Most Popular Questions and Most Recent Topics from the U.S. EPA TRI Information Center - Webinar Transcription 5-31-2011

(0:01) Jennifer Major: We are just now beginning the Toxic Release Inventory webinar. We just had a few logistical things we had to get started. I am now going to turn it over to you Kelley.
(0:15) Kelley Ann Lovelace: Hi everyone. I would like to welcome everyone to this webinar entitled "Most Popular Questions and Most Recent Topics from the TRI Information Center." Thank you so much for taking the time to join us.
My name is Kelley Ann Lovelace and I am the TRI Program Manager at the Environmental Council of the States known as ECOS. This is our third public webinar featured under our five year EPA funded Cooperative Agreement for Support for TRI.

I want to first start off by introducing my colleague from the U.S. EPA Christine Arcari. Christine.

(0:55) Christine Arcari: Hi everyone – I'm Christine Arcari and I work closely with Kelley Ann Lovelace who just introduced me. I just want to say thank you all for attending this webinar and welcome to our Spring Webinar.
Through trainings such as this Webinar we hope to create a better understanding of TRI for a variety of different audiences.

A few months ago one of our regional TRI coordinators suggested highlighting the TRI Information Center in this webinar and just cover some frequently asked questions that they receive and get a little introduction and reminder of that useful resource. So I am very excited that that suggestion has come to fruition and interested to hear what they will talk to us about today.

As we enter the busy time of the TRI season, we hope that this introduction (or reminder for you veteran TRIers) of this valuable resource is helpful to you all.

There will be another TRI Webinar in the fall so start thinking of topics you'd like to hear about and submit them either on the webinar evaluation you will received via e-mail or the chemicalright2know site that will be listed in the resource section at the end of this so be sure to get that website.

I want to thank Kelley Ann and the Booz Allen Hamilton presenters and Jen Major from Ross who is going to help us today and or putting together. Thank you all for your participation!

(2:16) Kelley Ann Lovelace: Great. Thank you Christine.

Before we formally begin, I want to introduce Jennifer Major of Ross & Associates Environmental Consultants. She is a contractor under this project, who will review the overall logistics for this webinar and will be working behind the scenes making sure everything runs smoothly. Jen.

(2:38) Jennifer Major: Hello everyone this is Jen Major and I am going to quickly take us through a few webinar logistics. I want you to know that as attendees your line is automatically muted so if you're trying to speak to us unfortunately we can't hear you. We do that because of the sheer number of folks that we actually have on the line. Just to try to minimize the potential interruption and background noise. So, your lines are muted but we do encourage you to ask questions at any point in the webinar by using the question and answer pane on your webinar dashboard. So you can just type those right in and we'll be monitoring those throughout the webinar. And we'll be reading select questions during the Q&A session toward the end.
As I mentioned, or maybe I didn't mention it, but we are recording this webinar and we're going to make the complete recorded webcast available to you. Actually we should have it up on the chemicalright2know website by the end of the day. That's usually a very quick upload, so that will be available to you. We'll also have the presentations, and the speaker biographies, a list of resources and contact information also posted to the chemicalright2know website. And finally, as Christine mentioned, we're going to have just a few feedback questions that you'll automatically receive at the conclusion of the webinar and we really appreciate your responses to these. It'll help us shape the next webinar for the fall, so we appreciate any feedback that you'll have. And at this point I'm going to go ahead and turn it over back to you, Kelley Ann.

(4:27) Kelley Ann Lovelace: And our learning objectives today are as follows:
Basically we would like to familiarize the audience with the U.S. EPA TRI Information Center. That is first and foremost. We would like to explain the services and assistance the Information Center provides to its users. We would like everyone to learn about the most common TRI questions and answers received by the Information Center. And finally, familiarize the audience with other TRI resources available to them.

Just as a reminder as Jen mentioned, this webinar will be recorded and you will probably hear us say that a bit during this. It will be recorded and available at the chemicalright2know website and we will have that posted at the end of the webinar in the resource section.

So basically now we have three presenters that who will speak to you today over the next 45 to 50 minutes and I would now like to turn it over to Bethany Barnhart, our first speaker, who will give you an overview of the Information Center. Bethany.

Jennifer Major: And I am just switching presenter rights at this moment and usually there is a few second delay while I do that… there we go…

(06:43) Bethany Barnhart: Hello everyone, as Jen and Kelly Ann mentioned, I am Bethany Barnhart from the Information Center and I will be presenting the first part of this webinar. I'm going to start by explaining exactly what the TRI Information Center is, and what types of services we provide. Then I'm going to talk about the online FAQ knowledgebase and give a brief demonstration of how to use it. Next, we are going to talk about a sample of the most common questions we receive at the Information Center and show you the top resources we use to answer those questions. I'll start by discussing a few general TRI questions that we receive then Elsa Yoseph will cover Applicability and Martina Donati will go over release and waste management issues, and form completion questions. At the end of the slides, we include a list of useful resources that you may find helpful and how they are available and of course, we'll take any questions that you have about the Information Center.
The formal name is the Superfund, TRI, Oil & RMP Information Center. It is operated by Booz Allen Hamilton on behalf of EPA as a publicly accessible service that provides information on the regulatory requirements of several EPA programs. In addition to TRI, we answer questions about: The rest of the Emergency Planning and Community Right to Know Act, or EPCRA, The Superfund Program and Brownfields, The Risk Management Program under Clean Air Act 112r, And Oil Pollution Prevention requirements. But, for the purposes of today's webinar, we're going to focus on the part of the Information Center that addresses TRI questions.

We have listed all of our contact information here. There's a toll-free number where you can call us Monday to Thursday 10am to 5pm Eastern time. During the height of TRI season – May, June, and July – we are open extended hours. We open at 9am, and are also open on Fridays. We included our website on the bottom of slide – you could visit that to learn more about what we do, and the site has links to a lot of useful EPA guidance about each of the programs we cover.

At the Information Center, our Information Specialists receive questions from a broad audience. The largest group by far is the regulated community – that is, facilities that need to submit TRI reports, or are trying to figure out whether they are subject to TRI. We also get questions from federal, state, and local government officials – and consultants and trade associations – about clarifications and guidance that's available. Additionally, citizens and academic entities call with questions about TRI data.

So how can we help all of these individuals? One of the main services we provide is assistance with regulatory and reporting requirements. We are a non-interpretative call center – that means that we use existing guidance, but do not make interpretations for one specific facility. But what we can do is collect information about a particular caller's scenario, then piece together all of the guidance that's out there that discusses that type of situation. For example, this includes helping a facility figure out whether they are in a covered industry group and subject to TRI, or whether they could qualify for a particular exemption. And for facilities that know they have to submit a TRI form, we can help them figure out how to complete that form, such as how to determine which section to report the various data for releases and waste management. We're familiar with all the ways that a facility can complete the forms – This would include paper or the new fillable forms. Most facilities use TRI-MEweb – so we are intimately familiar with that application as well. And we are still familiar with the desktop version of TRI-ME for any facilities that are submitting older reports. In addition to reporting requirements, we can help individuals with questions about the TRI data itself. Whether its citizens that have already seen the data and want more information about what a particular term means or what data is reported in a particular section. And help others, such as academics, find which of the data dissemination tools is the best way for them to find and manipulate the data they need – whether that's through Envirofacts, TRI Explorer, TRI.NET, or any of the other tools. The last main service we provide is the maintenance of the online knowledgebase of frequently asked questions. We'll take a look at it in a minute, but basically it offers a self-service option where individuals can search through 200 questions that are commonly asked about TRI.

I also wanted to quickly point out that besides our Information Center, EPA also supports two other help desks to assist with other types of TRI-related questions. The Central Data Exchange Help Desk can assist reporters with CDX technical issues such as how to register for a CDX account and the Status of TRI-MEweb submissions. The TRI Data Processing Center can answer questions about the status of Electronic Signature Agreements and Electronic Facility Data Profiles.

Additional information about these other Help Desks is available at the TRI Program's Contact Us page – and that's the URL that we listed on the slide.

You'll also notice at the bottom of the slide is an FAQ number – there's a great question and answer in the online FAQ database that discusses the three different Help Desks, and I'll show you how to search for that in a minute.

But for the rest of today's webinar, we're going to focus just on our TRI Information Center. As I mentioned, one thing we do is piece together clarifications for callers. EPA has developed a lot of great resources for facilities, so there is a ton of useful information out there. Our job is to be familiar with all of it so that we can put it together for callers to help them with their specific scenario. TRI questions can be pretty complicated, and cannot necessarily be answered by just one FAQ. Therefore, we go through each piece of guidance and pick out all the relevant sections of each one to provide a comprehensive answer to the caller. At the end of this webinar, we'll include information about how to access all of these resources, so I don't want to take too much time going into each one in detail, but I'll quickly touch on some of the primary resources we use.

First, the Forms & Instructions that are developed for each reporting year are one of our main resources since they contain detailed guidance for determining applicability and how to complete each individual section of the TRI Forms. EPA also has a series of Questions and Answers documents that literally contain hundreds of questions about TRI. I'll quickly show you where these are online. Just give it a minute to load here. OK, it should be coming up in a second, there we go. On the main TRI page, under the section for Quick Links there's a link for Guidance Documents. At the top you should be able to see a link for reporting forms and instructions when it comes up, that I just mentioned, and also several different questions and answer documents. The first one is the revised 1998 version. That's going to be the main Q&A document. There's also an addendum for additional questions and revised clarifications and also an addendum for federal facilities. And then farther down on the page there's also a series of industry specific guidance documents that you can see here and then additionally there are chemical specific ones as well.

In addition, we consult the regulations themselves, and the preamble of Federal Registers are a great source of information. We also reference interpretative memos from EPA to various facilities. And although these are not available online, we have access to them at the Information Center and can provide the guidance in them. We have also used language in the memos to develop Monthly Report Questions that we can add to the online FAQ database. So let's take a look at this database

While it's loading up I'll explain where some of the questions came from in the database. We selected many of the questions in here from the Questions and Answers documents that I just pointed out, and others we have developed based on EPA memos or, if we receive a question at the Information Center that there isn't existing guidance for, we can work directly with EPA to get clarification from them for that scenario and then turn it into a Q&A that we can add to the database. And we check all of the Q&As periodically to make sure they are still current, or to update them if there are any new rules that come out. On the main TRI page, on the left-hand side of the screen, there's a link called "Frequent Questions" where you can access the database.

To conduct your search - You can type in key words into the search box on the left hand side. Say you had a question about how to report dioxin and dioxin-like compounds – type in "dioxin" in the box on the left hand side and click the arrow. In this case you get a series of six questions and you can see a summary of the question and the answer. The first one talks about the Form R Schedule 1, the next one talks about the accuracy you should use when reporting releases. Then click on link to the question. It opens up the full text of the Q&A.

You can also click on **Advance Search** on the left hand side to look for additional search features. For example at the bottom of the page you can search by category so whether you're looking at employee thresholds or toxic chemicals or exemptions. Or you can search by the FAQ number, remember a few slides ago when I said there was an FAQ that explained the different Help Desks – that FAQ number is 21948. You can type that number into the box for the ID field, where it says 23002, or type it into the top under basic search feature. Again it just brings up the actual question.

And one more thing, I almost forgot. You can also **submit questions** here. Go to the Home tab… on the right hand side there's a link for Ask a Question. You submit all of your contact information and the question goes to us. We'll provide links to EPA guidance such as FAQs in the system that we think would be helpful. Or, since a lot of TRI questions are pretty complicated, if we need additional background information about your particular scenario, we'll provide some FAQs but also suggest that you call us so that we can help determine exactly what the best piece of guidance is for you. That's the basic overview of what we do and the resources we use.

For the rest of the webinar, we're going to explain some of the common questions we receive at the Information Center so that you get an idea of the types of issues we can address, and we'll highlight some of the main pieces of guidance that are available for you to either provide to a facility, or if you are the facility itself, some things that might be beneficial for you. One of the most common questions we receive, especially during the last week in June, is whether a facility can get an extension to the July 1st reporting deadline. There's a great FAQ that explains that EPA does not issue extensions for individual facilities. That's FAQ number 14103 listed right after the answer. On each slide, we also provide a few additional resources that might be helpful. For this particular question, the additional FAQ and page from the Reporting Forms and Instructions are a little twist from the Question – They discuss about the fact that if the July 1st deadline happens to fall on a Saturday or Sunday, that the forms can be submitted through that following Monday.

Another question that a lot of facilities ask throughout the year is if a facility has reviewed the applicability criteria and determined that they are not subject to TRI, do they have to tell EPA or keep any records. The FAQ listed here, 20062, explains that there are no negative reporting requirements, but that facilities may want to keep records to show why they are not subject. The last FAQ referenced – 32384 – is for a related scenario that we get calls about frequently – that's a facility that has submitted TRI reports in the past, but no longer meets the applicability criteria – for example, if they closed and did not exceed activity thresholds – and now they want to let EPA know why they will no longer be submitting TRI reports. The answer explains a way that they can submit this type of notification.

A lot of callers ask what are the fees associated with TRI reporting. Of course we explain there are no fees under the federal regulations for TRI, but the reason we often get this question is because some states have their own TRI programs and do have a fee associated with the copy of the TRI report that they receive. So the FAQ also points callers to the TRI page with a list of state contacts.

We also receive quite a few questions about how to report if there is a change in company name or ownership. The FAQ on the slide here is for a fairly straightforward situation where the name changed after the reporting year, and explains that the company's name as of December 31st, the end of the reporting year, should be included on the form for that year and then updated in the following year's report. The other FAQs listed address a variety of other, related scenarios – such as if there was a change in ownership during the reporting year –which name to use and who's responsible for completing the forms. Another one discusses how these changes affect the facility's identification number, the TRIFID. The last Q&A is from the main Questions and Answers document that I pointed out a few minutes ago. A lot of the questions have been added into the FAQ knowledgebase I just showed you, but not all of them. For the ones that are included in the database, we included the FAQ number on the slide. For the ones that not included, like 626, you would need to open the Questions and Answers document itself to view it.

Now, I'm going to turn this over to Elsa Yoseph to discuss a sample of the questions about applicability.

(21:59) Elsa Yoseph: Thanks Bethany. So you just heard some of the more general questions we get at the Information Center. For the next section of this webinar, I will discuss some common questions related to applicability.
The first applicability criteria we're going cover is the employee threshold. We get a lot of questions about what types of employees facilities should consider when determining if they meet the employee threshold. The concept of "10 full-time employee equivalents" goes beyond the consideration of the standard full-time employee, and instead, requires facilities to calculate all hours worked by a number of different employee types. So with the language shown here, pulled from page 8 of the Reporting Forms & Instructions, we can show facilities some of the more obscure work hours that may not have otherwise been thought of to include in their calculations, such as paid vacation and sick leave, and seasonal or temporary employees. There are more facility-specific examples we can share with callers provided in the additional resources shown on this slide, which I think showcases how the Information Center really shines since the guidance we have to offer callers provides examples and further clarifications that are not addressed in the more readily available guidance. In particular, you'll see that a May 6, 1998 memo is referenced. EPA often times uses memos as a way to respond to requests for facility-specific interpretations that offer clarifications on issues not otherwise addressed by existing guidance. This memo deals with some tricky scenarios involving the consideration of truck

drivers, that may or may not be employees of the facility, or cases where the truck itself may or may not be owned by the facility. Additionally, a question from an Information Center Monthly Report is listed on this slide. Every month we publish reports of some FAQs we drafted and receive approval from EPA. While a lot of the FAQs have already been input in the FAQ Database, in which case we've provided that corresponding #, there are some FAQs that are only available in these reports that may also be useful. So again, with the resources we have available, we are able to help facilities address a number of scenarios regarding employee thresholds. But that is only one criterion that facilities need to consider when determining applicability.

Next we have NAICS codes. This is particularly confusing for callers as some of the long-time filers may be more familiar with SIC codes, which were the original industry codes in place at the time some facilities first became subject to TRI reporting, but have since been replaced by NAICS codes. So they are unsure how to determine whether they're still in a covered industry because they don't know how to convert their SIC codes into NAICS codes. The first place we would obviously want to point callers to would be the Forms & Instructions as Table I contains a complete list of all covered NAICS codes, but again, the facility would first need to know what their NAICS code is in order to determine if their NAICS code is covered. To facilitate that process, the Census Bureau's website contains crosswalks that we can reference: first convert SIC codes into the 2002 NAICS codes, and then take the 2002 NAICS code and convert that to the 2007 NAICS codes. As OMB updates the list every 5 years and there may be some changes. Another great resource we can offer facilities that are still having difficulties with this conversion, is the NAICS Helpline, which will work directly with facilities to help determine what their NAICS code would be. And then there are some additional FAQs available to provide further guidance to determine a facility's primary NAICS code as they may be a multi-establishment facility and it would be the primary NAICS code that determines applicability.

So the remaining slides I will discuss are going to cover some of the more frequent questions we receive regarding the final applicability criterion, activity thresholds.

First up is the concept of coincidental manufacture. Some people may think that since they don't intentionally manufacture a TRI regulated toxic chemical, they would not be required to consider those quantities. However, with guidance, such as this Q&A, number 154, that discusses the coincidental manufacture of a metal compound through conversion, we can help facilities to understand that regardless of whether the manufacture of the chemical was intentional or an inadvertent manufacture, all manufactured items apply.

Ok, so what about processing toxic chemicals?

A common question about the processing activity threshold is repackaging. As this FAQ demonstrates, the main point to get across to callers is whether the toxic chemical was removed from its original container because if so that action would be considered processing. However, if the toxic chemical remains in its original container and is simply placed in a larger container it would NOT be a covered activity.   Now there are a number of different scenarios that we may be presented with, and we are able to provide guidance that has specific examples we can apply to each caller using the additional resources listed here.

This leaves us with the final activity threshold, otherwise use.

Actually, one of the most frequently asked questions on activity thresholds in general is: what is the difference between processing and otherwise use? This FAQ gets at the heart of the distinction between these two activities, where the bottom line is whether the toxic chemical was incorporated into a product and then subsequently distributed into commerce. Now there are some more nuanced aspects to questions surrounding this topic, which is where these additional resources really come into play. For example, Q&As 32 & 33 clarify that distribution into commerce includes transfers regardless of whether there was monetary gain or whether the transfer was to a facility under the same ownership. Another great resource to highlight here, is Directive #7 as a lot of the confusion comes from the fact that otherwise use is essentially a catch all category and this directive covers some specific examples of what would be considered otherwise use.

Switching gears a bit, I just want to take a minute to discuss a slightly different aspect of the Information Center, which provides an added benefit to our callers, and that is that we keep up-to-date on any changes to the TRI program. A lot of times folks will call and ask if there are any additions to the chemical list, and what this slide demonstrates, is that since we do track changes we are able to inform callers of one of the more recent changes with the addition of 16 chemicals classified as “carcinogen” by the National Toxicology Programs’ Report of Carcinogens.

Another change that has sparked interest is the consideration of hydrogen sulfide, of which the Information Center was able to keep folks abreast of its status and just recently, February 26, 2010, inform callers of EPA’s determination that the administrative stay on hydrogen sulfide should be lifted and begin reporting by covered facilities. Once EPA has finalized this decision, EPA will issue a final rule specifying when covered facilities will first begin to report for hydrogen sulfide, and we will then be able to provide this information to callers.

A lot of the FAQs we publish come from our tracking of program related changes that have been approved by EPA and would not have been publically available otherwise. Which provides a nice segue back to questions regarding activity thresholds, and the assistance the Information Center is uniquely qualified to offer to callers.

We get a lot of calls from people confused about chemical qualifiers, which I will discuss the more frequent questions we received over the next couple slides. So first up is how to deal with the two chemicals (aluminum or zinc) that have a qualifier of “fume or dust.” With this FAQ, we are able to explain that ONLY the manufacture, processing, and otherwise use of these substances when in fume or dust form are subject to threshold determinations. Additional resources that are really helpful on calls is Q&A 429, which clarifies that there isn’t a size limit on what is considered a dust particle, there’s also the 1999 memo listed here clarifies that **only**fibrous forms of aluminum oxide are reportable. Between this Q&A and the remaining additional resources, we can cover a number of questions related to what is considered a fume or dust.
Ammonia is one of the more tricky chemical qualifiers as the amount or percentage of a chemical that is considered is based on what form the ammonia is manufactured, processed, or otherwise used. Directive #8 deals specifically with Ammonia and Ammonia Salts so this is a common resource used on calls. This is also a great example of where the Information Center is able to take advantage of the various chemical-specific guidance documents EPA has made available to further expand on common issues relevant to specific chemicals and chemical categories. There are also industry-specific guidance documents available on the TRI Web site that Martina will introduce to you later. In this case, for ammonia, we often use the Guidance for Reporting Aqueous Ammonia, which provides some specific figures and sample calculations that are really helpful to facilities.

Next, we have acid aerosols, which similar to the chemical qualifier of “fume or dust,” here only the aerosolized form of a covered toxic chemical would be subject to threshold determinations. However, there are a lot of unique scenarios, such as aerosolized chemicals that escape into storage headspace, that are a little less intuitive and we are able to pull from the Reporting Forms & Instructions, some Q&As, and in particular, two chemical-specific documents shown here to help address those unique questions.

For example, one common point of confusion is also discussed in a later portion of the Q&A here, number 402: acid-reuse systems. A lot of folks are unsure of whether they would need to count the amount of acid aerosol generated each time an acid is used, or just the initial amount entered into the system and this Q&A clarifies that it would just be the amount added to the system.

Similar yet different from acid-reuse systems, closed-loop reuse systems have some of the same considerations that the Information Center commonly assists facilities with understanding. With the resources we have on hand, we can help to clarify that the same general concept applies to this type of reuse system, and to reuse systems in general, where only the start-up or total replacement amounts added to the system are considered for the threshold determinations. Ok, so that's pretty straightforward for facilities once they understand that that is how they should approach thresholds.

However, one of the more confusing issues surrounding threshold determinations applies to metal compounds because of the difference with how they're treated for threshold calculations vs. release and waste management calculations. So it's really important for facilities to constantly keep in mind that the first part of TRI reporting deals with applicability, which is separate from how they should approach release and waste management determinations. What this FAQ highlights, is that for threshold calculations, facilities need to consider the total weight of a metal compound, and again, this is different to release and waste management calculations where only the weight of the parent metal is considered.

In addition to keeping the two parts of TRI reporting separate in their minds, facilities have the added complication of being limited to the information they have on hand from which to conduct threshold determinations.

Chemical information available to a facility varies and gaps in information is increasingly apparent with discussing mixtures. Whether a facility knows the exact concentration present, or a range of potential concentrations with both the upper and lower bound levels, or just the lower bound level will greatly impact the amount of that toxic chemical that gets counted towards a threshold. The Q&A shown here clarifies how threshold determinations should be made if only the lower bound concentration is known, but if no information is available, then the so called "maximum" percentage used in calculations should be 100%. The additional resources highlighted on this slide, in particular the Reporting Forms & Instructions and Directive #4, which you'll notice comes from the Addendum to the EPCRA Section 313 Questions & Answers document as some of the Q&As in the Revised 1998 version needed to be updated, so with these resources provide various scenarios and key example calculations that can be very useful on calls.

So far I've been discussing guidance that the Information Center can offer facilities in determining which chemical amounts should be considered for which activities, but there are a number of exemptions under TRI and with the last two slides of my portion of the webinar, you will see the two most frequent exemption related questions we get.

First, are questions related to the articles exemption. Here is one of the more popular questions we get dealing with whether sheet metals are eligible for the article exemption. The concern is that through normal operations scraps are often produced and some people are unsure of whether these

scraps are considered releases. Using guidance provided in FAQ number 14801, we can help clarify that as long as the scrap materials were collected and the key here is**recycled**, they would not be considered a release, however, if there are more than 0.5 pounds of releases, which include things like grindings or emissions from welding, then the article exemption would no longer apply. The additional resources shown here also allow us to take it a step further with more facility-specific scenarios, such as the use of sheet metal in desk manufacturing which is discussed in Q&A 353, or considerations for materials used during facility construction discussed in the Memo, and with the guidance in Q&A 382, we can offer recommended methods for conducting release calculations, which are so critical to determine whether the article exemption is maintained throughout normal operations.
Finally, we have an FAQ that gets at some of the more frequently asked questions related to the de minimis exemption. The key concepts here are that the de minimis exemption only applies to non-PBT chemicals, but does not apply to either manufactured chemicals or waste, which the additional resources mentioned here go into in more detail.

So now I'll pass it over to Martina, who will go over release and waste management topics and form completion.

(36:49) Martina Donati: Ok thanks Elsa. Alright so Elsa covered some common questions we receive here regarding basic applicability. But TRI is a two part Program, once applicability criteria is met we can offer helpful guidance on a wide range of issues related to release and waste management as well as form completion.
I am going to take you through a few of the more frequently broached topics and also pieces of guidance that can be useful when assisting those preparing their Forms.

Newly covered entities and first time filers often get overwhelmed, one of their first questions is where am I going to find all this data to report? *Should I have been monitoring all along?* Well As this Q&A indicates, statutorily, EPCRA does not require facilities to conduct specific types of monitoring to make release and waste management calculations.
Most likely, these facilities are already collecting relevant data under other laws

However, if no such data is available, facilities will need to make reasonable estimates based on their best readily available information

We can help them make reasonable estimates by offering various pieces of guidance that are relevant to their site specific situation. One of the more difficult releases to generate estimates of are fugitive air emissions.

We receive many questions on fugitive air emissions. Mostly callers want to know “is this considered a fugitive emission,” or “how do I calculate a fugitive emission?”

Some of the most basic guidance can be found in the Reporting Forms and Instructions within the Section by Section break down.

More complex scenarios such as estimating emissions during burning activities, or from working losses are addressed in Q&As as well as th chemical and industry specific guidance documents.

A great resource for these types of calculations is the Clearinghouse for Inventories & Emissions Factors, which offers set emission factors and as well as provides estimation tools for filers. There is a link to this resource on the Guidance Documents page of the TRI site.

Also on the guidance documents page are the chemical and industry specific guidance I just mentioned. These documents break down common uses of specific TRI chemicals or focus on an industry, looking at typical TRI chemicals on-site. These documents are very thorough, and they greatly reducing burden for those subject to reporting requirements.

Now, for example we have a metalcallers often have trouble determining what they need to report and what they don’t. A metal fabricator has a pile of scrap metal that he remelts. Does he consider this recycling and thus report it on his Form R?

This is great guidance available in our FAQ database which addresses that question—No, he does not need to report it as being recycled as it is just a simple phase change—so it is considered direct reuse. The language was pulled from an EPA Memo, so I cited them both on the slide. As Bethany mentioned earlier, many of the FAQs that we write utilize language from memos.

Our metal fabricator is directly reusing his scrap metal. The concept of direct reuse often applies to byproducts of processes, like fertilizer, that a facility doesn’t want, so the byproduct is “given away” BUT it is being directly reused by the recipient… THEREFORE considered distributed into commerce and not reported on the form R.

Recycling is a little bit different. EPA doesn’t have an official definition for recycling, so when there isn’t a Q&A to address a site-specific situation, I always refer callers to a great document, which provides EPA’s interpretations of waste management. It is available on the guidance documents page and is more of a conceptual discussion of waste management as it applies to TRI. Another topic discussed in the document is the difference between energy recovery and treatment for destruction.

I would show a caller this language in the RFI if they asked me what type of M code they should be using for their off-site transfer—one under treatment for destruction or one under energy recovery?

Q&A 568 discusses a different scenario where a chemical in a wastestream is being combusted for energy recovery because it has a significant heat value and is burned in an appropriate device.

But it goes on to note that if other reportable chemicals in the wastestream are *incombustible*must be reported differently on the Form R.
Now Incombustible chemicals are a hot topic for callers, they can create challenges during form completion. By incombustible, I am referring to metal and metal category compounds, as they have no significant heat value and cannot be treated for destruction. Naturally, a common question is would be how are metals and metal category compounds managed as wastes? As indicated in the Reporting Forms and Instructions, they can only be released or recycled.

Elsa mentioned earlier threshold calculations are different for metal compounds than their release and waste management calculations.

Due to the complexity of metal reporting, there are a multitude of Q&As that discuss the waste management of metals, as well as multiple chemical specific documents.

Now, another one of our services here includes assistance with form completion. In terms of form completion, many of our callers have questions regadring the relationships between sections 5, 6, and 7 with Section 8.

How do these sections effect the population of section 8?
For example, when sending a chemical to a POTW, filers report it in 6.1. However, the value reported in, can be divided between 8.1c, 8.1d, or 8.7. For purposes of data quality, it is really important to report the ultimate disposition of the 313 chemical if it is known.

Obviously EPA's stance is best available information, so if this information is not know then we have Q&A 590 indicates filers should report the entire quantity sent to the POTW as total other off-site disposal or releases in 8.1d—because most likely the POTW will be releasing into surface waters.

In TRI-MEweb 8.1d is the default location. If you are entering in a transfer to 6.1.

This is a screen shot of TRI-MEweb Section 8 for the current reporting year. Imagine I have sent 200 pounds of a chemical to a POTW, as listed in 6.1. Now that we got to section 8 we can see it now in 8.1d.

But I know that 100 out of that 200 lbs was actually treated for destruction. So to report in 8.7 as such, I select the edit button next to 8.1d to redistribute the % my 200lbs to their appropriate location.

This screen will appear and I would select the “100%” link to pull up the screen on the bottom which allows me to distribute the percentage distribution as necessary under the “Ultimate Disposition of POTW Transfers”

50% treated and 50% released

Select “=Calculate”

Looking at another issue that arises during form completion, every field on the Form R is required to be filled out even if it is just with an NA. So we often have the question what is the difference between NA and zero?

This language from the RFI covers it—it is pulled from section 8 but is also relevant to sections 5, 6, and 7.

Alright the next thing I would like to look at is Catastrophic events in section 8.8! This section always fascinates people. Each year, I talk to dozens of people who think section 8.8, one-time catastrophic event, is appropriate for their x, y, z situation. Ultimately, it really isn’t used that often.

This Q&A says if you are reporting in 8.8 your release should be from a remedial action, a catastrophic event, or one-time release not associated with normal production.

The RFI offers the example of a catastrophic event as a driver losing control and crashing into a process tank, spilling a reportable chemical or releases from natural disasters such as tornados or hurricanes.But hopefully, the most common types of releases reported in 8.8 are those related to remedial activities and an example of that is discussed in Q&A 520. In terms of remedial activities in section 8.8, what is considered a remedial action tends to be the most common type of question we receive. The forms and instructions do go into a little more detail about that.

While, Section 8.8 isn’t used by filers as much, I have received calls from academics interested in the data from this section for research purposes.

Right after section 8.8, section 8.9 also generates confusion for our callers.

The production ratio or activity index can be tricky because filers are creating a ratio of reporting year production utilizing a variable other than production volume itself and that’s going to influence the quantity of the chemical being reported. First time filers or one-time batch processors are confused by this—Q&A 593 indicate that they should report NA in this section as they do not have previous RY data to generate a ratio.

Q&A 125 from the addendum for federal facilities offers an example of an acceptable variable to use. In the example the facility looks at the frequency the reportable chemical is used to clean process related equipment throughout the year. The Q&A also states that sometimes it is acceptable for a facility to have a production ratio of 1. Or the same production rate from year to year if possible.

Alright. After form completion in TRI-MEweb, preparers validate their data and submit to their certifying official for certification.

Companies often have consultants prepare their Form Rs for them; however, it is required that the owner or operator or a senior management official certify the form.

We get this question often, usually people just substitute in a variety of different job titles asking if they are able to certify. And this Q&A, which takes the definition of a senior management official straight from the RFI is perfect for those kinds of calls.

In regards to form certification and submissions, we find ourselves describing the various options for state submissions.

Of course we always push filers towards TRI-MEweb because it is EPA's preferred method of submission. As it has built in data quality checks, it reduces facility's filing time, allows EPA to turn around data much quicker…It is such a wonderful application for so many different reasons, but another is its ability to break down state-by-state submission requirements. It will tell preparers if their states are participating in SDX or if not, what method their state prefers and assisting in generating the appropriate file for them.

So, that was a short run-down of the hot topics we address here at the Information Center.

We have listed all the resources discussed today on the following three slides. They are all hyperlinked, so once Jennifer posts them on the ChemicalRight2Know Web site feel free to investigate them or use them for later reference.

And I guess At this point, we're just going to, I am going to turn the floor over to Jen Major, who will be leading the Q&A session.

(50:35) Jennifer Major: Thank you so much and thank you to all of you out there who have been submitting questions, it's encouraging to see so many people questions about the information center. I just want to make another quick announcement because several of you have asked this about whether we'll be making presentations and webcasts available after the webinar and the answer is yes, we'll be posting everything on the chemicalright2know.org website and we'll trust that you are viewing it at the end.
OK so the first question, I'm just going to kind of take these in order of receipt. The proposed rule does not provide the modified form R for review and comment. Without that the regulated community cannot fully assess the potential impact of the changes described by EPA in the FR that was attached. Please clarify. It's kind of a long question but…

(51:33) Answer: I'm sorry Jennifer could you read it one more time
(51:37) Jennifer Major: I will. Let me get a little bit closer to the speaker phone for you. The proposed rule does not provide the modified form R for review and comment. Without that the regulated community cannot fully assess the potential impact of the changes described by EPA in the FR that was attached. Please clarify.
(51:56) Answer: I think that the, I think the question is referring to the information collection request submitted to the Office of Management and Budget by EPA and simultaneously there was a discussion to change some of the reporting fields on the Form R. Also it was a new look at the burden assessment for reporting facilities.
(52:27) Jennifer Major: Ok, great, thank you.
(52:30) Answer: Uh, also at the beginning of all Federal Registers that you see released there's always a contact person mentioned at the beginning. Also I think on the TRI website on the main page there always is a little section reporting anything that comes out new, and I believe there is a link there for the information collection request, including the proposed form. So they might not be posted initially perhaps when you looked at it, but they are available at epa.gov/tri.
And they did receive, EPA did have a 30 day comment period on it as well so regulations.gov has a docket that posts all of the public submissions as well as the supporting and related materials for the, so that's a good place to look.

(53:21) Jennifer Major: Ok wonderful, thank you. Another question here that's rather detailed so I will try to read this slowly. Can the article exemption apply to materials that a facility causes to be imported into the customs territory of the United States and arrive at the facility during the reporting year? The second part of this is: should the facility apply the TRI chemical quantities in these articles to the manufacturing threshold due to the importing or could the article exemption apply if no changes

or releases occur during the receipt of these materials? And then the third part of this question asks for citations…
(54:07) Answer: Maybe it would be best if that person calls us and we can walk them through, it sounds like they have a very complicated site specific situation
But that's a perfect example of the types of questions we do receive. It also shows the value of having the call center because we are likely to need to have follow up questions to get a few more details about exactly what's happening, so you might want to postpone answering that one for now if that's ok.

(54:34) Jennifer Major: Ok, alright. I've got a shorter one for you. Can a facility submit a TRI report for a TRI chemical that didn't exceed a TRI activities threshold assuming all data reported are complete and accurate?
(54:53) Answer: I guess technically they could, I don't know of anything. Nothing really prevents you from submitting a report in terms of data quality issues I mean that's something that might be dropped by EPA themselves in case they have any issues with that, but nothing prevents you from submitting information, the idea is to get the information out there to the public about chemicals in their community.
(55:17) Jennifer Major: Ok. Alright. Another question for you. If nitric acid is used for process cleaning and neutralized by base, how do we estimate fugitive air emissions if fugitive emissions are not listed? A data error shows up?
(55:38) Answer: Um, I take it they're in TRI-ME web if data error shows up.
(55: 46) Jennifer Major: They can't tell from the Q&A page
(55:50) Answer: I think this is an example of why a caller contacts the information center. For example now we're unable to speak to this individual directly, there are follow up questions that we would need to get more information to properly answer them.
One of the slides I covered on fugitive air emissions did reference the clearinghouse or the clearinghouse inventory and emission factors, the chief website that discusses a variety of different methods in terms of calculating fugitive air emissions as well as emissions tools that can help filers. But you know, for things like that where there are various different conditions, maybe it's worth them giving us a call. So whoever submitted that question give us a call.

(56:48) Jennifer Major: Ok. Alright. The next question. Combustion of a waste containing chemicals and metals in a cement kiln would be energy recovery for the chemicals and recycling for the metals since they are incorporated in the cement product?
(57: 12) Answer: Um, it's a good question. I appreciate whoever asked that. But again we're dealing with providing guidance for regulations and that's something that would be best addressed by

contacting the information center. It really is important for us to get background information before addressing those questions.
And in that one, as I mentioned earlier, there's no definition of recycling so that document that discusses release or waste management activities is more conceptual, interpretation document, is a good one to go to. Basically you would need to look at your ash that's being recycled for cement and what you're doing with it.

But these are all perfect examples of how complicated TRI can be and that there is a lot of guidance out there but it really involves piecing it all together. We're not trying to be evasive. Usually our answers for things like this include pulling from tons of different documents, all the ones we just referenced here, usually it's a little bit easier but we're always open for questions.

(58:32) Jennifer Major: This one's a little bit more general. Where would a company go on the internet to determine how to revise a Form R if they made an error in their prior year's submission?
(58:54) Answer: That's actually a great showcase for the FAQ database because there is an FAQ that provides those instructions. So if you remember Bethany took you through a demonstration of how to use the FAQ database from the main TRI website on the left hand column to click on the frequent questions link and then you can do a search for, let's pull the number, you can do a search for the keyword revise. FAQ number 20709 discusses how to revise your form.
(1:00:03) Jennifer Major: And that would be TRI-ME web, is the preferred revision and withdrawal method?
(1:00:19) Answer: As long as it's not from older years.
Also on the main TRI website on the left hand side there's a link for reporting Form S and instructions and there's several links there including one for revising and withdrawing TRI data and there's also little fact sheets that give you the basics steps for how to revise it and also how to revise a previous report.

(1:01:00) Jennifer Major: Great. OK. Here's another fairly general one. If a facility decides they're no longer required to submit a TRI report, are they required to notify the EPA or state or withdraw their report?
(1:01:07) Answer: No, there are no negative reporting requirements but if a facility chooses, send a letter to the data processing center just to notify them that they're no longer subject or are closing down. We do have an FAQ on our website that discusses how they would do that and the type of information they would include, specifically number 32384, and it includes basic things like the facility ID and contact information.
(1:01:21) Jennifer Major: Another question for you. Does the information center address enforcement related inquiries?

(1:01:33) Answer: No, we don't do enforcement related questions here. Those can be handled through the TRI enforcement official within the individual EPA regional offices. We primarily work with regulatory requirements here.

(1:03:19) Jennifer Major: You mentioned that the information center tracks changes to the TRI program; is there somewhere that I can access that information?

(1:03:29) Answer: Yes, some of the regulatory changes to the TRI program that we track are actually available in our monthly call center reports, and again you can access the monthly call center reports from the information center website, that link is also provided in the resources slide at the end of the presentation. We also work directly with EPA to develop some questions and answers for the FAQ database. So when a new rule is issued we'll draft up a new question, have EPA approve it, and then upload that question to the FAQ database and it appears under most recent topics. It will appear there temporarily until it's no longer recent. And then lastly, at the information center there's a place where you can sign up for, uh, it's probably easier for me to give you the URL for it, if you have a pen and paper, it'shttps://lists.epa.gov/read/all_forums. So, on that website you just scroll about halfway down there's a listserv titled call center_oswer. That'll get all, and it's not just TRI. You want to highlight that, it's all departments being covered, call center, but it includes TRI program wide changes. And lastly when you call the information center we have a phone tree and we'll post a little message about recent changes to the program there.

(1:04:14) Jennifer Major: Great. Excellent. How do you develop new ideas for questions and answers that are added to the FAQ database?

(1:04:30) Answer: Well, you know, obviously programmatic changes like Elsa just mentioned are going to generate new monthly report questions to add to the database. But mostly we get our questions from callers. So if we have a specific situation that we might not have ever had before in terms of a call and we alter some guidance that has been untouched for awhile that comes into the light we will hold that up and try to make it as accessible as possible and translate that information into useable FAQ that can be put up online and reviewed by the regulated community.

(1:04:56) Jennifer Major: Ok, if an error has been made in a previous TRI submittal, how many years back is a facility required to revise a TRI submission?

(1:05:03) Answer: There's no regulatory requirements that specifically says how far in the past you have to go back to make the revisions. Everything is kind of based on present circumstances. When you submit the report you're supposed to use the most accurate information at the time. So this is something where maybe it gets into more of the enforcement related side, which is something where you can work with headquarters directly or the regional office.

(1:05:14) Jennifer Major: Um, here's a pretty basic one. How long has Booz Allen been operating the information center?

(1:05:28) Answer: We've actually been operating it for 20 years. It's changed programs a little bit in terms of everything we cover here but for 20 years we've been operating it.
(1:06:03) Jennifer Major: Great. OK. Here's another sort of longish one. How did the TRI center communicate that facilities may have to pay fees to those states that have a fee schedule in place?
(1:06:12) Answer: We don't cover the state programs themselves. So we would explain that there are no federal requirements for it, they would have to work with their state programs in terms of whether or not they charge any fees.
We would probably just refer them to their state contact. We don't keep a database or list of fees associated with specific states.

And again we did point them to the one FAQ I mentioned earlier and that explains that there's no federal requirements and then provides a list of the state contacts.

(1:06:29) Jennifer Major: Great. Ok. A question here. If I call the information center, do I have to tell you my name or my company's name?
(1:06:59) Answer: No. Not at all. That's a good question we get that pretty frequently. But it's a completely anonymous call center so we don't track the name or your phone number, call you down. EPA's not going to have any of that information so it's completely anonymous.
(1:07:26) Jennifer Major: Alright. Ok, now I might just have a couple more here. Is best available data used for prior year TRI report, or is more accurate data available for the current reporting year. Does EPA require you to correct the prior year TRI reports based on newly available accurate data?
(1:07:35) Answer: There is actually I believe a Q&A that goes over that same scenario. I'm trying to remember the exact language in it. That's one of those ones that we would place a caller on hold for one second while we pull the exact language. So we'll have to get back to you on that one
(1:07:42) Jennifer Major: Ok, alright. And finally what was the QA code for facility that is not subject for the current report year?
Answer: The what code?

Jennifer Major: Well it says here what was the QA code for a facility that was not subject?

(1:07:49) Answer: Oh you meant the question and answer number maybe. Oh ok, for a facility that was not subject. I believe they're asking about the negative reporting requirement.
Ah, gotcha.

And that one is 32384. Copies of the slides will also be available later and it's on the slide. I think slide number 10 for negative reporting. 32384.

(1:08:15) Jennifer Major: Right. And just a few reminders everyone again that we will be posting all the slides on the chemicalright2know website afterwards, so if you missed something in the presentation you will have a copy of that as well as the recorded webcast. That, we're going to wrap the Q&A section a little bit early actually, and then we'll go ahead and switch presenters. Unless, the Booz Allen team would like to throw any other Q&A type questions out there that you had on your list that we haven't already covered.

(1:08:52) Answer: I think you addressed most of the main ones today, and of course if anyone has any TRI questions after today they can certainly call the information center.

(1:09:07) Jennifer Major: Great. Ok. So Kelley if you're out there I'm going to turn it back over to you.

(1:09:10) Kelley Ann Lovelace: I am out here, yes. Wow, that was great, thank you so much presenters. Fantastic job. That was a lot of information covered in the last 45 minutes to an hour and thank you so much Jen for facilitating. That was very good. Thank you everyone. What you see right now is a list of webinar contacts and the individual listed will be able to answer any questions regarding, or most questions regarding, today's webinar, so we have that contact list available for you. With Christine Arcari from EPA, Bethany Barnhart from Booz Allen and Jennifer Major, with their email addresses. And then the next slide, which Jen will put up.

(1:10:05) Jennifer Major: Sorry there's always that little weird delay

(1:10:08) Kelley Ann Lovelace: That's ok, that's ok. This is the resource slide like. This has other useful websites which can help you to find additional information on tri as well as the listings for the chemicalright2know website, which you have heard referenced several times this afternoon. That's listed down at the bottom. And as Jen just said moments ago, this is where the webinar recording will be posted, and eventually a copy of the presentation. So with that I would just like to thank you all for attending and many thanks again to the presenters for putting together an interesting and informative discussion. I hope all of you found this webinar information useful and one last quick reminder, please take some time to provide some basic feedback at the end of this webinar. An email will be prompted to those in attendance when the webinar is over. If you could just take a few minutes to answer I believe there's five questions, that would be most helpful to us in getting feedback on this webinar as well as planning for future webinars. So many thanks to everyone and I wish you a lovely day.