

# 3 DAYS ONLY

EPA530-R-97-005a ✓  
SUB-9224-97-001

## MONTHLY HOTLINE REPORT

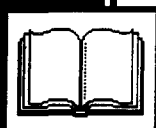
January 1997

### RCRA, Superfund, and EPCRA



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RCRA, Superfund, and EPCRA  
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This report is prepared and submitted in support of Contract No. 68-W6-0016.

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Washington, DC 20460

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# MONTHLY HOTLINE REPORT

## AVAILABILITY

### Electronic Availability

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The complete text of the 1993, 1994, and 1995 Monthly Hotline Reports may be accessed via EPA's Internet servers. Using Gopher, go to [gopher.epa.gov](http://gopher.epa.gov) and follow this pathway: EPA Offices & Regions --> Office of Solid Waste & Emergency Response --> OSW (RCRA) --> RCRA: General --> RCRA/UST, Superfund & EPCRA Hotline Reports.

Monthly Hotline Reports are also available through the World Wide Web (WWW). Go to the **Hotline Home Page** at <http://www.epa.gov/epaoswer/hotline/> and select "Monthly Hotline Reports."

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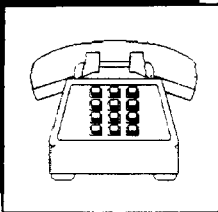
### National Technical Information Service (NTIS)

The Monthly Hotline Report can be ordered through NTIS at (703) 487-4650. The NTIS order numbers are as follows:

Yearly Subscription	EPA530-R-97-005 SUB-9224-97-000
January 1997	EPA530-R-97-005a SUB-9224-97-001

### RCRA Docket

EPA and state personnel can order the Monthly Hotline Report from the RCRA Docket at (703) 603-9230. The order number for the 1997 yearly subscription is EPA530-R-97-005.



## HOTLINE QUESTIONS AND ANSWERS

### RCRA

#### 1. Land Disposal Restriction Notification Requirements for Decharacterized Mixed Waste Sent to an Atomic Energy Act Landfill

*The land disposal restrictions (LDR) in 40 CFR Part 268 require that hazardous waste prohibited from land disposal meet treatment standards before it is placed in a landfill. A prohibited characteristic waste that has been treated to meet LDR standards (and to eliminate the characteristic) may exit Subtitle C hazardous waste regulation and be sent to a Subtitle D facility, provided the generator sends a one-time notification and certification to the EPA Region or authorized state (§268.9(d)). If a generator treats a prohibited characteristic mixed waste, i.e., a waste that is both hazardous and radioactive, and it is no longer hazardous, should the one-time notification and certification still be sent to the EPA Region or to the authorized state if the waste is being sent to an Atomic Energy Act (AEA) landfill?*

The ~~one-time~~ notification and certification should still be sent to the EPA Region or authorized state. The one-time notification and certification verifies that the waste has been treated to meet all applicable LDR standards and indicates the site of ultimate disposal since the waste is no longer subject to Subtitle C regulation. RCRA §4004 specifically prohibits the open dumping of solid waste. If the AEA landfill meets the Subtitle D criteria under 40 CFR Parts 257 or

258, which distinguish between sanitary landfills and open dumps, then the decharacterized mixed waste may be sent to that facility.

#### 2. Land Disposal Restrictions Storage Prohibition and Decharacterized Wastes

*A facility generates a prohibited characteristic hazardous waste with a 40 CFR §268.40 treatment standard requiring decharacterization and treatment to meet the §268.48 universal treatment standards (UTS) levels before it is eligible for land disposal. The generator ships the waste to a hazardous waste treatment, storage, and disposal facility (TSDF). The TSDF decharacterizes the waste, rendering it non-hazardous, but the waste must still meet UTS levels prior to land disposal. Is this decharacterized waste subject to the RCRA land disposal restrictions (LDR) storage prohibition now that it is no longer hazardous?*

The waste remains subject to the storage prohibition even though it is no longer hazardous. Under the LDR storage prohibition, restricted hazardous wastes are prohibited from being stored for purposes other than the accumulation of quantities of waste necessary to facilitate proper recovery, treatment, or disposal (§268.50). Wastes may be stored for this purpose for up to one year, unless the implementing agency can demonstrate that such storage was not solely for the purpose of accumulation (§268.50(b)). The wastes may continue to be stored beyond

the first year, but the owner/operator of the storing facility bears the burden of affirmatively proving that the waste is being stored solely for the purposes of accumulation (§268.50(c)).

Because the LDR program prohibitions apply at the point of generation, the storage prohibition applies until the waste is treated to fully meet its assigned treatment standard (58 FR 29872; May 24, 1993). As a result, even though the characteristic waste has been decharacterized, it remains subject to the storage prohibition until fully treated to meet UTS levels. Thus, a year after the waste was originally generated, the facility storing the waste will have the burden of proving that the waste is still being stored solely to facilitate accumulation of amounts necessary to facilitate proper treatment, recovery, or disposal.

## CERCLA

### 3. Lender Liability Under CERCLA

*Under CERCLA §107(a), a current or former facility owner or operator can be held liable for paying the costs of responding to a release or the threat of a release of hazardous substances. Section 101(20)(A) of CERCLA defines owner/operator in a broad manner so that financial institutions, by nature of their interest in certain property, could be potentially subject to CERCLA liability. The definition of owner or operator does provide an exemption from liability for persons who hold evidence of ownership in a CERCLA facility primarily to protect a security interest in that property, provided that they do not also "participate in the management" of the contaminated facility securing the loan (CERCLA §101(20)(A)). The language of CERCLA §101(20)(A) leaves lenders uncertain*

*as to which types of actions they may take to protect their security interests without negating the exemption. What policies are in place that clarify the scope of this exemption?*

On April 29, 1992 (57 FR 18344), EPA published the Final Lender Liability Rule to clarify CERCLA's security interest exemption. The rulemaking defined the term "participation in management" and outlined what activities a lender may undertake without negating the exemption. According to the rule, lenders could undertake a broad range of activities, such as monitoring facility operations, requiring compliance with applicable laws, and refinancing loan workouts, without being considered to be participating in the management of a facility. The rule clarified that participation in the management of a facility, which could trigger CERCLA liability, only occurs if the lender has undertaken responsibility of the borrower's hazardous substance handling or disposal practices, or the lender is involved with the day-to-day decision making related to environmental compliance or operations. The rulemaking also clarified that governmental entities that have acquired a facility through an "involuntary acquisition" may be able to assert the innocent landowner defense found at CERCLA §§107(b)(3) and 101(35)(A)(ii). The rulemaking defined four categories of involuntary acquisitions: government as sovereign, government as conservator, foreclosure, and forfeiture.

On February 4, 1994, the U.S. Court of Appeals for the D.C. Circuit vacated the Lender Liability Rule in *Kelly v. EPA*. According to the majority, the rulemaking was not within the Agency's implied rulemaking power. The court stated that the Agency could not promulgate a rule that defines, limits, or otherwise circumscribes a party's CERCLA liability. On June 29, 1995, EPA officially deleted the lender liability rulemaking

provisions, 40 CFR Subpart L, from the regulations (60 FR 33912).

Although the court vacated the rule, the decision did not preclude EPA from applying provisions of the rule as enforcement policy. On September 22, 1995, EPA and the Department of Justice issued a joint memorandum stating their intentions to apply as guidance the provisions of the vacated 1992 Lender Liability Rule, thereby endorsing the interpretations and rationales in the Rule. However, because of the court decision, the rule is not binding on third parties. For this reason, Congress enacted the Asset Conservation, Lender Liability and Deposit Insurance Protection Act of 1996 as part of the Omnibus Consolidated Appropriations Bill for Fiscal Year 1997 (The Act).

The Act includes amendments to CERCLA that clarify the liability of lenders and fiduciaries under CERCLA. The Act is generally based on the CERCLA Lender Liability Rule and includes many of the same definitions, such as "participation in management." The act also addresses fiduciary liability, which was not addressed in the Lender Liability Rule. For actions taken in a fiduciary capacity, liability is limited to assets held in the fiduciary capacity. Furthermore, the Act amends the RCRA Underground Storage Tank (UST) owner definition to protect holders of security interest (including fiduciaries) from liability both as owners and operators of USTs. These amendments also codify the portion of the Lender Liability Rule that addresses involuntary acquisitions by government entities. The amendments made by the Act apply to all claims not finally adjudicated as of September 30, 1996. By clarifying permissible lender activities and defining key terms such as security interest and lender, this Act resolves many uncertainties regarding lender liability.

## EPCRA

### 4. Manufacturing of Aerosol Sulfuric Acid under EPCRA §313

*In a final rule published in the Federal Register on June 30, 1995 (60 FR 34182), EPA modified the sulfuric acid listing on the EPCRA §313 toxic chemical list by adding the qualifier "acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size." Any manufacture, processing, or otherwise use of sulfuric acid in aerosol form must be included in threshold and release determinations unless otherwise exempt under 40 CFR §372.38. Would the generation of sulfuric acid mist inside a totally enclosed process unit (e.g., the head space of a tank or container) constitute manufacturing of airborne sulfuric acid if the sulfuric acid never leaves the process unit?*

Yes. Sulfuric acid mist generated in the head space of a tank, container, or process vessel is considered an airborne form of sulfuric acid and, therefore, must be considered toward EPCRA §313 threshold and release determinations. The sulfuric acid aerosol generated in this manner meets the definition of manufacturing found at 40 CFR §372.3, and must be counted toward the facility's manufacturing threshold. If the facility exceeds an activity threshold for aerosol sulfuric acid, it must report all releases of the sulfuric acid aerosol in Sections 5 and 8 of Form R.

## 5. Reporting Delineated Categories Under EPCRA §313

*On November 30, 1994 (59 FR 61432), EPA finalized the addition of 286 chemicals and chemical categories to the EPCRA §313 toxic chemical list. These additions, effective for the 1995 reporting year, include 39 chemicals as part of two delineated chemical categories. A delineated category includes a finite number of chemicals specifically designated by EPA to be included as part of that category. Are threshold and release calculations for these two delineated chemical categories different than threshold and release determinations for other EPCRA §313 listed chemical categories?*

Threshold determinations are made in the same manner for both delineated and non-delineated categories. If a facility manufactures, processes, or otherwise uses more than one member of a listed chemical category, the total volume of all the members of the category must be counted towards the applicable activity threshold (40 CFR §372.27(d)). If an activity threshold is exceeded, the owner or operator of the facility is required to report under EPCRA §313. The report must cover all activities at the facility involving members of the category.

The two delineated categories added on November 30, 1994, are diisocyanates and polycyclic aromatic compounds (PACs). The diisocyanates category consists of 20 specific members and the PACs category consists of 19 specific members. For reporting of delineated categories, only the members that are specifically listed as part of the category are subject to EPCRA §313 reporting. When reporting other non-delineated chemical categories, any unique chemical substance that contains the named category compound as part of that chemical's structure, or any compound

meeting the specified molecular formula, is subject to reporting.

EPA has developed guidance to facilitate accurate reporting for PACs entitled Guidance for Reporting Toxic Chemicals within the Polycyclic Aromatic Compounds Category. The guidance contains a list of Chemical Abstract Service (CAS) numbers for the individual chemicals within the PAC category and a CAS number list of some mixtures that might contain chemicals within the PACs category.

## 6. Aggregation of Non-EHS Hazardous Chemicals for EPCRA §§311/312 Threshold Determinations

*Hazardous chemicals requiring the maintenance of Material Safety Data Sheets (MSDSs) under OSHA's Hazard Communication Standard (29 CFR §1910.1200) are often present at facilities in mixtures. Under EPCRA §§311 and 312 a facility owner/operator may report on the mixture in one of two ways: (1) as a whole, making threshold determinations based on the weight of the mixture and providing information about the hazardous chemical components in the mixture, or (2) by the individual hazardous chemical components in a mixture, making threshold determinations based on the total weights of the hazardous chemical components in each mixture, assuming concentration information is available (40 CFR §370.28). To determine whether the reporting threshold for an extremely hazardous substance (EHS) has been equaled or exceeded, the owner or operator of a facility must aggregate the quantity of the EHS present as a component in all mixtures at the facility and all other quantities of the EHS present in pure form at the facility (40 CFR §370.28(c)). If the owner/operator chooses to report by each hazardous*

*chemical component in a mixture, must the quantity of non-EHS hazardous chemicals in mixtures at a facility likewise be aggregated to determine if their reporting threshold has been equaled or exceeded?*

No. If an owner/operator is reporting hazardous chemicals in a mixture by component, he or she is not required to aggregate all quantities of non-EHS hazardous chemicals at the facility (55 FR 30640; July 26, 1990). For example, a facility stores several different products in bulk containers on site. Each product is a different mixture but contains the same hazardous chemical. The owner/operator of the facility chooses to report on the hazardous chemical in each mixture by individual component (40 CFR §370.28(a)(1)). In determining if 10,000 pounds or more of the hazardous chemical is present at the facility, the owner/operator has the option of aggregating the amount of hazardous chemical present in each mixture at the facility, or considering the weight of the hazardous chemical in each mixture separately. Facility owners/operators are encouraged to use the most efficient method when determining the applicability of EPCRA §§311/312 at their facilities.

#### **7. Reporting Releases of an EPCRA §313 Toxic Chemical Manufactured in the Atmosphere after the Initial Release**

*A utility boiler, located at an EPCRA §313 covered facility, burns residual oil. As a result of the burning operation, the facility emits sulfur dioxide (SO<sub>2</sub>), sulfur trioxide (SO<sub>3</sub>), and particulate sulfates through a point source. Once emitted, the sulfur trioxide readily reacts with water vapor (both in air and in flue gases) to form a sulfuric acid mist. For purposes of EPCRA §313, must the facility report on the generation of sulfuric acid?*

The sulfuric acid formed in the chemical reaction of sulfur trioxide and water that often occurs in the air after releasing sulfur trioxide is not included in threshold determinations. The facility owner/operator is not responsible for tracking or reporting on the formation of a listed toxic chemical once a chemical is released from a facility. However, if the reaction of sulfur trioxide and water takes place prior to being emitted (e.g., in the stack), the facility would be required to factor the quantity of sulfuric acid mist generated towards the manufacturing threshold, and if the threshold is exceeded report all releases of sulfuric acid aerosol from the facility.

#### **8. EPCRA §313 and Naturally Occurring Toxic Chemicals**

*A cigarette manufacturer receives tobacco which naturally contains nicotine, an EPCRA §313 toxic chemical. The manufacturer does not add or alter the concentration of nicotine in the cigarettes when processing the tobacco. Is the nicotine considered to be processed, as defined in 40 CFR §372.3, even though it is naturally present in tobacco and not added to the finished product?*

Yes. There are no provisions under EPCRA §313 that exempt naturally occurring chemicals that are known to be a part of a facility's raw material. Although the facility does not manipulate the concentration of the toxic chemical in the raw material, the facility is processing the toxic chemical as defined in 40 CFR §372.3. Thus, the facility would need to file a Form R or a Certification Statement for nicotine if it is processed at the facility in amounts greater than or equal to the 25,000-pound activity threshold, assuming that the facility meets the other applicability criteria found in 40 CFR §372.22.

## **9. Reporting Metal Compound Categories Under EPCRA §313**

*An EPCRA §313-covered facility processes both lead in the elemental form and lead compounds. The facility exceeds the 25,000 pounds per year processing threshold for lead compounds, but not for elemental lead, and must submit a report for lead compounds only. When calculating releases from the lead compounds, the owner or operator is only required to account for the weight of the parent metal released (40 CFR §372.25(h)). Should the facility account for both releases of lead from activities involving lead compounds and releases of lead from activities involving elemental lead?*

No. In the case where an activity threshold is exceeded only for lead compounds, the report should be based on the releases of lead, the parent metal, from lead compounds only. Releases of lead resulting from activities involving elemental lead should not be included in the release calculations. Conversely, if the facility were to exceed an activity threshold for only elemental lead, the report would be based on releases from activities involving elemental lead only.





## NEW PUBLICATIONS

### HOW TO ORDER ...

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- **World Wide Web (WWW):** <http://www.epa.gov>  
Documents on the WWW server may be located by using the on-line search functions.

## RCRA

**TITLE:** A Financing Guide for Recycling Businesses: Investment Forums, Meetings and Networks

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-R-96-012

This document is a resource for recycling entrepreneurs and economic developers who work to foster the recycling industry. The publication, intended to be used in conjunction with other business financing guidance, presents new strategies that have been developed to make capital markets work more efficiently for recycling companies and other small businesses.

**TITLE:** A Financing Guide for Recycling Businesses: Investment Forums, Meetings and Networks (brochure)

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-F-96-039

This promotional brochure gives an overview of the document A Financing Guide for Recycling Businesses: Investment Forums, Meetings and Networks, EPA530-R-96-012. It includes definitions of useful terms used in the recycling business, and provides ordering information for the guide.

**TITLE:** Como Obtener Acceso al Centro de Información Sobre la RCRA (Ley Para la Conservación y Recuperación de Recursos)

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-F-96-001S

This brochure explains, in Spanish, the purpose of the RCRA Information Center. It includes an outline of the services it provides, how the

center can be accessed, and a comprehensive list of additional EPA points of contact which can provide further information pertaining to solid and hazardous waste. These points of contact include, for example, the RCRA, Superfund, and EPCRA Hotline, the Test Methods Hotline, and the Superfund Docket.

**TITLE:** Managing Used Oil: Advice for Small Businesses

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-F-96-004

This document contains valuable information for businesses, such as service stations, fleet maintenance facilities, and "quick lube" shops, that generate and handle used oil. It summarizes the EPA's used oil management standards, a set of "good housekeeping" requirements for used oil handlers. The document also answers some frequently asked questions regarding the requirements detailed in 40 CFR Part 279

**TITLE:** Reusable News (November/December)

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA530-N-96-010

<http://www.epa.gov/epaoswer/non-hw/recycle/reuse.htm>

Reusable News is a quarterly newsletter that reports on recycling and municipal solid waste management topics. This edition of the newsletter features articles discussing the benefits of recycling, extending product responsibility, and an update on the Comprehensive Procurement Guidelines. The newsletter also includes a progress report on EPA's WasteWiSe program.

**TITLE:** Environmental Fact Sheet: EPA Releases Information Strategy Plan for the Waste Information Needs Initiative

**AVAILABILITY:** Hotline/ Internet

**EPA ORDER NO.:** EPA530-F-97-003

<http://www.epa.gov/epaoswer/hazwaste/data/win/metawnfs.txt>

This fact sheet discusses the progress of EPA's Waste Information Needs initiative. It includes relevant background information on the revision of the Office of Solid Waste's (OSW) strategic plan, specifically their identification of a series of information management objectives as part of OSW's Five Year Strategy. The fact sheet outlines the highlights and progress of the first of four phases, the Information Strategy Planning phase.

**TITLE:** Making Solid (Waste) Decisions with Full Cost Accounting

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA530-K-96-001

<http://www.epa.gov/epaoswer/non-hw/muncpl/fullcost/pubs.htm>

This document provides an overview of full cost accounting (FCA), an important tool for developing cost-effective waste management strategies. It defines FCA and how it is implemented, identifying the benefits and potential barriers. It also provides examples of how communities across the U.S. are using FCA to improve their municipal solid waste operations.

**TITLE:** Full Cost Accounting Resource Guide

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA530-R-95-077

<http://www.epa.gov/epaoswer/non-hw/muncpl/fullcost/pubs.htm>

This guide discusses full cost accounting (FCA), an accounting tool which can aid decision-makers in assessing and managing the actual costs of municipal solid waste management services in their community. The guide was designed to assist local officials and solid waste managers to identify resources on FCA, and includes listings of federal, state, and local government documents, materials produced by trade and professional associations, and names of individuals in communities in the process of implementing FCA.

**TITLE:** Publications on Mining Waste Management in Indian Country

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-B-96-009

This publication provides a listing of EPA documents on mining and mineral processing issues, with brief abstracts and ordering information, designed to assist tribal leaders, environmental personnel, and the general public. Included are documents relating to mining waste management and engineering practices.

**TITLE:** Third National Tribal Conference on Environmental Management

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** EPA530-R-96-052

This document summarizes the proceedings of the Third National Tribal Conference on Environmental Management, held on May 21-23, 1996, in Polson, Montana. The meeting brought together 500 participants from

various Tribes and villages and numerous U.S. government agencies. It summarizes the 37 sessions presented at the conference and includes a list of the conference participants.

## CERCLA

**TITLE:** Background Information: National Priorities List, Proposed Rule and Final Rule

**AVAILABILITY:** Hotline

**OSWER DIRECTIVE NO.:** 9320.7-05I

The National Priorities List (NPL) identifies sites that present a significant threat to public health and/or the environment. The process for identifying sites for possible addition to the NPL helps guide EPA in determining which sites warrant further investigation under CERCLA to determine if long-term remedial action is necessary. This document describes the goals of the Superfund program, the role of the NPL in the Superfund process, and statistics regarding the status of NPL sites.

**TITLE:** Supplementary Materials: National Priorities List, Proposed Rule and Final Rule

**AVAILABILITY:** Hotline

**OSWER DIRECTIVE NO.:** 9320.7-05I

A companion document to Background Information: National Priorities List, Proposed Rule and Final Rule, this document provides background information on the placement of sites on the NPL, the procedures for deleting sites from the NPL, lists of proposed and deleted sites, pertinent Federal Register notices, and data summaries.

**TITLE:** Descriptions of Five Sites Proposed to the National Priorities List in December 1996

**AVAILABILITY:** Hotline

**OSWER DIRECTIVE NO.:** 9320.7-07I

This document describes five sites proposed to the National Priorities List in December 1996. The proposed sites include the Brunswick Wood Preserving Site in Georgia, the Grand Street Mercury Site in New Jersey, the OESER Co. and the Palermo Well Field Ground Water Contamination Sites in Washington, and the Ross Metals, Inc., Site in Tennessee.

**TITLE:** Descriptions of Seven Final Sites Added to the National Priorities List in December 1996

**AVAILABILITY:** Hotline

**OSWER DIRECTIVE NO.:** 9320.7-07I

This document describes seven sites added to the National Priorities List in December 1996. The sites include the Beede Waste Oil Site in New Hampshire, the Madisonville Creosote Works in Louisiana, the MRI Corp. and the Stauffer Chemical Co. Sites in Florida, the Sharon Steel Corp. Site in West Virginia, the Shuron Inc. Site in South Carolina, and the V&M/Albaladejo Site in Puerto Rico.

**TITLE:** National Priorities List Final and Proposed Sites (by Site Name) December 1996

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** N/A

This document lists all of the sites added or proposed to the National Priorities List as of December 1996. The sites are listed by site name and include the site location, proposed or final status, and notes regarding the site, such as the basis for listing the site.

**TITLE:** User's Guide to the VOCs in Soils Presumptive Remedy

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB96-963 308

This User's Guide recommends soil vapor extraction (SVE) as the preferred remedy for sites where volatile organic compounds (VOCs) are present in soil and treatment is warranted. Presumptive remedies are preferred technologies for common categories of sites based on historical patterns of remedy selection. Presumptive remedies are expected to be used at all appropriate sites, except under unusual, site-specific circumstances.

**TITLE:** Update #2 to Removal Action Levels

**AVAILABILITY:** NTIS

**NTIS ORDER NO.:** PB95-963 420

This memorandum provides an updated table of numeric action levels for contaminated drinking water sites. Removal action levels (RALs) for drinking water are calculated using the methodology presented in OSWER Directive 9360.1-02 (October 25, 1993). Using this methodology, the RALs were re-evaluated to reflect the most recent Safe Drinking Water Act Regulations and health advisories published by the Office of Water, IRIS, and HEAST. No new chemicals have been added to the table at this time.

**TITLE:** Coordinating With the States on National Priorities List Decisions

**AVAILABILITY:** Hotline

**EPA ORDER NO.:** N/A

This memorandum provides information on the role of states and tribes in the decision process for listing sites on the National Priorities List (NPL), and encourages Regions to coordinate with states and tribes for making decisions regarding addition of sites to the NPL. The document also addresses the Office of

Emergency and Remedial Response's (OERR) role in resolving issues for sites where the state/tribe and Region disagree on whether further investigation into a site is warranted.

catalog is divided into sections which index the documents by sponsoring office, title, EPA publication number, and subject. It includes information up to October 1996.

## OPA/SPCC

**TITLE:** EPA's National Survey of Oil Storage Facilities (SPCC Survey)

**AVAILABILITY:** Hotline/Fax-on-Demand

**EPA ORDER NO.:** N/A

The U.S. EPA conducted a national survey of industries that use and/or store oil, and are therefore potentially subject to the Spill Prevention Control and Countermeasures (SPCC) regulations. The survey was designed to answer five specific questions: (1) How many facilities are regulated by EPA's SPCC program; (2) What types of facilities does the SPCC program regulate; (3) What do these facilities look like; (4) Which facilities pose the greatest oil spill risk; and (5) How effective is the SPCC program in reducing oil spill risk? EPA collected the information under the authority of Clean Water Act (CWA) §§308 and 311. This document includes the original questionnaire, a summary of the findings, as well as analyses of the number of SPCC-regulated facilities and the SPCC Program's effectiveness on spill risk.

## All Programs

**TITLE:** National Publications Catalog 1996

**AVAILABILITY:** Hotline/Internet

**EPA ORDER NO.:** EPA200-B-96-001

<http://www.epa.gov/NCEPIhome/index.html>

This catalog contains availability information for EPA publications distributed by the National Center for Environmental Publications and Information (NCEPI). The





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FTP: <ftp.epa.gov>

Modem: (919) 558-0335

The Federal Registers are organized by date. After accessing the Gopher or World Wide Web server, make the following selections to reach the Federal Register information:

- To access RCRA/UST and CERCLA Federal Registers on the server, choose Rules, Regulations and Legislation -> FEDERAL REGISTER - Environmental Subset -> Waste Information
- The access EPCRA Federal Registers on the server, choose Rules, Regulations and Legislation -> FEDERAL REGISTER - Environmental Subset -> Toxic Release Inventory

### FINAL RULES

#### RCRA

##### **"Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment" January 13, 1997 (62 FR 1678)**

EPA amended 40 CFR Part 261, Appendix IX, to reflect changes in ownership and name for Envirote Corporation (Petitioner) in Canton, Ohio; Harvey, Illinois; and York, Pennsylvania. The effective date is December 31, 1996.

##### **"Land Disposal Restrictions Phase III- Emergency Extension of the K088 Capacity Variance" January 14, 1997 (62 FR 1992)**

EPA extended the current national capacity variance for spent potliners from primary

aluminum production (Hazardous Waste Number K088) for six months. Consequently, K088 wastes do not have to be treated to meet the land disposal restriction treatment standard until July 8, 1997, six months from the current treatment standard effective date of January 8, 1997. EPA extended the national capacity variance due to unanticipated performance problems associated with the treatment technology which provides most of the available treatment capacity for these wastes.

##### **"Alabama; Final Approval of State Underground Storage Tank Program" January 24, 1997 (62 FR 3611)**

EPA granted final approval to the State of Alabama to operate its underground storage tank program for petroleum and hazardous substances. Final approval for the State of Alabama shall be effective on March 25, 1997.

**"Underground Storage Tank Program:  
Approved State Program for  
Alabama"**

**January 24, 1997 (62 FR 3613)**

EPA codified in Part 282 the approval of Alabama's underground storage tank program and incorporated by reference appropriate provisions of state statutes and regulations. This rule shall be effective on March 25, 1997, unless EPA publishes a prior Federal Register document withdrawing this immediate final rule. Comments on the codification of Alabama's underground storage tank program must be received by the close of business on February 24, 1997.

**EPCRA**

**"Barium Compounds; Toxic Chemical  
Release Reporting; Community Right-  
to-Know"**

**January 3, 1997 (62 FR 366)**

EPA denied a petition to remove the barium compounds category from the list of chemicals subject to the reporting requirements under §313 of EPCRA and §6607 of the Pollution Prevention Act. EPA's decision was based on the deletion criterion of EPCRA §313(d)(3).

**NOTICES**

**RCRA**

**"Hazardous Waste Combustors;  
Revised Standards; Proposed Rule-  
Notice of Data Availability and  
Request for Comments"**

**January 7, 1997 (62 FR 960)**

EPA provided notice and opportunity to comment on an updated hazardous waste combustor database that contains emissions and ancillary information on hazardous waste combustors. The Agency updated and revised the hazardous waste combustor database compiled as part of the development of the April 1996 proposed "Maximum Achievable Control Technology" standards for hazardous waste combustors (61 FR 17358; April 19, 1996). Written comments regarding the new information in this notice must be submitted on or before February 6, 1997.

**"Agency Information Collection  
Activities: Proposed Collection;  
Comment Request; Reporting  
Requirements Under EPA's Voluntary  
WasteWiSe Program"**

**January 13, 1997 (62 FR 1750)**

EPA announced that it is planning to submit the following continuing Information Collection Request to the Office of Management and Budget: Reporting Requirements under EPA's WasteWiSe Program. Comments must be submitted on specific aspects of the proposed information collection on or before March 14, 1997.



**NOTICES****"Opportunity to Present Oral Testimony on the DOE's Compliance Certification Application for the Waste Isolation Pilot Plant; Notice of Public Hearings"**  
January 21, 1997 (62 FR 2988)

EPA announced that it will conduct public hearings to receive comments on the Department of Energy's (DOE) Compliance Certification Application for the Waste Isolation Pilot Plant (WIPP) on February 19, in Carlsbad, New Mexico; February 20, in Albuquerque, New Mexico; and February 21, in Sante Fe, New Mexico. EPA will evaluate DOE's Compliance Certification Application in determining whether the WIPP will comply with the Agency's radioactive waste disposal standards. In order to guarantee an opportunity to testify, requests must be received on or before February 14, 1997.

**"Project XL Draft Final Project Agreement for HADCO Corporation"**  
January 23, 1997 (62 FR 3508)

EPA Regions I and II announced the availability of, and solicited comments on, the draft Final Project Agreement developed for HADCO Corporation under EPA's Project XL initiative. This XL project concerns the classification under RCRA Subtitle C of wastewater treatment (WWT) sludge generated from printed wire board manufacturing facilities. This sludge is currently classified as a listed hazardous waste, waste code F006. The project seeks to demonstrate that classifying the WWT sludge as F006 waste is not necessary to protect human health and the environment. Comments must be submitted on or before February 24, 1997.

**"Open Meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group"**

January 29, 1997 (62 FR 4284)

EPA provided notice of the third meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group. The purpose of this meeting will be to continue discussion regarding the development of voluntary guidance for the management of industrial nonhazardous waste in land-based disposal units. The meeting will occur on February 19 and 20, 1997.

**RCRA/CERCLA****"CERCLA §104(c)(9) Capacity Assurance Planning: National Capacity Assessment Report"**  
January 15, 1997 (62 FR 2156)

Based on information contained in Capacity Assurance Plans, internal EPA studies, and comments received on the draft National Capacity Assessment Report, the Agency determined adequate national capacity exists to manage hazardous wastes.

**CERCLA****"Access to Confidential Business Information by Booz-Allen & Hamilton"**  
January 8, 1997 (62 FR 1113)

EPA authorized Booz-Allen & Hamilton, Inc., of McLean, Virginia, and its team subcontractor PRC-EMI of McLean, Virginia, access to information which has been submitted to EPA under CERCLA §104.

**NOTICES**

**"Public Meeting on the National Performance Measures Strategy for Enforcement and Compliance Assurance"**  
**January 13, 1997 (62 FR 1752)**

A public meeting will be held on Monday, February 3, 1997, in Washington, D.C., to hear presentations and statements from a cross-section of stakeholders about innovative approaches to measure enforcement and compliance assurance program performance.

**"Notice of Disclosure of Confidential Business Information Obtained under CERCLA to EPA Contractor Dynamac; Osage Iron and Metals Superfund Site"**  
**January 14, 1997 (62 FR 1887)**

EPA seeks authorization to disclose to its contractor, Dynamac of Rockville, Maryland, cost recovery support documents for the Osage Iron and Metals Superfund Site. The disclosure includes Confidential Business Information which has been submitted to EPA Region 7.

**"Policy on the Issuance of Comfort/Status Letter"**  
**January 30, 1997 (62 FR 4624)**

EPA published guidance regarding the use of comfort letters at brownfield properties. The policy contains four sample comfort/status letters. The letters are to be used for sites where there is a realistic perception or probability of incurring Superfund liability, and where there is no other mechanism available to address a party's concerns.

**EPCRA**

**"Addition of Community Right-to-Know; Extension of Comment Period"**  
**January 3, 1997 (62 FR 365)**

On October 1, 1996, EPA issued an advance notice of proposed rulemaking (ANPR) announcing EPA's intention to expand its Community Right-to-Know initiatives to increase the information available to the public on toxic chemical use. Based on a request by the U.S. Department of Energy's Office of Environmental Policy and Assistance, EPA is extending the comment period on the ANPR by 60 days. Comments must be received by February 28, 1997.

**ATSDR**

**"Quarterly Public Health Assessments and Addendum Completed"**  
**January 24, 1997 (62 FR 3700)**

ATSDR has completed a public health assessment or issued an addendum to a public health assessment for sites that are on, or proposed for inclusion on, the National Priorities List. An assessment was also completed pursuant to a request from the public.

**"Availability of Final Toxicological Profiles"**  
**January 31, 1997 (62 FR 4771)**

ATSDR prepared two final and eight updated final toxicological profiles of hazardous substances which are most commonly found at facilities on the CERCLA National Priorities List.

**NOTICES****Settlements and Consent Decrees**

"Consent Decree; Fisher-Calo Superfund Site"

January 8, 1997 (62 FR 1130)

"Consent Decree; Extension of Comment Period; Metamora Landfill Superfund Site"

January 8, 1997 (62 FR 1130)

"Proposed Prospective Purchaser Agreement; MRM Superfund Site"

January 13, 1997 (62 FR 1753)

"Consent Decree; Interstate Lead Company Superfund Site"

January 14, 1997 (62 FR 1900)

"Consent Decree; SMS Instruments, Inc. Superfund Site"

January 14, 1997 (62 FR 1901)

"Consent Decree; *United States v. Western Crude Reserves, Inc., et al.*"

January 14, 1997 (62 FR 1901)

"Proposed Administrative Settlement; Indian Bend Wash — South Superfund Site"

January 16, 1997 (62 FR 2366)

"Proposed Prospective Purchaser Agreement; Mason Sands of the Torch Lake Superfund Site"

January 17, 1997 (62 FR 2665)

"Consent Decree; Gloucester Environmental Management Services Landfill Superfund Site"

January 21, 1997 (62 FR 3055)

"Consent Decree; *United States v. Conoco Pipe Line Company*"

January 21, 1997 (62 FR 3055)

"Proposed Administrative Settlement; C&J Disposal Superfund Site"

January 22, 1997 (62 FR 3291)

"Consent Decree; White Farm Equipment Dump Superfund Site"

January 23, 1997 (62 FR 3527)

"Proposed De Minimis Settlement; Palmerton Zinc Superfund Site"

January 28, 1997 (62 FR 4046)

"Consent Decree; Harvey & Knotts Superfund Site"

January 28, 1997 (62 FR 4079)

"Consent Decree; Bayou Bonfouca Superfund Site"

January 30, 1997 (62 FR 4551)



## CALL ANALYSES

### CALLER PROFILE

#### RCRA/UST Hotline

Regulated Community	3,913
Citizens	169
State & Local Government	191
Native Americans	1
Federal Agencies	131
Educational Institutions	154
EPA	78
Media	5
Interest Groups	4
Congress	2
International	2
Other	64
Referrals*	227
Transfers to EPCRA/Superfund Hotline*	202
Document Retrieval Line*	100
Message Retrieval Line*	300
<b>TOTAL NUMBER OF CALLERS</b>	<b>5,543</b>

\* No caller profile data available.

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

Manufacturers		Consultants/Engineers	2,465
		Attorneys	220
Food/Tobacco	86	Citizens	178
Textiles	17	Public Interest Groups	29
Apparel	5	Educational Institutions	28
Lumber & Wood	34	EPA	60
Furniture	21	Federal Agencies	55
Paper	18	GOCOs	22
Printing & Publishing	14	Congress	1
Chemicals	166	State Officials/SERC	40
Petroleum & Coal	53	Local Officials/LEPCs	44
Rubber and Plastics	38	Fire Departments	14
Leather	5	Hospitals/Laboratories	26
Stone, Clay & Glass	12	Trade Associations	10
Primary Metals	41	Union/Labor	5
Fabricated Metals	56	Farmers	37
Machinery (Excluding Electrical)	15	Distributors	35
Electrical&Electronic Equipment	17	Insurance Companies	6
Transportation Equipment	11	Media/Press	13
Instruments	7	Native Americans	2
Misc. Manufacturing	201	International	1
		Other	146
		Referrals*	417
Subtotal	817	Transfers to RCRA/UST Hotline*	458
		Document Retrieval Line*	0
		Message Retrieval Line*	136

**TOTAL NUMBER OF CALLERS 5,265**

\* No caller profile data available.

## HOTLINE TOPICS

### RCRA

<b>RCRA GENERAL</b>	<b>805<sup>1</sup></b>
<b>SUBTITLE C</b>	
<b>Hazardous Waste Id. - General</b>	<b>1,129<sup>1</sup></b>
Characteristics	417 <sup>1</sup>
Listings	306 <sup>1</sup>
Mixture Rule	73
Derived-From	51
Contained-In Policy	185 <sup>1</sup>
Sampling	51
<b>Solid and Hazardous Waste Exclusions</b>	<b>199<sup>1</sup></b>
Radioactive Mixed Waste	25
Delisting Petions	33
<b>Definition of Solid Waste/Hazardous Waste Recycling</b>	<b>274<sup>1</sup></b>
<b>Large Quantity Generators</b>	<b>314<sup>1</sup></b>
Small Quantity Generators	189
CESQGs	96
Transporters	65
Exports/Imports	27
<b>TSDFs</b>	
General Facility Standards	132
Unit Standards	131
<b>Air Emissions</b>	<b>888<sup>1</sup></b>
Combustion - General	157
BIFs	49
Incinerators	70
Draft Strategy	6
Waste Minimization	35
<b>LDR</b>	
Applicability	706 <sup>1</sup>
Notifications/Certification	66
Treatment Standards	192
Permits and Permitting	116
State Programs	66
Financial Assurance	72
Closure/Post-Closure	53
<b>Corrective Action</b>	<b>217<sup>1</sup></b>
Enforcement	91
Hazardous Waste Data	42
Test Methods	77
Indian Lands	7
Used Oil Standards	127
Military Munitions	28
<b>OTHER WASTES</b>	
Ash	6
Bevill Amendment (Mining Waste)	17
Medical Wastes	117
Oil and Gas	9

### SUBTITLE D

Household Hazardous Wastes	96
Subtitle D - General	93
Technical Standards	16
Industrial Wastes	12
Municipal Wastes	117
Indian Lands	6
Financial Assurance	20
<b>Solid Waste Recycling/Markets - General</b>	<b>299<sup>1</sup></b>
Aluminum	21
Batteries	31
Glass	18
Paper	28
Plastics	39
Tires	32
Used Oil	52
Composting	14
Procurement	82
Source Reduction/Pollution Prevention	64
Grants and Financing	21
<b>TOTAL QUESTIONS</b>	<b>8,780*</b>

\* Includes 2,572 RCRA document requests.

### UST

<b>General/Misc.</b>	<b>228<sup>1</sup></b>
Applicability/Definitions	197
Regulated Substances	51
<b>Standards for New Tank Systems</b>	<b>106<sup>1</sup></b>
<b>Tank Standards and Upgrading</b>	<b>114<sup>1</sup></b>
Operating Requirements	66
<b>Release Detection</b>	<b>135<sup>1</sup></b>
Release Reporting & Investigation	31
Corrective Action for USTs	74
Out-of-Service/Closure	35
<b>Financial Responsibility</b>	<b>73<sup>1</sup></b>
State Programs	38
Liability/Enforcement	42
LUST Trust Fund	7
<b>TOTAL QUESTIONS</b>	<b>1,197*</b>

\* Includes 454 UST document requests.

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

■ 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:**

<b>General Title III Questions</b>	<b>412<sup>1</sup></b>
Trade Secrets	2
Enforcement	96
Liability/Citizen Suits	21
Training	3
Chemical-Specific Information	43

**Emergency Planning (§§301-303):**

<b>General</b>	<b>150<sup>1</sup></b>
Notification Requirements	29
SERC/LEPC Issues	65
<b>EHSs/TPQs</b>	<b>163<sup>1</sup></b>
Risk Communication/ Hazards Analysis	13
Exemptions	5

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

General	41
Notification Requirements	70
<b>Reportable Quantities</b>	<b>70<sup>1</sup></b>
CERCLA §103 vs. SARA §304	87
ARIP/AHEDB/ERNS	16
Exemptions	49

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

<b>General</b>	<b>360<sup>1</sup></b>
<b>MSDS Reporting Requirements</b>	<b>258<sup>1</sup></b>
<b>Tier I/II Requirements</b>	<b>503<sup>1</sup></b>
<b>Thresholds</b>	<b>301<sup>1</sup></b>
Hazard Categories	75
<b>Mixtures Reporting</b>	<b>238<sup>1</sup></b>
<b>Exemptions</b>	<b>262<sup>1</sup></b>

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

<b>General</b>	<b>277<sup>1</sup></b>
<b>Reporting Requirements</b>	<b>298<sup>1</sup></b>
<b>Thresholds</b>	<b>157<sup>1</sup></b>
<b>Form R Completion</b>	<b>314<sup>1</sup></b>
Supplier Notification	57
<b>NOTEs/NOSEs/NONs</b>	<b>82<sup>1</sup></b>
Voluntary Revisions	60
Pollution Prevention 33/50	6
Public Access to Data	70
TRI Database	72
Petitions	8
<b>TRI Expansion</b>	<b>149<sup>1</sup></b>
Exemptions	69

**Special Topics:**

<b>CAA §112 General</b>	<b>208<sup>1</sup></b>
<b>RMPs</b>	<b>296<sup>1</sup></b>
<b>List of Regulated Substances</b>	<b>226<sup>1</sup></b>
Federal Facilities Executive Order	5

**TOTAL QUESTIONS 5,686**

\*Includes 1,546 Emergency Planning and Community  
Right-to-Know document requests

**SUPERFUND**

General/Misc.	120
Access & Information Gathering	56
Administrative Improvements	
<b>General</b>	<b>152<sup>1</sup></b>
<b>Environmental Justice/Brownfields</b>	<b>237<sup>1</sup></b>
SACM/Presumptive Remedies	110
Soil Screening Levels	101
Administrative Record	17
ARARs	72
CERCLIS	91
Citizen Suits	1
Claims Against Fund	14
Clean-Up Costs	49
Clean-Up Standards	116
Community Involvement	25
Contract Lab Program (CLP)	7
Contractor Indemnification	5
Contracts	5
<b>Definitions</b>	<b>176<sup>1</sup></b>
<b>Enforcement</b>	<b>149<sup>1</sup></b>
Federal Facilities	17
<b>Hazardous Substances</b>	<b>282<sup>1</sup></b>
HRS	16
<b>Liability</b>	<b>166<sup>1</sup></b>
Local Gov't Reimbursement	11
Natural Resource Damages	22
NCP	77
Notification	162
<b>NPL</b>	<b>198<sup>1</sup></b>
Off Site Rule	18
OSHA	17
PA/SI	25
<b>PRPs</b>	<b>153<sup>1</sup></b>
RD/RA	20
Reauthorization	13
Remedial	72

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

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

Removal	38
RI/FS	84
Risk Assess./Health Effects	68
ROD	48
<b>RQ</b>	<b>169<sup>1</sup></b>
Settlements	67
SITE Program	10
State Participation	10
State Program	13
TAGs	12
Taxes	15
<b>Special Topics</b>	
Oil Pollution Act	86
SPCC Regulations	169

**TOTAL QUESTIONS 3,561\***

\*Includes 832 Superfund document requests.

<b>TOTAL HOTLINE QUESTIONS AND DOCUMENT REQUESTS: 19,224</b>
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<sup>1</sup> Hot topics for this month

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