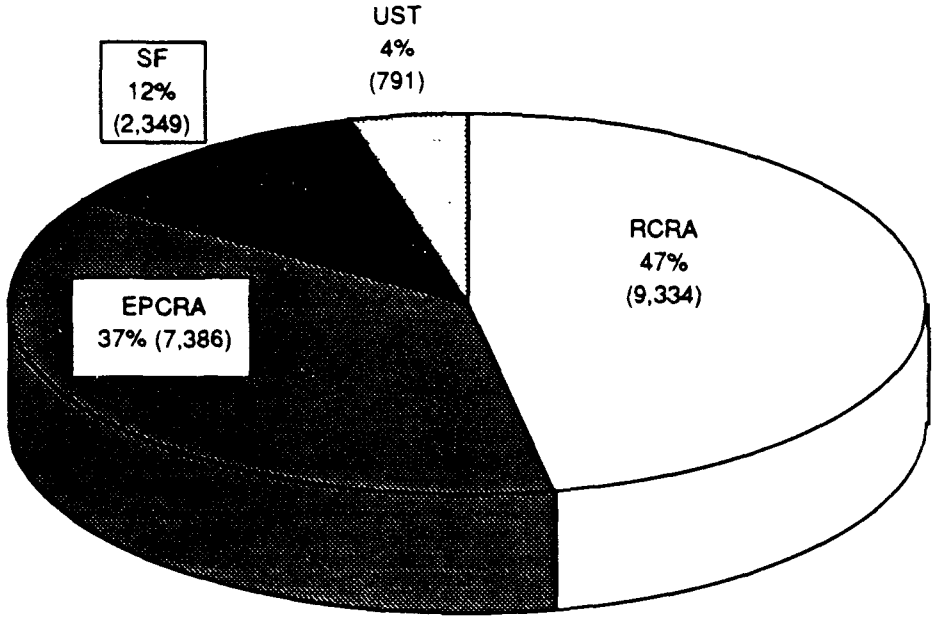
Regulatory			Document			Referral		
	Month	Cumulative		Month	Cumulative		Month	Cumulative
January	12,042	12,042	January	4,353	4,353	January	768	768
February	12,609	24,651	February	4,528	8,881	February	1,288	2,056
March	15,947	40,598	March	4,789	13,670	March	1,954	4,010
April	13,686	54,284	April	3,931	17,601	April	1,482	5,492
May	15,514	69,798	May	4,346	21,947	May	1,763	7,255

* 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

May 1994*



*Based on 19,860 questions and excludes 1,763 referrals made from both Hotlines. Includes the Message Retrieval Line and the Document Retrieval Line.

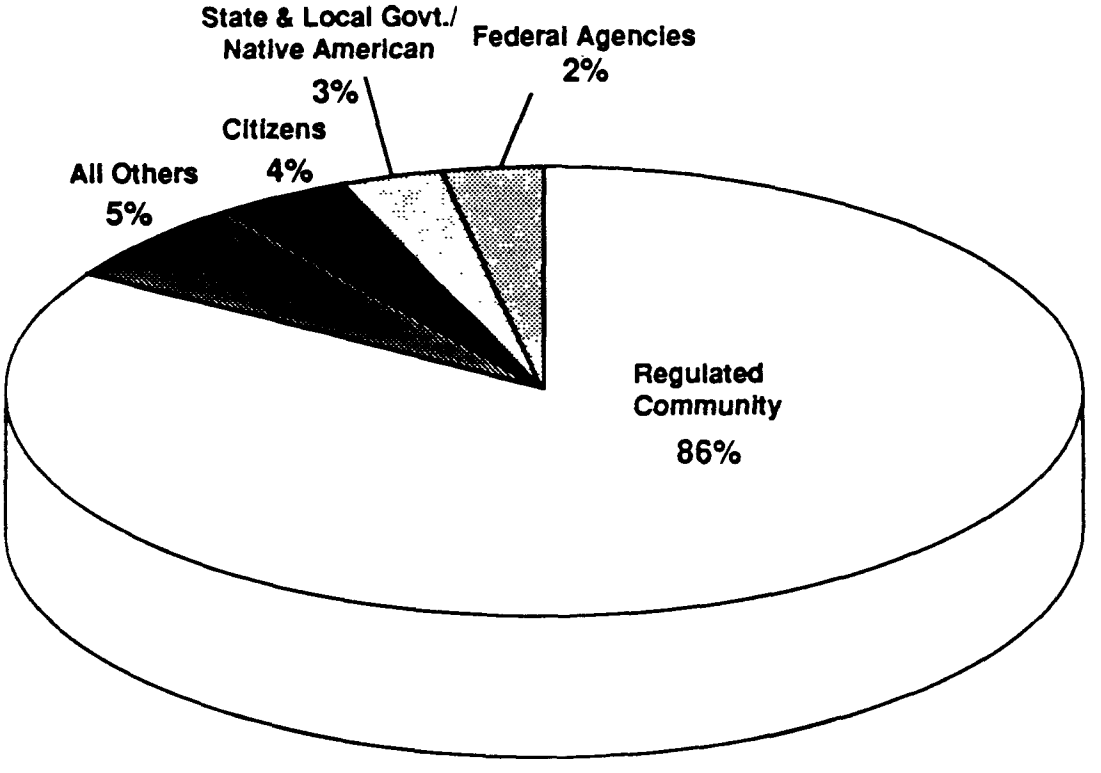
Year to Date*

	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)
May	47% (9,334)	52% (47,373)	4% (791)	4% (4,140)	37% (7,386)	30% (27,506)	12% (2,349)	14% (12,716)

CALLER PROFILE

RCRA/UST Hotline

Regulated Community	5,549
Citizens	235
State & Local Govt./Native American	205
Federal Agencies	118
Educational Institutions	112
EPA	90
Media	5
Interest Groups	9
Congress	1
International	15
Other	77
Referrals*	250
Document Retrieval Line*	85
Message Retrieval Line*	103
TOTAL	**6,854**

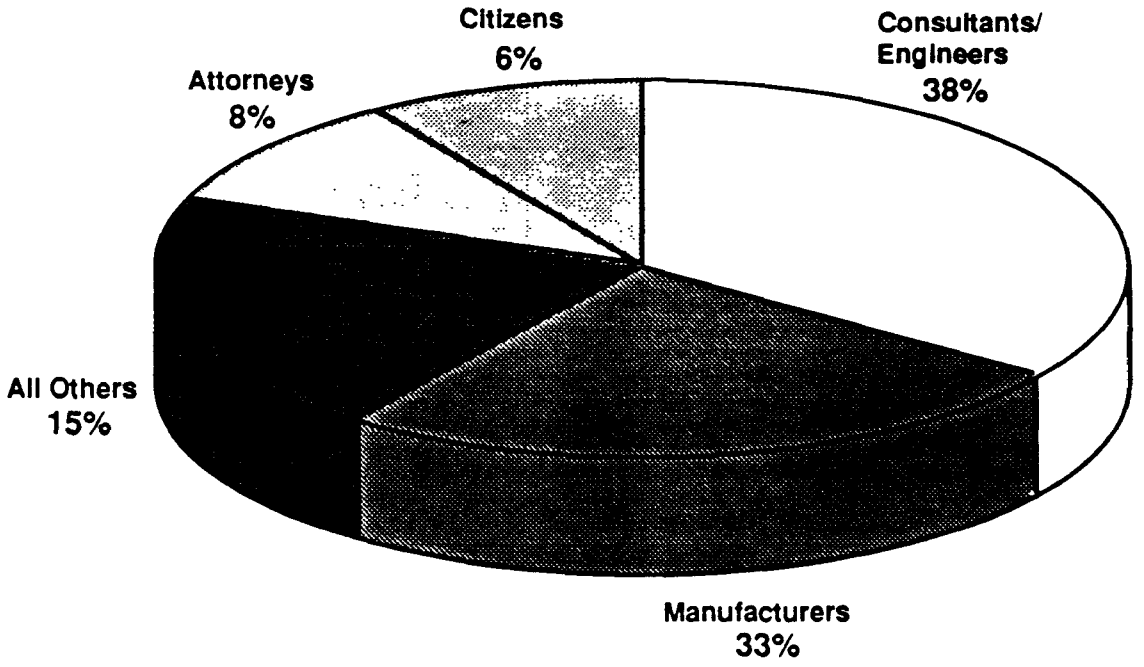


* No caller profile data available.

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

Manufacturers	
Food/Tobacco	132
Textiles	46
Apparel	20
Lumber & Wood	47
Furniture	43
Paper	80
Printing & Publishing	73
Chemicals	472
Petroleum & Coal	114
Rubber and Plastics	155
Leather	44
Stone, Clay & Glass	82
Primary Metals	165
Fabricated Metals	285
Machinery (Excluding Electrical)	76
Electrical&Electronic Equipment	127
Transportation Equipment	99
Instruments	42
Misc. Manufacturing	375
Subtotal	2,477

Consultants/Engineers	2,808
Attorneys	587
Citizens	435
Public Interest Groups	62
Educational Institutions	92
EPA	91
Federal Agencies	193
GOCOs	9
Congress	4
State Officials/SERCs	93
Local Officials/LEPCs	61
Fire Departments	11
Hospitals/Laboratories	52
Trade Associations	58
Union/Labor	3
Farmers	6
Distributors	40
Insurance Companies	14
Media/Press	33
Native Americans	7
International	10
Other	321
Referrals*	1,513
Document Retrieval Line*	44
Message Retrieval Line*	668
TOTAL	**9,692**



* No caller profile data available.

HOTLINE TOPICS

RCRA

Special Wastes	
Ash	20
Mining Wastes, Bevill	18
Medical Wastes	81
Oil and Gas	7
Subtitle C (General)	432
Hazardous Waste Id. (General)	**1,512**[1]
Toxicity Characteristic	146
Wood Preserving	19
Listing of Used Oil	67
Fluff	1
Radioactive Mixed Waste	18
Delisting Petitions	22
Hazardous Waste Recycling	**227**[1]
Generators	**707**[1]
Small Quantity Generators	190
Transportation/Transporters	116
TSDFs General	290
TSDFs Siting Facilities	9
TSDFs Capacity	11
TSDFs Treatment	95
TSDFs Burning	99
TSDFs Storage	72
TSDFs Disposal	67
Land Disposal Restrictions	**497**[1]
Permits and Permitting	115
Corrective Action	222
Financial Liability/Enforcement	121
Test Methods	118
Health Effects	19
Waste Min./Pollution Prevention	**209**[1,2]
State Programs	93
Hazardous Waste Data	35
Household Hazardous Waste	164
Subtitle D (General)	**631**[1,3]
Siting Facilities	14
Combustion	55
Industrial Waste	8
Composting	20
Source Reduction/Poll. Prev.	32
Grants & Financing	5
Procurement (General)	104
Building Insulation	4
Cement & Products with Fly Ash	3
Paper & Paper Products	5
Re-refined Lubricating Oil	2
Retread Tires	6
Solid Waste Recycling (General)	**367**[1]
Aluminum	9
Batteries	37
Glass	8
Paper	19
Plastics	39
Tires	20
Used Oil	171
Markets (General)	7
Aluminum	3
Batteries	4
Compost	15
Glass	3
Paper	3
Plastics	2
Tires	12
Used Oil	16
RCRA General	1,891[4]
TOTAL	**9,334***

* Includes 1,956 RCRA document requests.

UST

General/Misc.	**184**[1,5]
Applicability/Definitions	111
Regulated Substances	27
Standards for New Tank Systems	41
Tank Standards and Upgrading	26
Operating Requirements	33
Release Detection	80
Release Reporting & Investigation	18
Corrective Action for USTs	108[5]
Out-of-Service/Closure	52
Financial Responsibility	49
State Programs	31
Liability/Enforcement	19
LUST Trust Fund	12
TOTAL	**791***

* Includes 324 UST document requests.

[1] Hot topics for this month.

[2] Includes 35 message retrievals for information on the Regional Roundtables on the Draft Waste Minimization and Combustion Strategy.

[3] Includes 9 document retrievals for the "Municipal Solid Waste Factbook" and 68 message retrievals for information on the public meeting on alternatives for groundwater monitoring at small, dry, and remote municipal solid waste landfills.

[4] Includes 45 document retrievals for the "Catalog of Hazardous and Solid Waste Publications."

[5] Includes 31 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	538
Trade Secrets	4
Enforcement	30
Liability/Citizen Suits	3
Training	71
Chemical-Specific Information	78
Emergency Planning (§§301-303):	
General	122
Notification Requirements	56
SERC/LEPC Issues	30
EHSs/TPQs	41
Risk Communication/ Hazards Analysis	31
Exemptions	8
Emergency Release Notification (§304):	
General	119[2]
Notification Requirements	96
Reportable Quantities	104
CERCLA §103 vs. SARA §304	58
ARIP/AHEDB/ERNS	5
Exemptions	18
Hazardous Chemical Reporting (§§311-312):	
General	94
MSDS Reporting Requirements	66
Tier I/II Requirements	110
Thresholds	35
Hazard Categories	7
Mixtures Reporting	8
Exemptions	48
Toxic Chemical Release Inventory (§313):	
General	**1,196[1,3]**
Reporting Requirements	**623[1]**
Thresholds	**551[1]**
Form R Completion	**1,958[1]**
Supplier Notification	28
NOTEs/NONs	10
Voluntary Revisions	54
Pollution Prevention 33/50	72[4]
Public Access to Data	180
TRI Database	77
Petitions	50
TRI Expansion	88
Exemptions	**300[1]**
Special Topics:	
CAA §112	
General	85
RMPs	77
List of Regulated Substances	152[5]
Federal Facilities Executive Order	105
TOTAL	**7,386**

*Includes 1,556 Emergency Planning and Community Right-to-Know document requests

SUPERFUND

General/Misc.	227
Access & Information Gathering	31
Administrative Record	14
ARARs	75
CERCLIS	138
Citizen Suits	3
Claims Against Fund	17
Clean-Up Costs	28
Clean-Up Standards	64
Community Relations	40
Contract Lab Program (CLP)	20
Contractor Indemnification	5
Contracts	20
Definitions	25
Enforcement	42
Federal Facilities	22
Hazardous Substances	126
HRS	27
Liability	66
Local Gov't Reimbursement	4
Natural Resource Damages	8
NCP	36
Notification	86
NPL	**240[1]**
Off Site Policy	21
OSHA	6
PA/SI	29
PRPs	25
RD/RA	34
Reauthorization	34
Remedial	91
Removal	43
RI/FS	40
Risk Assess./Health Effects	73
ROD	43
RQ	**263[1]**

[1] Hot topics for this month.

[2] Includes 22 message retrievals and 23 document retrievals for information on the Hazardous Materials Spills Conference.

[3] Includes 522 message retrievals for information on the 1993 TRI Form R reporting package.

[4] Includes 22 message retrievals for information on the Promoting Pollution Prevention Voluntary Initiatives Conference.

[5] 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.

SACM	12
Settlements	39
SITE Program	36
State Participation	6
State Program	8
TAGs	13
Taxes	5
Special Topics	
Oil Pollution Act	72
SPCC Regulations	10
Radiation Site Cleanup	82[1]
TOTAL	**2,349***

*Includes 791 Superfund document requests.

TOTAL HOTLINE QUESTIONS, DOCUMENT REQUESTS AND REFERRALS: 21,623

[1] Includes 50 message retrievals for information on the public meeting of the Radiation Site Cleanup Regulation Subcommittee of NACEPT.

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