

Emergency Planning and Community  
Right-to-Know Act Section 313  
(EPCRA or commonly Known as TRI)  
Reporting

Coal Ash

# Community Right to Know: Release Reporting

Q&A 466: What is the definition of a toxic chemical “release” under EPCRA Section 313?

Under Section 329, EPCRA defines a release as any “spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles).”

Under Section 313, covered facilities are required to take into account in their reports all toxic chemicals entering each environmental medium (e.g., “routine” and “accidental” releases.)

# Community Right to Know: On-Site Release Reporting

- Community Right to Know: On-Site release are reported in Form R Section 5 (unless exempt or not covered).
  - Raw materials
  - In- process materials
  - Products
  - Waste

# Waste Management

- EPA interprets waste management to include the following activities:
  - **release, including disposal**
  - **recycling**
  - combustion for energy recovery
  - treatment for destruction
  - **waste stabilization**
- Waste management does not include the storage, container transfer, or tank transfer **if** no recycling, combustion for energy, treatment for destruction, waste stabilization or release of the chemical occurs at the facility.

# Community Right to Know: Waste Management Reporting

- On-site waste management reported in Form R, Section 7 and quantified in Section 8.
- Off-site waste management reported in Form R, Section 6 and reiterated in Section 8.
- Section 6 includes releases of toxic chemicals contained in waste.
  - Example: Waste sent off-site for landfill
- Chemicals in a Material that is not waste are not reported in these Sections (reuse vs recycle).

# Waste

- No Definition of waste yet
- Determination on a case by case basis
- Generally guided by:
  - Intent of Statute – community right-to-know
  - Q & A
  - John Dombrowski Letter – generally more appropriate to materials sent off-site
  - “INTERPRETATIONS OF WASTE MANAGEMENT ACTIVITIES: RECYCLING, COMBUSTION FOR ENERGY RECOVERY, TREATMENT FOR DESTRUCTION, WASTE STABILIZATION AND RELEASE” -generally appropriate to on-site waste management

# General Guidance Message: **Waste if Material Management Constitutes Disposal (i.e., release)**

- Coal ash used as roadfill, landfill or mining reclamation is a release to land and reportable under TRI.
- Coal ash with fill for landfill is waste.
- Determination Likely discussed in IG Meetings  
– guided by intent of statute: community right-to-know.