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**COMPLAINANT'S MOTION AND MEMORANDUM OF LAW IN SUPPORT OF
ACCELERATED DECISION AS TO LIABILITY**

Complainant, the United States Environmental Protection Agency, moves for accelerated decision as to liability pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, ("Consolidated Rules") 40 C.F.R. § 22.20.

Consultation with Opposing Counsel

Per the Court's Prehearing Order entered on August 27, 2015, the undersigned consulted with James Gavin, counsel for Respondent, Eagle Brass Company concerning the filing of the within Motion for Accelerated Decision as to Liability and to Strike Affirmative Defenses. Respondent does not consent to the relief requested in this motion. Respondent's position is as stated in its Answer, that Respondent is not liable for the allegations in the Administrative Complaint and that no penalty should be assessed. Answer ¶¶ 15 – 16, 19 – 20, 23 – 24, Response to Proposed Penalty, Answer p. 7.

Introduction

This matter is a civil administrative enforcement action brought pursuant to Section 325 of the Emergency Planning and Community Right to Know Act of 1986 ("EPCRA"), 42 U.S.C. § 11045. EPA seeks an administrative penalty for Respondent's Section § 313 reporting violations related to its processing of the toxic chemical copper at its Pennsylvania manufacturing facility during calendar years 2010 - 2012.

Standard of Review

Under the Consolidated Rules of Practice, an accelerated decision may be issued "if no genuine issue of material fact exists and a party is entitled to judgment as a matter of law." *See,*

40 C.F.R. § 22.20(a). This standard parallels the standard for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. *In re Clarksburg Casket*, 8 E.A.D. 497, 501 – 502 (EAB 1999), citing *In re Green Thumb Nursery, Inc.*, 6 E.A.D. 782, 793 (EAB 1997). As used in this context, the Board has defined the words “material” and “genuine” as:

A factual dispute is *material* where, under the governing law, it might affect the outcome of the proceeding * * *

A factual dispute is *genuine* if the evidence is such that a reasonable finder of fact could return a verdict in either party’s favor. * * * If so, summary judgement is inappropriate and the issue must be resolved by the finder of fact. If, on the other hand, the evidence, viewed in a light most favorable to the non-moving party, is such that no reasonable decision maker could find for the nonmoving party, summary judgment is appropriate.

Clarksburg Casket, Id. quoting *In re Mayaguez Reg'l Sewage Treatment Plant*, 4 E.A.D. 772, 781 (EAB 1993).

If the moving party satisfies this standard, it is incumbent upon the opposing party to put forth evidentiary material or to file a F.R.C.P. Rule 56(f) affidavit. F.R.C.P. Rule 56(e) recites: "When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of his pleading, but must set forth specific facts showing there is a genuine issue for trial." *Id.* The nonmoving party cannot defeat the motion without offering "any significant probative evidence tending to support" its pleadings. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1985) (quoting *First Nat'l Bank of Arizona v. Cities Service Co.*, 391 U.S. 253, 290 (1968)). Simply put, “a party responding to a motion for accelerated decision must produce some evidence which places the moving party's evidence in question and raises a question of fact for an adjudicatory hearing.” *In re Harpoon*, Docket No. TSCA-05-2002-0004, 2003 EPA ALJ LEXIS 52 (August 4, 2003) citing *In the Matter of Strong Steel Products*, Docket Nos. RCRA-05-2001-0016, CAA-05-2001-0020, and MM-05-2001-0006, at 22 - 23, 2002 EPA ALJ LEXIS 57 (September 9, 2002).

The Parties

Complainant is the Director of the Land and Chemicals Division, EPA Region III. The authority to issue the Administrative Complaint (“Complaint”) is vested in the Administrator of the United States Environmental Protection Agency (“EPA” or “Agency”) by Section 325 of the Emergency Planning and Community Right to Know Act of 1986 (“EPCRA”), 42 U.S.C. § 11045. The Administrator has delegated this authority under EPCRA to the Regional Administrators by EPA Delegation 25 – 3 dated May 11, 1994, and this authority was further delegated to the Director of the Land and Chemicals Division, EPA Region III by EPA Delegation 22-3-A dated September 1, 2005. (Complainant Exhibit 13)

Respondent, Eagle Brass Company, owns and operates a manufacturing facility in Leesport, Pennsylvania (Answer, ¶ 6). Respondent describes its manufacturing operation as [a] “reroll company that supplies coils in various gauges and widths to stamping facilities.” Request for Information Response (hereinafter “RFI response”) (Complainant Exhibit 2),¹ Affidavit of Craig Yussen dated September 1, 2015, ¶ 7 (hereinafter “Yussen Affidavit”). During the relevant time period, Respondent employed more than ten (47) employees, and has an SIC code of 3331. (Answer ¶¶ 8 and 9, Complainant Exhibit 2, RFI Responses Nos.1 and 3, Yussen Affidavit ¶ 8).

Factual Background

Respondent processes an alloy at its facility consisting of copper and nickel. *See* Answer ¶ 14. The amount of copper in the alloy processed at Respondent’s facility each year in 2010 - 2012 was determined using the Material Test Reports supplied to EPA by Respondent in response to the Request for Information.² Complainant Exhibit 7, Yussen Affidavit ¶ 11. The

¹ Respondent certified the RFI response by signing under the example include in the RFI. Complainant Exhibit 2.

² The Request for Information is attached as Complainant Exhibit 1. There appeared to be some confusion on

Material Test Reports give the percentage of each material contained in the copper/nickel alloy processed at the Eagle Brass facility. *Id.* Respondent’s Material Test Reports recite two values for the percent of copper in the alloy: 54.8 and 58.7. *Id.* EPA applied the lower of these two values. Yussen Affidavit ¶ 11. By multiplying the percentage of copper contained in the alloy (obtained from the aforementioned Material Test Reports) against the annual total throughput of the alloy at the facility, the copper portion of the alloy processed at the facility in a given year was calculated as noted in the table below. Yussen Affidavit ¶¶ 11, 12.

Year	Total Throughput of nickel/copper alloy	Total Copper Processed	Total Copper Shipped Offsite As Scrap ³
2010	363,365	199,124	105,573
2011	561,482	307,692	101,891
2012	403,210	220,959	109,361

Item 6 of the information submitted by Eagle Brass in response to EPA’s June 3, 2014 RFI is a Material Safety Data Sheet (MSDS) from PMX Industries, Inc. dated December 15, 2004. (Complainant Exhibit 2, RFI Response 6, Complainant Exhibit 5). Page 5 of this MSDS, at Section 15.0, recites “These alloys contain the following toxic chemical(s) subject to reporting requirements under this section of SARA and 40 CFR 372.” *Id.* The table immediately

Respondent’s part in responding to the RFI. EPA questioned Respondent’s answer to RFI 1, “because it was inconsistent with the SIC code used by Respondent’s on previously filed Form Rs and the SIC Code given is the Chemical Abstract Service number for nickel.” (Complainant Exhibit 3) *see also* 40 C.F.R. § 372.65 (Table). In addition, RFI questions 4 & 5 request: “4. A list of all chemicals and amounts (lbs.) subject to EPCRA Section 313 manufactured (either directly or incidentally) processed, or used at the facility during years 2010, 2011, and 2012; 5. Throughput data of all raw materials containing chemicals subject to EPCRA Section 313 for years 2010, 2011, 2012.” Complainant Exhibit 1. Respondent’s RFI Response 4 states: “4. 2010 - 491,121 / 2011 – 711,314 / 2012 – 526,669. Complainant Exhibit 2. When this Response is compared to Response 5 there is an obvious error since the quantities Respondent stated for the amount of EPCRA 313 materials manufactured, processed or otherwise used exceeds the total of raw materials used. EPA took a conservative approach, using the lower of the two sets of numbers from the RFI Responses to calculate the amount of copper processed at Respondent’s facility during 2010 – 2012. Yussen Affidavit ¶ 11.

³ These values were obtained from corrected Form Rs submitted by Respondent for 2010, 2011 and 2012 on November 23, 2014 after EPA’s first enforcement contact with Respondent on October 22, 2014. (Complainant Exhibit 9). These amounts verify EPA’s calculations. Yussen Affidavit at 13.

following on this Material Safety Data Sheet lists copper and nickel. *Id.*

EPA's records of Respondent's EPCRA Section 313 reporting history shows that Respondent began filing timely Toxic Chemical Release Inventory Forms ("Form Rs") for copper in 1987 and continued (with the exception of 1990), until 1992, when Respondent began reporting only for nickel from 1993 through 2003.⁴ Yussen Affidavit ¶ 16, Complainant Exhibit 10.

According to EPA's records, Respondent did not file Form Rs again until 2011, and again reported only for nickel. Complainant Exhibit 5. Yussen Affidavit ¶ 16, Complainant Exhibit 10. It is noteworthy that although Respondent claims to have timely filed a Form R for nickel⁵ in 2010, EPA records indicate no Form R for any toxic chemical was ever filed by Respondent for calendar year 2010 before EPA's initial enforcement contact. *Cf.* Answer ¶ 15 with Yussen Affidavit ¶ 16, Complainant Exhibit 10.⁶

Summary of Law and Description of Violations

EPCRA § 313 and 40 C.F.R. § 372.30 require the owners and operators of certain facilities; i.e., those that have more than ten employees, SIC codes of 20-39 (2000 - 3900), and that manufacture, process, or otherwise use a listed toxic chemical during any calendar year in excess of the threshold quantity specified set forth in 40 C.F.R. § 372.25, to submit annually Form R for each toxic chemical by July 1 of the following year to EPA and the State where the facility is located. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. § 372.30, *In re Spang & Company*, 6 E.A.D. 226, 228 (EAB 1995). Like most environmental statutes, the EPCRA

⁴ The spreadsheet attached as Complainant Exhibit 10 includes Respondent's submission of corrected Form Rs for 2010, 2011 and 2012 filed after EPA's initial enforcement contact.

⁵ "Nickel" as used by Respondent means copper/nickel alloy. *Compare.* Answer ¶ ¶15, 19, 23 with original Form Rs for 2011 and 2012 at Complainant Exhibit 8.

⁶ Again, Complainant Exhibit 10 indicates a Form R was filed for 2010, however, this Form R was filed on November 24, 2014, after EPA had made initial enforcement contact with Respondent.

program is self-regulatory, and explicitly places the burden of compliance on owners and operators of facilities falling within its jurisdiction. *Id. at* Section 313(a), 11023(a), 40 C.F.R. §372.30. Even so, EPA supplied each reporting entity detailed instructions for filling out the Form R each year, makes available a telephone hotline for questions, publishes numerous aids and webinars both in print and on-line to educate and inform filers on the mechanics of the process of filing and to aide compliance. Yussen Affidavit ¶ 17, Complainant Exhibit 11.

Copper is listed as toxic chemical for which EPCRA Section 313 reporting is required. 40 C.F.R. § 372.65. There are no metal alloys on the EPCRA Section 313 toxic chemical list found at 40 C.F.R. § 372.65. Yussen Affidavit ¶ 10.

The term “mixture” is defined by 40 C.F.R. § 370.3 as:

Mixture means any combination of two or more chemicals, if the combination is not, in whole or part, the result of chemical reaction. However if the combination was produced by a chemical reaction, but have been produced without a chemical reaction, it is also treated as a mixture. A mixture also includes any combination which consists of a chemical and associated impurities.

Id. See also *Clarksburg Casket, supra*, at 498. Since at least 1998, EPA has advised the regulated community that alloys are to be treated as mixtures for the purpose of Section 313 reporting. *EPCRA Section 313 Questions and Answers*, at 40 – 41 (December 1998) (excerpt attached as Complainant Exhibit 14). In addition, EPA’s published instructions for completion of Form Rs for calendar years 2010, 2011 and 2012 noted that alloys are mixtures. Yussen Affidavit ¶ 18, Complainant Exhibit 12.

It is necessary for owners and operators utilizing toxic chemicals listed at 40 C.F.R. § 372.65 to determine the amounts of each such toxic chemical contained in mixtures and alloys. Such calculations are required because 42 U.S.C. § 11023(a) states: “[t]he owner or operator of

a facility subject to the requirements of this section shall complete a toxic chemical release form as published under subsection (g) of this section for **each toxic chemical** (emphasis added).”

See also 40 C.F.R. § 372.30(a), Complainant Exhibit 12 (2010, 2011 and 2012 Instructions Sec. A, ¶ 4). 40 C.F.R. § 372.30(b)(1) requires reporting of toxic chemicals for which the owner or operator has knowledge as being present as a component of a mixture. This knowledge is imputed to the owner or operator if the owner or operator has been told by the mixture’s supplier that the mixture contains a toxic chemical subject to EPCRA 313. *Id.* *Clarksburg Casket at* 497.

As noted above, Respondent had been given an MSDS by the supplier of the copper/nickel alloy it processes at its facility. RFI Response 6, attached as Complainant Exhibit 5. The instructions for completing Form Rs issued by EPA for reporting years 2010, 2011 and 2012, all included instructions on how to complete Forms Rs for mixtures. Complainant Exhibit 12.

EPCRA defines the term “process” broadly as “the preparation of a toxic chemical, after its manufacture, for distribution in commerce.” 42 U.S.C. § 11023(b)(C)(ii). This term is further defined in the Code of Federal Regulations:

Process means the preparation of a toxic chemical, after its manufacture, for distribution in commerce:

- (1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance, or
- (2) As part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product.

40 C.F.R. § 372.3. By this definition, Respondent processed copper at its facility in 2010, 2011, and 2012. Yussen Affidavit ¶ 7.

EPCRA is a strict liability statute, meaning there are few, if any, excuses to liability for noncompliance. *In re Steeltech, Ltd.*, 8 E.A.D. 577, 586 (EAB 1999) *affirmed*, 273 F. 3d 652 (6th Cir. 2001). Accordingly, noncompliance has been found, and penalties imposed for noncompliance where Respondent: 1) claimed a mixture of volatile organic compounds (VOCs) should be measured by the gases emitted and not by the weight identified by the supplier, *Clarksburg Casket*, *supra* at 509; 2) failure to certify a Form R where the Form R was otherwise timely submitted and concurrently filed with the state was deemed a failure to timely file a Form R with EPA, *In re Arizona Env'tl. Container Corp.*, EPCRA-09-2007-0028 at 15, (October 16, 2008); 3) where Respondent claimed lack of knowledge of EPCRA requirements and claimed the alloy it used was recycled. *In re Vallorbs Jewel Co.*, EPCRA-III-190,199, EPA ALJ Lexis 67 (Aug. 30, 1997).

Last, even with a number of excuses to which the Court seemed sympathetic, liability for nonreporting was found and a civil penalty assessed:

Even if this court accepts all of Woodcrest's allegations as true, and finds 1) that the EPA acted unreasonably in fining them after four years of good faith compliance; 2) that the EPA's procedures were inadequate; 3) that Woodcrest was entitled to a hearing; 4) that the Administrative Law Judge (the "ALJ") appeared to be biased against Woodcrest because Woodcrest would not settle; and 5) that the ALJ acted in an arbitrary and capricious manner in canceling the hearing and ruling on the EPA's motion, it would still not solve the Petitioner's problem that it did in fact violate the reporting statute for several years and is therefore subject to a civil penalty.

Woodcrest v. EPA, 114 F. Supp. 2d 775 (D. N.D. Ind. 1999).

Respondent's Arguments and Defenses

Respondent maintains that it processes an alloy, not copper, not nickel. Answer ¶¶ 14 – 15, 18 – 19, 22 – 23. As such, Respondent, calling the alloy “nickel” for purposes of Section 313

reporting, filed a Form R reporting the amount of the alloy it processed in 2010 – 2012.⁷ *See e.g.*

Answer ¶ 15:

To the contrary, [Respondent] processed an alloy that contained nickel and copper. Furthermore, the Respondent submitted a Form R to the administrator of the EPA and/or the Commonwealth of Pennsylvania by July 1, 2011 that fully and accurately reported the amount of the alloy that had been processed.

Id., *see also* Answer ¶¶ 19 and 23, Complainant Exhibit 8. Respondent's actions resulted in inaccurate reporting of its processing of the toxic chemical for nickel, and no reporting of its processing of the toxic chemical copper, thereby defeating the purpose of EPCRA to inform the general public and the communities surrounding covered facilities about releases of toxic chemicals, to assist research, to aid in the development of regulations, guidelines and standards. 40 C.F.R. § 372.1.

Moreover, EPCRA could not be more clear or precise: annual reporting is required by covered facilities for each listed chemical manufactured, processed or otherwise used over the relevant reporting threshold. This specificity is expressed in the statute and consistently repeated in the regulations promulgated under the statute. *See* 42 U.S.C. § 11023(a); 40 C.F.R. § 372.30(b)(1). The EPCRA regulations give instructions on how to mixtures should be addressed under the statute. 40 C.F.R. § 372.30(b)(1). Even Respondent does not argue it is not obligated to file a Form R, rather, Respondent argues it should be permitted to file incorrectly and inaccurately, defeating the purpose of the EPCRA statutory and regulatory scheme. Answer ¶¶ 14 – 15, 18 – 19, 22 – 23.

⁷ As noted *ante*, Respondent did not file any Form R's for 2010.

COMPLAINANT'S MOTION TO STRIKE AFFIRMATIVE DEFENSES

Complainant moves to Strike Respondent's Affirmative Defenses because each of Respondent's seventeen Affirmative Defenses fail as a matter of law. Complainant respectfully moves that all of Respondent's Affirmative Defenses, 1 – 17, be stricken. Complainant's arguments regarding Respondent's Affirmative Defenses are addressed in series, below.

Standard of Review

While the Consolidated Rules do not expressly address motions to strike, the Federal Rules of Civil Procedure are used as guidance where the Consolidated Rules are silent. *In re Carbon Injection Systems, LLC*, EPA Docket No. RCRA-05-2011-009, 32102 EPA ALJ Lexis 6 at 2 (February 12, 2012), *citing In re Wego Chem. & Mineral Corp.*, 4 E.A.D. 513, 524 (EAB 1993). It is often stated that motions to strike are viewed with disfavor and such motions will only be granted “only if the insufficiency of the defense is clearly apparent.” *Carbon Injection Systems, supra at 3*. A motion to strike will be granted if the “affirmative defense as pleaded is invalid as a matter of law.” *Id.* at 9. It is respectfully submitted that all of Respondent's affirmative defenses fail as a matter of law.

This Matter is Ripe for Affirmative Decision as to Liability Against Respondent (1 & 9)

Respondent has put forth no defense which would excuse its noncompliance and avoid the assignment of liability for violation of EPCRA Section 313 as alleged in the Administrative Complaint. Complainant has established a *prima facie* case, contrary to Respondent's assertion in its First Affirmative Defense; to wit: 1) Respondent has 10 or more employees for the reporting years 2010 – 2012 (Admitted, Answer ¶ 8); 2) Respondent has a primary Standard Industrial Classification (SIC) code (as in effect on July 1, 1987) between Major Groups 20 and 39 for the reporting years 2010 – 2012 (Admitted, Answer ¶ 9); Respondent “processed” within

the meaning of EPCRA 42 U.S.C. § 11023(b)(C)(ii) and 40 C.F.R. § 372.3 (Complainant Exhibit 2, RFI Response No. 7, Complaint Exhibit 9, Yussen Affidavit ¶¶ 7) copper, a toxic chemical listed in 40 C.F.R. § 372.65, in excess of the threshold quantity of 25,000 lbs. as set forth under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25, for which it did not file a Form R by July 1 of the following year. Yussen Affidavit ¶¶ 10, 12, 16, Admitted, Answer ¶¶ 14 – 15, 18 – 19, 22 – 23 “Eagle Brass processed an alloy that contained nickel and copper”. *Id.*, see also Complainant Exhibits 2 – 7, and 9.

Complainant’s Allegations are Timely (2)

The earliest violation in this matter occurred on July 2, 2011 the day after Respondent’s Form R for copper for calendar year 2010 was due. The Complaint in this matter was filed on June 24, 2014, less than three years later. The common statute of limitations applied to civil prosecutions by the federal government is the five year statute of limitations. *In re Frank Acierno, et al.*, at 49, EPA Docket No. CWA-03-2005-0376, 2007 EPA ALJ Lexis 9, (February 28, 2007); *In re Mafix, Inc.*, at 6, Docket No. EPCRA-III-113, 1998 EPA ALJ Lexis (February 12, 1998). As such, the Complaint in this matter was filed a year before the statute of limitations had run. For this reason, Respondent’s Second Affirmative Defense is insufficient as a matter of law.

The Doctrines of Estoppel, Laches and Waiver Do Not Apply to This Matter (3 & 4)

Even if Respondent could produce evidence that which could arguably support a defense of detrimental reliance as against a private party, Respondent’s defensive claim against the federal government would fail. Waiver, estoppel and laches defenses are not applicable to the government when it is acting in a regulatory role. *See Heckler v. Community Health Services*, 467 U.S. 51, 59 – 61 (1984)(holding estoppel not applicable to the government in the absence of both detrimental reliance and official misconduct). Regarding the defense of waiver, courts

have decided that this is not a defense that may be used against the government except in extremely limited cases. The matter herein is based on the prosecution of violations of a federal statute, and it therefore may not be waived unless it is done so clearly, decisively and unequivocally. *United States v N.O.C., Inc.* 28 ERC 1469 (D.N.J. 1988). Likewise, the Environmental Appeals Board has “consistently held that a party asserting equitable estoppel against the Government ‘bear[s] an especially heavy burden’ and must show that it reasonable relied on the adversary’s action to its detriment” and that the Government ‘engaged in some affirmative misconduct.’” *In re Environmental Disposal Systems, Inc.*, 14 E.A.D. (EAB 2008) 96, 128 fn. 26, citing *In re. Env’tl. Prot. Services., Inc.*, 13 E.A.D. 171, 196-200 (EAB 1997). It is respectfully suggested that Respondent has not shown any evidence of intentional conduct by Complainant that resulted in Respondent’s detrimental reliance or waiver. For these reasons, Respondent’s Third and Fourth Affirmative Defenses fail as a matter of law.

EPA’s Claims Are Not Barred by Lack of Notice or Unreasonable Delay (5)

To the extent this defense simply reiterates Respondent’s claim that the statute of limitations has run, that defense has been addressed, *ante*. Likewise, to the extent that Respondent uses the claim of lack of notice, such claim is akin to the affirmative defense of laches. *In re Steeltech, supra*, at 6. Laches is not an affirmative defense that can be raised against the United States Government. *Carbon Injection Systems, LLC, supra*, at 15. Respondent’s affirmative defense fails, where, as here, the government’s action is to protect a public interest. *Nevada v. United States, et al.*, 463 U.S. 110, 141 (1983); *Utah Power and Light Co. v. United States*, 243 U.S. 389, 409 (1917).

Even if it were possible for Respondent to raise this defense against Complainant, the time that elapsed from the date of the first enforcement contact with Respondent, June 2, 2014 (Complainant Exhibit 1), to the date of the Complaint, June 4, 2015, was just over a year. This

relatively short period of time does not factually support an affirmative defense of unreasonable delay. *Steeltech, supra at 15*. For these reasons, Respondent Fifth Affirmative Defense fails as a matter of law.

The Design of the Form R is Not a Defense to Respondent's liability (6)

Respondent's own behavior belies its Sixth Affirmative Defense. Respondent has also filed Form Rs regularly since 1987. Complainant Exhibit 12. Like Respondent, over 21,700 facilities filed Form Rs. Yussen Affidavit ¶ 18. Thus, to the extent that the Sixth Affirmative Defense is Respondent's attempt to claim impossibility of performance as an excuse to liability, such claim fails, since Respondent has, since 1987 to the present, demonstrated its ability to file Form Rs. More specifically, Respondent's Answer indicates Respondent's knowing inaccurate filing. Answer ¶¶15, 19 and 23. Specifically, Respondent identified its alloy on the Form R using the Chemical Abstract number for nickel. Respondent then proceeded to report the total for the alloy as nickel. Most noteworthy, Respondent certified this information as accurate.⁸ Complainant Exhibit 8.

Moreover, of performance is available as a defense to a contract. Respondent is and was required to file a Form R by force of statute, not contract. *Id. at* Section 313(a), 11023(a), 40 C.F.R. §372.30, *W.R. Grace v. Local 759*, 461 U.S. 757, 767 fn.10 (1983) (Impossibility is a doctrine of contract interpretation, *Id.*). Complaints as to the design of the Form R are properly heard as comments to the rulemaking. *See e.g.* 53 Fed. Reg. 450, 4511 -4518 (February 16, 1988)(Section IV: Agency response to public comments on the Form R). For the most recent Electronic Reporting Rule, there were just five comments submitted. 78 Fed. Reg. 52860, 52863

⁸ "I hereby certify that I have reviewed the attached document and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report." Complainant Exhibit 8.

(Aug. 27, 2013). Four of the five were complaints the rule was not more stringent. *Id.* at 52863. Notably, none of the comments went to the design or format for reporting, except plausibly one commenter's concern that reporters may not have internet access. *Id.* at 52864.

Last, as noted above, EPCRA is a strict liability statute. *Arizona Environmental Container, supra* at 37 ("It is noted violation of EPCRA Section 313 is a strict liability offense * * Respondent cannot escape liability by blaming its contractor for a mistyped email address" *Id.*). Even if the Form R was prohibitively complex, and even if Respondent did not have a 28 year history of filing Form Rs, (Complainant Exhibit 10). Respondent's complaint as to the design of the Form R would not relieve it of its duty to comply with the law. For these reasons, Respondent's Sixth Affirmative Defense fails as a matter of law.

Respondent's failure to use EPA's instructional materials is no defense to liability (7)

The duty and obligation to timely file a Form R falls squarely on covered facilities that "manufactured," "processed" or "otherwise used" a toxic chemical listed in 40 C.F.R. § 372.65, in excess of the threshold quantities stated under Section 313(f) of EPCRA, 42 U.S.C. § 11023(f) and 40 C.F.R. § 372.25, during a given calendar year. Such was the duty imposed by law on Respondent when it processed copper in excess of the threshold quantity set by regulations. 40 C.F.R. § 372.25. Even if EPA had never published any instructional materials, Respondent's duty would still not have been excused.

However, the assertion made in Respondent's Seventh Affirmative Defense is simply untrue. EPA maintains two telephone help lines, publishes extensive outreach materials, including detailed instructions on how to complete and file the Form R, a web site with links to many guidance and instructional documents designed to assist EPCRA reporters. Yussen Affidavit ¶ 17, Complainant Exhibit 11.

The Form R instruction booklet, which, until 2006, had been mailed to facilities who historically filed, gave step-by-step instructions on filling out each individual section of the Form R. For the past several years, when e-filing became predominant (and later mandatory in 2013) these instructions have been made available online at EPA's TRI homepage at <http://www.epa.gov/tri>.⁹ As set forth in the preamble to the Electronic Reporting Rule:

Detailed instructions on using CDX and TRI-MEweb, including tutorials, are available on the TRI Web site and in the Reporting Forms and Instructions (RFI), which is also available through the TRI Web site. Facilities may also contact the TRI Information Center, the CDX Helpdesk, the Regional TRI Coordinators, or the TRI Program staff at EPA Headquarters for further assistance. Please see the "Contact Us" information located on the TRI Web site for further details.

78 *Fed. Reg.*, *supra* at 52862.

Respondent's failure to access these materials in no way absolves Respondent of its duty to comply with the law. *Steeltech, supra*, 586. For these reasons, Respondent's Seventh Affirmative Defense fails as a matter of law.

The Has Been No Judgment Endorsing Respondent's Violations (8)

The doctrine of vested rights protects private parties that have obtained a judgment from being deprived of the benefits of such judgment by following legislation. "The private rights of parties which have been vested by the judgment of a court cannot be taken away by subsequent legislation, but must be thereafter enforced by the court." *Hodges v. Snyder*, 261 U.S. 600, 603 (1923); *McCullough v. Virginia*, 172 U.S. 102, 123 – 24 (1898). Respondent's violations of EPCRA Section 313 are not so protected. To the extent that Respondent attempts to make out an equitable estoppel argument based on a claim that it is being prosecuted for actions that took place without challenge until now, there is no support for that argument here, where the government has acted to enforce the statute within the time allowed by the statute of limitations.

⁹ The web site address is embodied in the rule. See 40 C.F.R. § 372.85(a).

Nor is equitable estoppel available as an affirmative defense as against the United States government. *Heckler, supra*, at 59 – 61. For these reasons, Respondent’s Eighth Affirmative Defense fails as a matter of law.

Notice of Noncompliance is Not Prerequisite to Enforcement Action (10 & 11)

A Notice of Noncompliance is not prerequisite to an administrative action seeking the imposition of a civil penalty for violations of EPCRA. *Cf.* 42 U.S.C. § 11045(b) *with* 42 U.S.C. § 7413 (d)(1)(A). *See also Spang, supra*, at 241 fn 17 (EAB 1995)(The only things binding upon the Region in issuing a complaint seeking monetary penalties are EPCRA § 325(c) and any civil penalty guidelines issued under that provision.”) For this reason, Respondent’s Ninth Affirmative Defense fails as a matter of law.

The Calculation of the Proposed Civil Penalty is not a Defense to Liability (12)

As stated in the Complaint, the penalty contained therein is a “proposed penalty.” This proposed penalty was calculated using EPA's April 12, 2001 Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-To-Know Act, The Federal Civil Penalties Inflation Act of 1990, 28 U.S.C. § 2461, *et seq.*, and the Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19. (hereinafter “Penalty Policy”). Should the Court find Respondent liable for the violations alleged, the Court will determine the penalty. *Consolidated Rules*, 40 C.F.R. § 22.27(b). The Penalty Policy does not have the force of law nor is the Court bound by it. *Consolidated Rules* 40 C.F.R. § 22.7(b), *Steeltech, supra* at 21, *Vallorbs, supra* at 3.

Nothing asserted by Respondent’s Twelfth Affirmative Defense offers any evidence that would excuse Respondent’s failure to timely file Form Rs for copper for the calendar years 2010- 2012 and as such, the Twelfth Affirmative Defense fails as a Matter of Law.

Congress has Authorized Penalties for Violations of EPCRA Section 313 (13)

Section 325 of EPCRA, 42 U.S.C. § 11045(c) recites, *inter alia*, that any person who violates any requirement of Section 313 of EPCRA, 42 U.S. C. 11023, shall be liable to the United States for a civil penalty for \$25,000 for each violation.¹⁰ While the imposition of penalty is the purview of the Court after a finding of liability, the proposed penalty in the Administrative Complaint does not suggest a sum in excess of that authorized by Congress (Complaint at p. 6). Whether this particular claim that the proposed penalty is excessive is simply another iteration of the affirmative defense invoking the Eighth Amendment (*See* Respondent's Fourteenth Affirmative Defense, Answer p. 9) there is no question that the law would permit the Court to impose a penalty far greater than what is proposed by Complainant. *Acierno, supra* at 55 (Where Congress drafted the enforcement provision of a statute, it provided EPA with the power to assess a civil penalties administratively and also provided Respondent procedural protections. *Id.*) For these reasons, Respondent's Thirteenth Affirmative Defense fails as a matter of law.

Constitutional Defenses are not available in Administrative Proceedings (14, 15 & 16)

Respondent's affirmative defenses based on the Fifth, Sixth, Eighth and Fourteenth Amendments fail as a matter of law. In the first instance courts seek to resolve cases on non-constitutional grounds, *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 341 (1936). Secondly, constitutional issues are outside the jurisdiction of administrative agencies. *In re NPDES Permit Systems for 170 Alaska Placer Mines, More or Less*, 1 E.A.D. 616, 630 (Administrator 1980). *See also Johnson v. Robison*, 415 U.S. 361, 368 (1974)(adjudication of the

¹⁰ Pursuant to the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. Part 19, the maximum civil penalty for a violation of EPCRA Section 313 has been increased to \$37,500 for each violation occurring after January 12, 2009.

constitutionality of Congressional enactments is beyond the jurisdiction of administrative agencies); *In re Tillamook County Creamery Assn.*, Docket No. EPCRA-1094-01-325 (affirmative defense based on constitutional due process stricken for lack of jurisdiction: “Constitutional challenges, whether statutory or regulatory, are beyond the jurisdiction of the tribunal *Id.* at 1). Nonetheless, the authority of EPA to bring this complaint has been expressly given by Congress as set forth at Section 325(c), 42 U.S.C. § 11045 (c). *See e.g., Acierno*, at 55. Moreover, the proposed penalty is well within the penalties set by the statute. Section 325 of EPCRA, 42 U.S.C. § 11045(c), *Newell Recycling Co., Inc. v. EPA*, 231 F. 3d 204, 210 (5th Cir. 2000)(It is well-established proposition that a civil penalty that falls within the statutory maximum does not offend the Constitution). For these reasons, Respondent’s Fourteenth, Fifteenth and Sixteenth Defenses fail as a matter of law.

The Assertion of Additional Affirmative Defenses is barred as Matter of law (17)

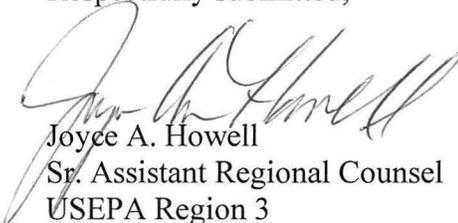
The failure to assert a defense in a responsive pleading is a waiver of that defense. *Menendez v. Perishable Distributors, Inc.*, 763 F.2d 1374 (11th Cir. 1984). The Consolidated Rules of Practice track the Federal Rules of Civil Procedure in this regard. The Consolidated Rules require that Respondent’s answer set forth the “circumstances or arguments which are alleged to constitute the grounds of any defense.” *Consolidated Rules* 40 C.F.R. § 22.15(b), *cf.* F.R.C.P. 8(c). *See also* F.R.C.P. 12(b) (Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required). For this reason Respondent’s Seventeenth Affirmative Defense fails as a matter of law.

Conclusion

It is respectfully submitted that Complainant has met its burden in establishing a *prima facie* case as to Respondent’s liability under a strict liability statute. Specifically, Respondent falls

within the jurisdiction of EPCRA that Respondent processed a toxic chemical, copper, in excess of the threshold amount of 25,000 pounds for each of the calendar years 2010, 2011, 2012, and failed to file a Form R with EPA and the state for copper by July 1 of the following respective calendar year. Moreover, Respondent's affirmative defenses all fail as a matter of law and provide no shield to a finding of liability against Respondent for the allegations contained in the Administrative Complaint. Complainant therefore respectfully requests the entry of judgment as to liability against Respondent and further requests the Court to strike Respondent's affirmative defenses.

Respectfully submitted,



Joyce A. Howell
Sr. Assistant Regional Counsel
USEPA Region 3
Howell.joyce@epa.gov

September 1, 2015

List of Exhibits

1. EPA Request for Information (RFI) dated June 3, 2014, with certification signed by John Anderton, Vice President of Operations, Eagle Brass Company
2. Eagle Brass RFI Response to June 3, 2014 RFI
3. Eagle Brass RFI Responses to June 3, 2014 RFI and handwritten notes of Abraham Reich, EPA employee.
4. 4. Email from Abraham Reich, EPA to "Production@eaglebrass.com with cc to Craig Yussen, EPA
5. Documents labeled "Item # 6" , submitted by Eagle Brass as part of its RFI response
6. Documents labeled "Item 9" , submitted by Eagle Brass as part of its RFI response
7. Fax of five pages from Jonathan Anderton, Eagle Brass to Abraham Reich, EPA containing two "Material Data and Certificate of Compliance" sheets for Copper/Nickel Alloy And two "Certificate of Test" sheets for Copper/Nickel alloy.
8. Respondent's original Form Rs for 2010, 2011, 2012
9. Respondent's corrected Form Rs for 2010, 2011, 2012, filed on November 24, 2014
10. Eagle Brass Form R Filing History from EPA records
11. List of EPA outreach, examples of EPA TRI webpage,
12. Reporting Years 2010, 2011, 2012 Form R completion instructions (excerpts)
13. Delegations
14. EPCRA Section 313 Questions and Answers, December 1998 (excerpt)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

June 3, 2014

Jonathon H. Anderton
Eagle Brass Company
1243 Old Bernville Road
Leesport, Pennsylvania 19533-9115

Re: Request For Information

Dear Mr. Anderton:

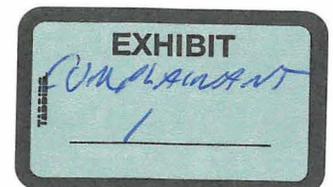
This letter is to follow up your June 2, 2014 telephone conversation with Mr. Abraham Reich of my staff. Based on that telephone conversation, EPA is requesting additional information from you regarding your company's facility located at 1243 Old Bernville Road to determine its compliance status with Section 313 of the Emergency Planning and Chemical Reporting Act (EPCRA), which has been codified at 40 C.F.R. Part 372, Subpart B Reporting Requirements). The Disclosure Rule was promulgated pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986.

Specifically, please submit to Mr. Reich, for his review, via mail or pdf, the following information:

1. The facility's primary SIC and NAICS code;
2. The facility's total corporate sales during years 2010, 2011, and 2012;
3. The number of people employed at the facility during years 2010, 2011, and 2012;
4. A list of all chemicals and amounts (lbs.) subject to EPCRA Section 313 manufactured (either directly or incidentally), processed, or used at the facility during years 2010, 2011, and 2012;
5. Throughput data of all raw materials containing chemicals subject to EPCRA Section 313 for years 2010, 2011, and 2012;
6. Material Safety Data Sheets of all raw materials and mixtures containing chemicals subject to EPCRA Section 313 used during years 2010, 2011, and 2012.
7. A brief description of facility's background and operations;
8. A facility map and plot plan;
9. A brief summary and flow diagrams of the facility's processes.

Please submit this information to Mr. Reich within ten (10) business days after receiving this letter. Mr. Reich's contact information is as follows:

Abraham Reich
U.S. Environmental Protection Agency-Region III
Land & Chemicals Management Division
Toxics Programs Branch (3LC61)
1650 Arch Street
Philadelphia, PA 19103-2029



Phone: 215-814-2157
Fax: 215-814-3114
Email: reich.abraham@epa.gov

On the last page of the company's response, the following certification should be signed by an officer or other responsible corporate official (e.g., president, secretary, treasurer, or vice president) in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of your corporation:

"I certify that I am fully authorized by Eagle Brass Company to provide the above information on its behalf to the U.S. Environmental Protection Agency regarding the upcoming inspection. I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Signature _____
Name _____
Title _____

Eagle Brass Company is entitled to assert a claim of business confidentiality covering all or any part of the information it submits, in the manner described in 40 C.F.R. Section 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted at the time the required information is submitted to EPA, EPA may make this information available to the public without further notice to you.

This request for submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 *et seq.*

If you have any questions or concerns, you may contact me at 215-814-2151 or Mr. Reich at 215-814-2157. Thank you for your cooperation in this matter.

Sincerely,



Craig E. Yussen, Chemical Engineer
Toxics Programs Branch

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

June 3, 2014

Jonathon H. Anderton
Eagle Brass Company
1243 Old Bernville Road
Leesport, Pennsylvania 19533-9115

Re: Request For Information

Dear Mr. Anderton:

This letter is to follow up your June 2, 2014 telephone conversation with Mr. Abraham Reich of my staff. Based on that telephone conversation, EPA is requesting additional information from you regarding your company's facility located at 1243 Old Bernville Road to determine its compliance status with Section 313 of the Emergency Planning and Chemical Reporting Act (EPCRA), which has been codified at 40 C.F.R. Part 372, Subpart B Reporting Requirements). The Disclosure Rule was promulgated pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986.

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Abraham Reich
U.S. Environmental Protection Agency-Region III
Land & Chemicals Management Division
Toxics Programs Branch (3LC61)
1650 Arch Street
Philadelphia, PA 19103-2029



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

June 3, 2014

Jonathon H. Anderton
Eagle Brass Company
1243 Old Bernville Road
Leesport, Pennsylvania 19533-9115

Re: Request For Information

Dear Mr. Anderton:

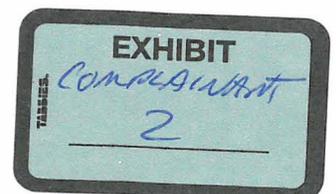
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Phone: 215-814-2157
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On the last page of the company's response, the following certification should be signed by an officer or other responsible corporate official (e.g., president, secretary, treasurer, or vice president) in charge of a principal business function, or another executive with authority to perform similar policy or decision-making functions of your corporation:

"I certify that I am fully authorized by Eagle Brass Company to provide the above information on its behalf to the U.S. Environmental Protection Agency regarding the upcoming inspection. I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

Signature 
Name Jonathan H. Henderson
Title VP of Operations

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Sincerely,



Craig E. Yussen, Chemical Engineer
Toxics Programs Branch

Enclosure

Mr. Reich:

The following is a request for information return.

1. SIC #7440020 / NAICS# 05
2. Total sales: 2010- \$30,934,024 / 2011 - \$33,530,111 / 2012 - \$30,429,759
3. Number of employees: 2010- 49 / 2011 - 47 / 2012 - 47
4. 2010 - 491,121 / 2011 - 711,314 / 2012 - 526,669
5. 2010 - 363,365 / 2011 - 561,482 / 2012 - 403,210
6. See attached
7. We are a reroll company that supplies coils in various gauges and widths to stamping facilities.
8. See attached
9. See attached

Thanks
John Anderton

Mr. Reich:

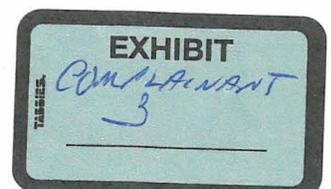
The following is a request for information return.

3314200000

1. SIC #7440020 / NAICS# 05
2. Total sales: 2010- \$30,934,024 / 2011 - \$33,530,111 / 2012 - \$30,429,759
3. Number of employees: 2010- 49 / 2011 - 47 / 2012 - 47
4. 2010 - 491,121 / 2011 - 711,314 / 2012 - 526,669
5. 2010 - 363,365 / 2011 - 561,482 / 2012 - 403,210
6. See attached
7. We are a reroll company that supplies coils in various gauges and widths to stamping facilities.
8. See attached
9. See attached

Thanks
John Anderton

*telcon with you at home Anderton 7-24-2014
#4 & 5 above values should be reversed.
Only use nickel-copper alloy -*



Reich, Abraham

From: Reich, Abraham
Sent: Tuesday, July 22, 2014 7:12 AM
To: 'Production@eaglebrass.com'
Cc: Yussen, Craig
Subject: Response to Request For Information

Mr. Anderton, I have been reviewing the information you submitted and I have some questions.

1. Your response to the NAICS: What is 05 ? On the Form R's submitted in the past you use 331421. Also your response to your SIC is the CAS number for Nickel.
2. Your response to questions 4 and 5 seem to be transposed. The quantities submitted indicate values for EPCRA 313 materials manufactured, processed or otherwise used (question 4) is greater than the throughput of all raw material used.
3. What are the quantities of materials processed e.g. Bronze, Copper-Nickel, Nickel-Silver etc. and the MSDS for them.

I would appreciate receiving clarification and the additional data by Thursday, July 24, 2014



Item # 6

MATERIAL SAFETY DATA SHEET
COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

Page 1 of 7

1.0 PRODUCT AND COMPANY IDENTIFICATION

PMX Industries, Inc.
5300 Willow Creek Drive SW
Cedar Rapids, Iowa 52404-4303

Emergency: 319-368-7700

TELEPHONE: 319-368-7700

FAX: 319-368-7701

PRODUCT NAMES:	PMX ALLOY #	COMMON NAME	UNS #/CDA #
	731		C73110
	733		C73300
	742		C74210
	752	Nickel Silver 65-18	C75200
	758		C75800
	762	Nickel-Silver 70-12	C76200
	770	Nickel-Silver 59-18	C77000

CHEMICAL FAMILY: Copper Alloy

ISSUE DATE: December 15, 2004

SUPERSEDES DATE: May 13, 1999

2.0 HAZARDS IDENTIFICATION

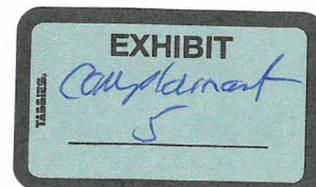
EMERGENCY OVERVIEW:

Copper alloy products in the natural state do not present a hazard for emergency response personnel.

POTENTIAL HEALTH EFFECTS:

Copper alloy products in the natural state do not present an inhalation, ingestion, or contact hazard. However, operations such as burning, welding, sawing, brazing, or grinding may release fumes and/or dusts which may present health hazards if occupational exposure limits are exceeded.

December 15, 2004



MATERIAL SAFETY DATA SHEET

COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

Page 2 of 7

LIKELY ROUTES OF EXPOSURE: Inhalation, Eye Contact, Skin Contact

INHALATION: Short-term exposure to fumes/dust may produce irritation of the respiratory system. Exposure to high concentrations of copper or zinc oxide fumes may cause metal fume fever.

EYE: Short-term exposure to fumes/dust may produce irritation.

SKIN: Repeated or prolonged exposure to copper dusts or mists may cause irritant or allergic contact dermatitis.

INGESTION: Ingestion of large doses of nickel compounds (1-3 mg/kg) has been shown to cause intestinal disorders, convulsions, and asphyxia.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE:

Exposure to fumes or dust may aggravate existing respiratory disease or dermatitis.

TARGET ORGANS: Upper respiratory tract, eyes, skin

SIGNS AND SYMPTOMS:

Metal fume fever – metallic taste in mouth, dryness, and irritation of the throat, and influenza-like symptoms. The effects may be delayed.

Nickel overexposure – effects on nasal sinuses, including inflammation and ulceration.

CARCINOGENICITY:

COMPONENT	ACGIH	IARC	NTP
Copper (fume, dusts & mists)	No	No	No
Nickel	No	Yes	Yes
Zinc oxide fume	No	No	No

See Toxicological Information (Section #11)

POTENTIAL ENVIRONMENTAL EFFECTS:

None known. Product has not been tested for environmental properties.

3.0 CHEMICAL COMPONENTS

NOTE: This MSDS applies to a range of alloys. For actual compositions refer to material test report or specific alloy specification. All percentages are by weight.

COMPONENT	CAS #	%
Copper	7440-50-8	53.5 – 73.5
Nickel	7440-02-0	2 – 21
Zinc	7440-66-6	13 – 32

MATERIAL SAFETY DATA SHEET

COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

Page 3 of 7

4.0 FIRST AID MEASURES

INHALATION: If exposed to excessive levels of metal fumes, remove to fresh air. Seek medical attention.

EYE: Flush with water for at least 15 minutes.

SKIN: Wash with soap and water.

5.0 FIRE FIGHTING MEASURES

SUITABLE EXTINGUISHING MEDIA: Use extinguishing media appropriate to the surrounding material.

SPECIAL FIREFIGHTING INSTRUCTIONS: Copper alloy products in the solid state present no fire or explosion hazard, but may react with strong acids, bases, or oxidizing agents.

6.0 ACCIDENTAL RELEASE MEASURES

STEPS TO BE TAKEN IN THE EVENT OF SPILLS, LEAKS, OR RELEASES: Not applicable

7.0 HANDLING AND STORAGE

HANDLING: In welding, precautions should be taken for airborne contaminants that may originate from components of the welding rod.

8.0 EXPOSURE CONTROLS/PERSONAL PROTECTION

EXPOSURE GUIDELINES

COMPONENT	OSHA PEL TWA	ACGIH® TLV® TWA	ACGIH® TLV® STEL
Copper dust, mist	1.0 mg/m ³	1.0 mg/m ³	not established
Copper fume	0.1 mg/m ³	0.2 mg/m ³	not established
Nickel, elemental	1.0 mg/m ³	1.5 mg/m ³ I	not established
Zinc oxide	5.0 mg/m ³	2.0 mg/m ³ R	10.0 mg/m ³ R

ENGINEERING CONTROLS: Local exhaust ventilation should be utilized when welding, burning, sawing, brazing, grinding, or machining when exposure exceeds occupational exposure limits.

EYE PROTECTION: Safety glasses or goggles should be utilized as required by exposure. Other protective equipment should be utilized as required by welding standards.

SKIN PROTECTION: Wear appropriate personal protective clothing to prevent skin contact with copper dusts and mists.

MATERIAL SAFETY DATA SHEET

COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

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RESPIRATORY PROTECTION: NIOSH-approved dust or fume respirator should be used to avoid excessive inhalation of particulates when exposure exceeds occupational exposure limits.

OTHER PREVENTIVE MEASURES: Do not eat, drink, or smoke during work. Wash hands before eating or smoking.

9.0 PHYSICAL AND CHEMICAL PROPERTIES

APPEARANCE:	Salmon-colored, lustrous metal	PHYSICAL STATE:	Solid
ODOR:	None	VAPOR PRESSURE:	Not applicable
PH:	Not applicable	PERCENT VOLATILE:	Not applicable
VAPOR DENSITY (AIR = 1)	Not applicable	SPECIFIC GRAVITY:	8.6 – 8.8
EVAPORATION RATE:	Not applicable	DENSITY, LB/IN³:	0.31
SOLUBILITY IN WATER:	Not applicable	LOWER EXPLOSIVE LIMIT (%):	None
MELTING POINT:	1,930 – 2,030 °F	UPPER EXPLOSIVE LIMIT (%):	None
FLASH POINT:	Not applicable		
AUTOIGNITION TEMPERATURE:	Not applicable		

10.0 STABILITY AND REACTIVITY

CHEMICAL STABILITY:	Stable
CONDITIONS TO AVOID:	None
INCOMPATIBLE MATERIALS:	Mercury, ammonia, acetylene acids. Contact with strong acids, bases, or oxidizing agents
HAZARDOUS DECOMPOSITION PRODUCTS:	Metallic dust or fumes may be produced during welding, burning, grinding, and machining.
POSSIBILITY OF HAZARDOUS REACTIONS:	Will not occur

11.0 TOXICOLOGY INFORMATION

ACUTE TOXICITY DATA FOR COMPONENTS

Copper	TDLo:	120 µg/kg (human, oral—gastrointestinal effects)
	LD ₅₀ :	0.07 mg/kg (mouse, intraperitoneal)
Nickel	LD ₅₀ :	250 mg/kg (rodent, intraperitoneal)
Zinc	TCLo:	124 mg/m ³ / 50 minutes (human, inhalation—respiratory effects)
	LDLo:	388 mg/kg (bird, oral)

MATERIAL SAFETY DATA SHEET
COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

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CHRONIC EFFECTS:

Repeated or prolonged overexposure to copper fume may cause the skin and hair to change color.

Hypersensitivity to nickel is common and may cause allergic contact dermatitis, pulmonary asthma, and conjunctivitis.

12.0 ECOLOGICAL INFORMATION

Not applicable

13.0 DISPOSAL CONSIDERATIONS

WASTE DISPOSAL METHODS:

According to local, state, and federal regulations.

14.0 TRANSPORT INFORMATION

Not applicable

15.0 REGULATORY INFORMATION

GLOBAL INVENTORIES

	COPPER	NICKEL	ZINC
TSCA: United States	Included	Included	Included
DSL: Canada	Included	Included	Included
EINECS: European Union:	Included	Included	Included

SARA TITLE III SECTION 302 EXTREMELY HAZARDOUS SUBSTANCES (40 CFR 355):

These alloys are not regulated under Section 302 of SARA and 40 CFR 355.

SARA TITLE III SECTION 311/312 HAZARDOUS CATEGORIZATION (40 CFR 370):

OSHA defines these alloys as hazardous under 29 CFR 1910.1200(d).

SARA TITLE III SECTION 313 TOXIC CHEMICALS (40 CFR 372):

These alloys may contain the following toxic chemical(s) subject to reporting requirements under this section of SARA and of 40 CFR 372:

COMPONENT	CAS #	% BY WEIGHT
Copper	7440-50-8	53.5 – 73.5
Nickel	7440-02-0	2 – 21

MATERIAL SAFETY DATA SHEET

COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

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OTHER LISTS

Chemical Name	CA Prop 65 Chemical	MA Toxic Substance List	MI Critical Materials Register	NJ Hazardous Substances List	PA Right-to-Know List
Copper	No	Yes	Yes	Yes	Yes
Nickel	Yes	Yes	Yes	Yes	Yes
Zinc	No	Yes	Yes	Yes	Yes

16.0 OTHER INFORMATION

REFERENCES

ACGIH® Threshold Limit Values (TLV®) (2004)

Agency for Toxic Substances and Disease Registry (ATSDR):

Toxicological Profile for Copper, September 2002

Draft Toxicological Profile for Nickel, September 2003

Draft Toxicological Profile for Zinc, September 2003

International Agency for Research on Cancer (IARC) Monographs

National Library of Medicine (NLM) Databases:

ChemID

Integrated Risk Information (IRIS)

International Toxicity Estimates for Risk (ITER)

Chemical Carcinogenesis Risk Information System (CCRIS)

Hazardous Substances Data Bank (HSDB)

National Toxicology Program (NTP) Reports

NIOSH Pocket Guide to Chemical Hazards (2003)

NIOSH/OSHA Occupational Health Guideline for Copper Fume

NIOSH/OSHA Occupational Health Guideline for Copper Dusts and Mists

NIOSH/OSHA Occupational Health Guideline for Nickel Metal and Soluble Nickel Compounds

NIOSH/OSHA Occupational Health Guideline for Zinc Oxide Fume

OSHA General Industry Standards (29 CFR 1910)

Registry of Toxic Effects of Chemical Substances (RTECS®)

MATERIAL SAFETY DATA SHEET
COPPER-NICKEL-ZINC ALLOYS 731, 733, 742, 752, 758, 762, 770

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DISCLAIMER OF EXPRESSED AND IMPLIED WARRANTIES

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PREPARATION INFORMATION

Prepared by: Cindy Baldwin, CIH

Terracon

5855 Willow Creek Drive SW

Cedar Rapids, Iowa 52404

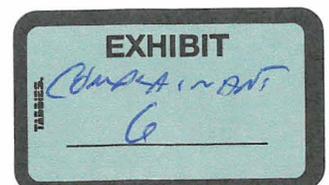
Page 1 of 5

Attention: Mr. Reich's

From: Jonathan Anderton

Eagle Brass Co.

Phone 610-916-5203



MATERIAL DATA and CERTIFICATE OF COMPLIANCE

203.235.4474
sales@themillerco.com

THE MILLER COMPANY
275 Pratt Street
Meriden, CT 06450

SOLD TO: EAGLE BRASS (NON REROLL)
CUSTOMER PO: 8725
BLDG NO.:
PART NUMBER: 1189

MILLER ORDER NO.: 93490
Alloy: 7620 **Temper:** 03
Dimensions

(In): 0.02630 (+ 0.00100 - 0.00100) X 11.7500
(mm): 0.668 X 298.450

SPECIFICATION: ASTM B-122
REV: 2011

Cust Acceptance:
MASTER COIL#:

MIL321694

Tensile (Ksi / N/mm2):	88.0	593
Yield @ .2 (Ksi / N/mm2):	79.6	549
%Elong in 2":	18.0	
Transv Tensile (Ksi / N/mm2):		
Transv Yield @ .2 (Ksi / N/mm2):		
Transv %Elong in 2":		
Rockwell Hardness:	30T- 75	
Vickers Hardness:	0	
Grain Size (mm):	.015 - .025	
Conductivity %IACS:		
%Resistivity (ated from conductivity):		
Surface Finish (Ra):	A) 8 B) 6	
Tool Wear:		
SPC Daten Thickness:		
Plating Thickness:		
Solderability Test:		
Stain Test:		
Bend Test Radius:		
Good Way:	PASS	
Bad Way:		
Lab Tech/Date:	David Brandl	
	06/28/2013	
	All Physical Properties Prior to Coating	
OTHER TESTS:		
321694	GAUGE CPK = 1.35	

Unless otherwise indicated, testing methods are performed in accordance with The Miller Lab scope which is available upon request.

Chemistry by optical emission spectrometer.

MASTER COIL	%Cu	%Sn	%P	%Fe	%Pb	%Ni	%Mn	%Zn	%Si	%Cd	%Ag	%Mg
321694	58.70			.0300	.0020	11.50	.0800	BAL		<.001		

The material certified meets the currently enforced EU directive regarding RoHS maximum concentration values.

Additional Certifications:

COUNTRY OF ORIGIN AND MELT: GERMANY

Anna Charles

APPROVED FOR SHIPMENT: 06/05/2014

Cert Ref No: 83525

MATERIAL DATA and CERTIFICATE OF COMPLIANCE

203.235.4474
sales@themillerco.com

THE MILLER COMPANY
275 Pratt Street
Meriden, CT 06450

SOLD TO: EAGLE BRASS COMPANY
CUSTOMER PO: 6778
BLDG NO.:
PART NUMBER: 100

MILLER ORDER NO.: 93567
Alloy: 7700 Temper: 000
Dimensions

(in): 0.07200 (+ 0.00200 - 0.00200) X 12.5000
(mm): 1.829 X 317.500

SPECIFICATION: ASTM B-122
REV: 2008

Cust Acceptance:
MASTER COIL#:

MIL326006

Tensile (Ksi / N/mm2):	78.3	528
Yield @ .2 (Ksi / N/mm2):	37.4	258
%Elong in 2":	39.0	
Transv Tensile (Ksi / N/mm2):		
Transv Yield @ .2 (Ksi / N/mm2):		
Transv %Elong in 2":		
Rockwell Hardness:		
Vickers Hardness:	134	
Grain Size (mm):	.020 - .020	
Conductivity %IACS:		
%Resistivity (ated from conductivity):		
Surface Finish (Ra):	A) 20 B) 24	
Tool Wear:		
SPC Data Thickness:		
Plating Thickness:		
Solderability Test:		
Stain Test:		
Bend Test Radius		
Good Way:		
Bad Way:		
Lab Tech/Date:	David Brandt	

OTHER TESTS:

All Physical Properties Prior to Coating

Country of Origin and Melt: Germany

Unless otherwise indicated, testing methods are performed in accordance with The Miller Lab scope which is available upon request.

Chemistry by optical emission spectrometer.

MASTER COIL	%Cu	%Sn	%P	%Fe	%Pb	%Ni	%Mn	%Zn	%Si	%Cd	%Ag	%Mg
326006	54.8	<0.03		0.04	0.005	17.5	0.12	BAL		FREE		

The material certified meets the currently enforced EU directive regarding RoHS maximum concentration values.

Additional Certifications
ROHS AND DFARS COMPLIANT.

Anna Charles

APPROVED FOR SHIPMENT: 06/16/2014

Cert Ref No: 63622

This report shall not be reproduced except in full, without written approval of the Miller Company's testing laboratory.

CERTIFICATE OF TEST

Customer: EAGLE BRASS COMPANY

Specification: ASTM B 122/B122M-08

1243 OLD BERNVILLE RD
LEESPORT, PA 19533

Customer PO No: 6517

Customer Part No: 74

PMX Order No: 068551-1

Description: C71500 .036 S020

PMX Bill of Lading: 00143974

Pallet | Tag No.: 418991 | C3723C-B

Chemical Composition (Wt %) Test Date 03/12/13 Method (See below**)

Element	Cu ✓	C ✓	Fe ✓	Pb ✓	Mn ✓	Ni ✓	P ✓	S ✓	Zn ✓
Spec Min.	63.4500	0.0000	0.4000	0.0000	0.0000	29.0000	0.0000	0.0000	0.0000
Spec Max.	70.8000	0.0500	1.0000	0.0200	1.0000	33.0000	0.0200	0.0200	0.5000
Actual	69.2484	0.0018	0.7500	0.0001	0.5862	29.3201	0.0044	0.0073	0.0695

Dimensions	Units/Scale	Spec. Min.	Spec. Max.	Actual
Thickness	in	.03535	.03665	.036
Width	in	12.995	13.005	PASS

Mechanical Properties	Test Date 06/16/14	Method	Units/Scale	Spec. Min.	Spec. Max.	Actual
Tensile Strength (REF)	ASTM-E8-11		ksi	52.0	NA	60.0
Yield Strength (REF)	ASTM-E8-11		ksi	NA	NA	23.0
Elongation (REF)	ASTM-E8-11		%	NA	NA	32
Hardness 1 (REF)	ASTM-E18-11		HRF	NA	NA	84
Hardness 2						
Grain Size	ASTM-E112-10		mm	.015	.03	.015

Other Tests	Test Date	Method	Units/Scale	Spec. Min.	Spec. Max.	Actual
-------------	-----------	--------	-------------	------------	------------	--------

4.554 / 4.938

Incoming Inspection

PO#: 6517 Date: 6/27/14

Alloy: 718 Temper: Ann

Gauge: .036 Width: 13.000

Release to Inventory Signature: [Signature]

We certify that these test results were obtained from samples of the material lots identified above. The test procedures and material production conform to chemical and mechanical requirements of applicable customer and ASTM specifications. This document may not be reproduced, except in full, without the written approval of PMX Industries, Inc. *Results obtained by a laboratory which is not accredited or compliant with ISO/IEC 17025 standard. **Chemistry is analyzed according to methods ASTM-E1621 and/or ASTM-E-1251-11. Country of Melt and MFG: USA

[Signature]
Chris Deimerly - Laboratory Supervisor

06/24/14
Date



PMX INDUSTRIES, INC. 5300 WILLOW CREEK DRIVE SW, CEDAR RAPIDS, IA 52404-4303
TEL: 319/368-7700 FAX: 319/368-7701 E-MAIL: QA@PMXINDUSTRIES.COM

CERTIFICATE OF TEST

Customer: EAGLE BRASS COMPANY

1243 OLD BERNVILLE RD
LEESPORT, PA 19533

Customer Part No: 28

Description: C70260 .058 TB00

Specification: ASTM B 422-08a

Customer PO No: 5207

PMX Order No: 062782-1

PMX Bill of Lading: 00126240

Pallet | Tag No.: 372233 | B0R3GC-B

Chemical Composition (Wt %) Test Date 11/02/12 Method (See below**)

Element	Cu	Ni	Si
Spec Min.	95.5000	1.0000	0.2000
Spec Max.	98.8000	3.0000	0.7000
Actual	96.8480	2.1580	0.4830

Dimensions	Units/Scale	Spec. Min.	Spec. Max.	Actual
Thickness	in	.0565	.0595	.0578
Width	in	12.	13.1	PASS

Mechanical Properties Test Date 07/15/13

	Method	Units/Scale	Spec. Min.	Spec. Max.	Actual
Tensile Strength (REF)	ASTM-E8-09	ksi	NA	NA	54.0
Yield Strength (REF)	ASTM-E8-09	ksi	NA	NA	35.0
Elongation (REF)	ASTM-E8-09	%	NA	NA	25
Hardness 1					
Hardness 2					
Grain Size		mm			

Other Tests Test Date 07/15/13

	Method	Units/Scale	Spec. Min.	Spec. Max.	Actual
C %IACS Cond. Ref.	ASTM-E1004-09	%IACS		28	28.2

We certify that these test results were obtained from samples of the material lots identified above. The test procedures and material production conform to chemical and mechanical requirements of applicable customer and ASTM specifications. This document may not be reproduced, except in full, without the written approval of PMX Industries, Inc. *Results obtained by a laboratory which is not accredited or compliant with ISO/IEC 17025 standard.

**Chemistry is analyzed according to methods ASTM-E1621 and/or ASTM-E-1251-11. Country of Melt and MFG: USA



Chris Deimerly - Laboratory Supervisor

07/15/13

Date



Conf # L1170-1 Testing

PMX INDUSTRIES, INC. 5300 WILLOW CREEK DRIVE SW, CEDAR RAPIDS, IA 52404-4303

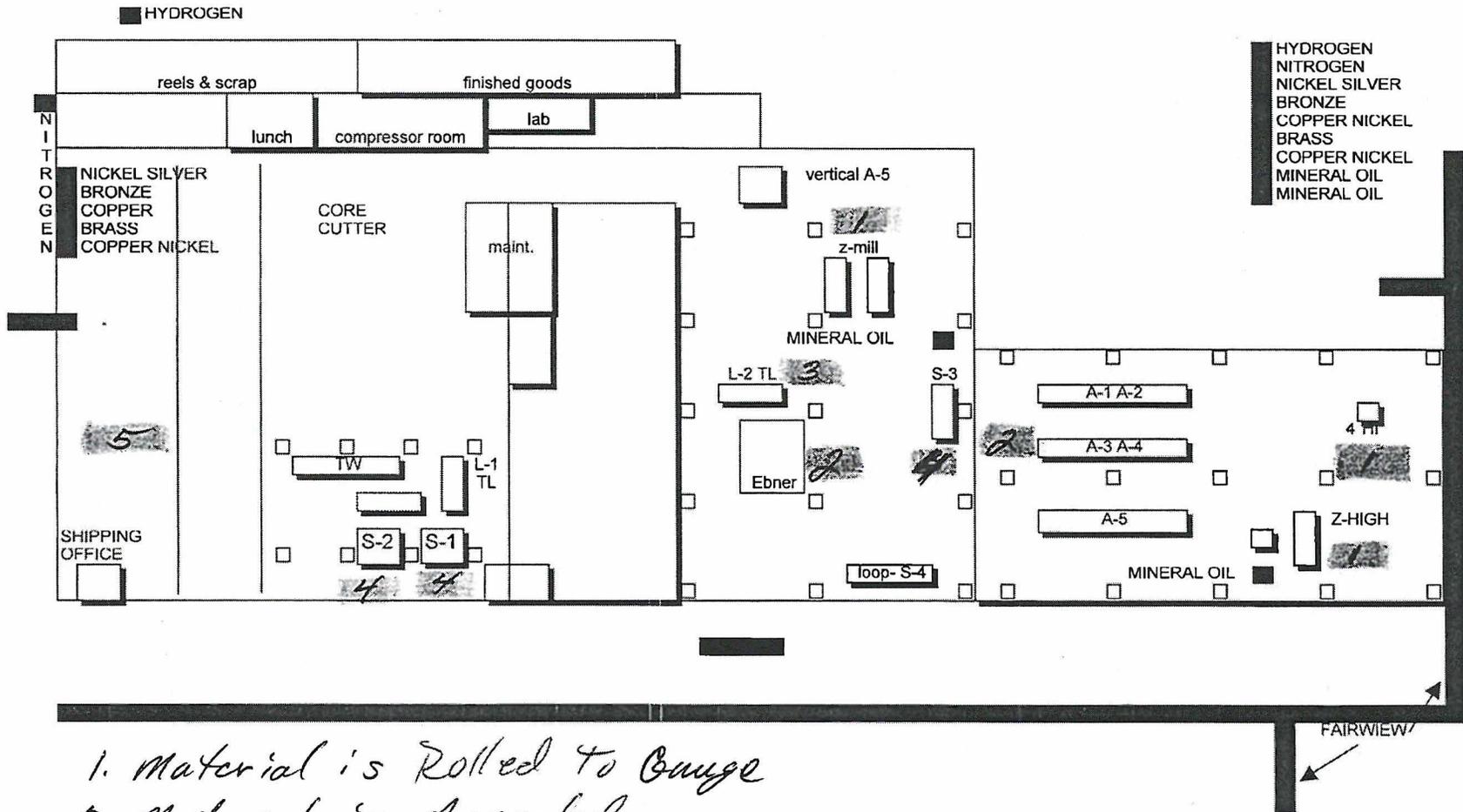
TEL: 319/368-7700 FAX: 319/368-7701 E-MAIL: QA@PMXINDUSTRIES.COM

ISO 9001:2008 REGISTERED
ISO/IEC 17025:2005 ACCREDITED

Item #9

EAGLE BRASS COMPNNY
1023 OLD BERNVILLE ROAD
LEESPORT, PA. 19533

LATITUDE: 40.40155
LONGITUDE: 76.014566



1. Material is Rolled to Gauge
2. Material is Annealed
3. Material is Leveled to Flatness
4. Material is Slit to Width
5. Shipping





Envirofacts Warehouse Toxics Release Inventory Report Error

EZ Query Batch Reports Form R Reports NEW

Overview Law EXITEPA Customized Query State Reports Query Model Feedback EF Home

TRI FORM R REPORTS

As a result of the [TRI Reporting Forms Modification Rule](#), beginning in reporting year 2005, the [Toxics Release Inventory Program](#) is no longer collecting latitude and longitude data or EPA program ID data (including Resource Conservation and Recovery Act (RCRA) IDs, National Pollutant Discharge Elimination System (NPDES) IDs and Underground Injection Code (UIC) IDs) via the FORM R or FORM A Certification Statement. However, this data will still be made available to TRI data users and will be included in TRI data Reports. For those Reports, this data will be obtained from the [Facility Registry System \(FRS\)](#). Latitude and longitude coordinates used to represent TRI facilities are chosen from the FRS using the "Pick Best" Process. [Primary permitting systems supply FRS with the program IDs](#) that are used to represent TRI facilities. The FRS data that are being used to represent this facility are:

<u>Reference Point/Description</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Collection Method</u>	<u>Accuracy Value</u>
CENTER OF A FACILITY OR STATION	N/A	N/A	ADDRESS MATCHING-HOUSE NUMBER	30

RCRA ID Numbers

NO DATA

NPDES Permit Numbers

NO DATA

Underground Injection Well Code (UIC) ID Numbers

NO DATA



To correct the FRS latitude, longitude or program ID values click on the "Report an Error" button in the top right corner of this page. Facilities wishing to correct other data elements with the FORM R or FORM A should refer to [How to Revise TRI Data](#).

For more information, see [Collection of Latitude, Longitude and Program ID Data Has Been Discontinued](#).

PART I. FACILITY IDENTIFICATION INFORMATION (FORM R)DOCUMENT CONTROL NUMBER: 1311209861119info Facility Registry System ID: 110000338180**Section 1. Reporting Year**Reporting Year: 2011**Section 2. Trade Secret Information**2.1 Trade Secret: NO2.2 Sanitized Copy: Unsanitized**Section 3. Certification**

<u>CERTIFYING OFFICIAL'S NAME</u>	<u>CERTIFYING OFFICIAL'S TITLE</u>	<u>CERTIFYING OFFICIAL'S SIGNATURE</u>	<u>DATE SIGNED</u>
JONATHON ANDERTON	VP-OPERATIONS	Electronic	08-OCT-12

Section 4. Facility IdentificationTRI Facility ID: 19533MTLSNOLDBE**4.1 Facility Name and Address.**

Facility Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>COUNTY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	BERKS	PA	195339115

BIA Tribal Code Tribe
 NO DATA NO DATA

Mailing Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	PA	19533-9115

<u>PROVINCE</u>	<u>COUNTRY (NON - US)</u>
NO DATA	NO DATA

4.2 Facility Classification

<u>ENTIRE FACILITY</u>	<u>PARTIAL FACILITY</u>	<u>FEDERAL FACILITY</u>	<u>GOCO FACILITY</u>
YES	NO	NO	NO

4.3 Technical Contact

<u>NAME</u>	<u>PHONE</u>	<u>PHONE EXT.</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203		PRODUCTION@EAGLEBRASS.COM

4.4 Public Contact

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203	PRODUCTION@EAGLEBRASS.COM

4.5 NAICS Codes

<u>NAICS CODE</u>	<u>PRIMARY</u>	<u>NAICS CODE DESCRIPTION</u>
331421	YES	Copper Rolling, Drawing, and Extruding

4.7 Dun & Bradstreet Numbers

<u>DUNS NUMBER</u>
002479277

5 Parent Company Information

Parent Company Name: No US Parent Company

Parent Company DUNS Number: NA

PART II. CHEMICAL - SPECIFIC INFORMATION

DOCUMENT CONTROL NUMBER: 1311209861119

Section 1. Toxic Chemical Identity

1.1 CAS Number: 007440020

1.2 Toxic Chemical or Chemical Category Name: NICKEL

1.3 Generic Chemical Name: NA

1.4 Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

Section 2. Mixture Component Identity

2.1 Supplier Provided Generic Chemical Name: NA

Section 3. Activities and Uses of the Toxic Chemical

3.1 Manufacture the Toxic Chemical:

Produce: NO Import: NO On-Site Use/Processing: NO

Sale/Distribution: NO Byproduct: NO Impurity: NO

3.2 Process the Toxic Chemical:

Reactant: NO Formulation Component: NO Article Component: NO Repackaging: YES Impurity: NO

3.3 Otherwise Use the Toxic Chemical:

Chemical Processing Aid: NO Manufacturing Aid: NO Ancillary or Other Use: NO

Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year

Maximum Chemical Amount: 100000 to 999999

Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

5.1 Fugitive or Non-Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.2 Stack or Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.3 Discharges to Receiving Streams or Water Bodies

NA	STREAM/WATER BODY NAME	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	% FROM STORMWATER
YES	NA				

5.4-5.5 Disposal to Land Onsite

5.4.1 Underground Injection Onsite to Class I Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.4.2 Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5 Disposal to Land Onsite**5.5.1A** RCRA Subtitle C Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.1B Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.2 Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3A RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3B Other Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.4 Other Disposal

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations**6.1** Discharges to Publicly Owned Treatment Works (POTWs)

0- POTW NAME: NO DATA	ADDRESS: NO DATA
CITY: NO DATA	STATE: NO DATA
COUNTY: NO DATA	ZIP CODE: NO DATA

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
NO DATA		NO DATA

6.2 Transfers to other Off-Site Locations

6.2.1 RCRA Number: ILD021514211 Parent Company Controlled: NO

Name: TOTALL METAL RECYCLING INC Address: 2720 MISSOURI AVE

City: GRANITE CITY State: IL

County: MADISON Zip Code: 62040

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
4391	Pounds	O - Other Approaches	M24 - Metals Recovery
			P91 - Metals Recovery

6.2.2 RCRA Number: CTD001147974 Parent Company Controlled: NO

Name: MILLER COMPANY, THE Address: 99 CENTER ST.

City: MERIDEN State: CT

County: NEW HAVEN Zip Code: 064504224

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
101864	Pounds	O - Other Approaches	M24 - Metals Recovery

6.2.3 RCRA Number: IAD984571802 Parent Company Controlled: NO

Name: PMX INDUSTRIES INC Address: 5300 WILLOW CREEK DRIVE SOUTHWEST

City: CEDAR RAPIDS State: IA

County: LINN Zip Code: 524044303

Country Code (Non - US):

Province:

<u>TOTAL TRANSFERS</u> (per year)	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
22594	Pounds	O - Other Approaches	M24 - Metals Recovery

Section 7A. On-Site Waste Treatment Methods and Efficiency7A.1a. Waste Stream: NA

7A.1b.	<u>WASTE TREATMENT METHOD(S) SEQUENCE</u>
1	NO DATA

7A.1d. Waste Treatment Efficiency Estimate: NA**Section 7B. On-Site Energy Recovery Processes**

<u>ON SITE ENERGY RECOVERY PROCESSES</u>
NA

Section 7C. On-Site Recycling Processes

<u>ON SITE RECYCLING PROCESSES</u>
NA

Section 8. Source Reduction and Recycling Activities

<u>SECTION</u>	<u>TYPE OF QUANTITY</u>	<u>UNITS</u>	<u>PRIOR YEAR</u>	<u>CURRENT REPORTING YEAR</u>	<u>FOLLOWING YEAR</u>	<u>SECOND FOLLOWING YEAR</u>
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1b	Total other on-site disposal or other releases		NA	NA	NA	NA
8.1c	Total off-site disposal to Class I Underground		NA	NA	NA	NA

	Injection Wells, RCRA Subtitle C landfills, and other landfills					
8.1d	Total other off-site disposal or other releases		NA	NA	NA	NA
8.2	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
8.3	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
8.4	Quantity Recycled Onsite		NA	NA	NA	NA
8.5	Quantity Recycled Offsite	Pounds	127756	128849	139848	160000
8.6	Quantity Treated Onsite		NA	NA	NA	NA
8.7	Quantity Treated Offsite		NA	NA	NA	NA

8.8 One-Time Event Release: 0 Pounds

8.9 Production Ratio:

8.10 Source Reduction Activities

<u>SOURCE REDUCTION ACTIVITIES</u>	<u>METHOD 1</u>	<u>METHOD 2</u>	<u>METHOD 3</u>	<u>ESTIMATED ANNUAL REDUCTION</u>
NA				

8.11 Additional Data Indicator: NO

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Last updated on Tuesday, August 25th, 2015
http://ofmint.rtpnc.epa.gov/enviro/tri_formr_partone.get_thisone



		Toxics Release Inventory			Report Error
EZ Query	Batch Reports	Form R Reports	NEW		
Overview	Law	EXIT EPA	Customized Query	State Reports	Query
Model	Feedback	EF Home			

TRI FORM R REPORTS

As a result of the [TRI Reporting Forms Modification Rule](#), beginning in reporting year 2005, the [Toxics Release Inventory Program](#) is no longer collecting [latitude](#) and [longitude](#) data or EPA program ID data (including Resource Conservation and Recovery Act (RCRA) IDs, National Pollutant Discharge Elimination System (NPDES) IDs and Underground Injection Code (UIC) IDs) via the FORM R or FORM A Certification Statement. However, this data will still be made available to TRI data users and will be included in TRI data Reports. For those Reports, this data will be obtained from the [Facility Registry System \(FRS\)](#). Latitude and longitude coordinates used to represent TRI facilities are chosen from the FRS using the "Pick Best" Process. [Primary permitting systems](#) supply FRS with the [program IDs](#) that are used to represent TRI facilities. The FRS data that are being used to represent this facility are:

<u>Reference Point/Description</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Collection Method</u>	<u>Accuracy Value</u>
CENTER OF A FACILITY OR STATION	N/A	N/A	ADDRESS MATCHING-HOUSE NUMBER	30

RCRA ID Numbers

NO DATA

NPDES Permit Numbers

NO DATA

Underground Injection Well Code (UIC) ID Numbers

NO DATA

To correct the FRS latitude, longitude or program ID values click on the "Report an Error" button in the top right corner of this page. Facilities wishing to correct other data elements with the FORM R or FORM A should refer to [How to Revise TRI Data](#).

For more information, see [Collection of Latitude, Longitude and Program ID Data Has Been Discontinued](#).

PART I. FACILITY IDENTIFICATION INFORMATION (FORM R)DOCUMENT CONTROL NUMBER: 1312211072968info Facility Registry System ID: 110000338180**Section 1. Reporting Year**Reporting Year: 2012**Section 2. Trade Secret Information**2.1 Trade Secret: NO2.2 Sanitized Copy: Unsanitized**Section 3. Certification**

<u>CERTIFYING OFFICIAL'S NAME</u>	<u>CERTIFYING OFFICIAL'S TITLE</u>	<u>CERTIFYING OFFICIAL'S SIGNATURE</u>	<u>DATE SIGNED</u>
JONATHON ANDERTON	VP OF OPERATIONS	Electronic	06-JUN-14

Section 4. Facility IdentificationTRI Facility ID: 19533MTLSNOLDBE**4.1 Facility Name and Address.**

Facility Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>COUNTY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	BERKS	PA	195339115

BIA Tribal Code Tribe
 NO DATA NO DATA

Mailing Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	PA	19533-9115

<u>PROVINCE</u>	<u>COUNTRY (NON - US)</u>
NO DATA	NO DATA

4.2 Facility Classification

<u>ENTIRE FACILITY</u>	<u>PARTIAL FACILITY</u>	<u>FEDERAL FACILITY</u>	<u>GOCO FACILITY</u>
YES	NO	NO	NO

4.3 Technical Contact

<u>NAME</u>	<u>PHONE</u>	<u>PHONE EXT.</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203		PRODUCTION@EAGLEBRASS.COM

4.4 Public Contact

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203	PRODUCTION@EAGLEBRASS.COM

4.5 NAICS Codes

<u>NAICS CODE</u>	<u>PRIMARY</u>	<u>NAICS CODE DESCRIPTION</u>
331421	YES	Copper Rolling, Drawing, and Extruding

4.7 Dun & Bradstreet Numbers

<u>DUNS NUMBER</u>
002479277

5 Parent Company Information

Parent Company Name: No US Parent Company

Parent Company DUNS Number: NA

PART II. CHEMICAL - SPECIFIC INFORMATION

DOCUMENT CONTROL NUMBER: 1312211072968

Section 1. Toxic Chemical Identity

1.1 CAS Number: 007440020

1.2 Toxic Chemical or Chemical Category Name: NICKEL

1.3 Generic Chemical Name: NA

1.4 Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

Section 2. Mixture Component Identity

2.1 Supplier Provided Generic Chemical Name: NA

Section 3. Activities and Uses of the Toxic Chemical

3.1 Manufacture the Toxic Chemical:

Produce: NO Import: NO On-Site Use/Processing: NO

Sale/Distribution: NO Byproduct: NO Impurity: NO

3.2 Process the Toxic Chemical:

Reactant: NO Formulation Component: NO Article Component: NO Repackaging: YES Impurity: NO

3.3 Otherwise Use the Toxic Chemical:

Chemical Processing Aid: NO Manufacturing Aid: NO Ancillary or Other Use: NO

Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year

Maximum Chemical Amount: 100000 to 999999

Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

5.1 Fugitive or Non-Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.2 Stack or Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.3 Discharges to Receiving Streams or Water Bodies

<u>NA</u>	<u>STREAM/WATER BODY NAME</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>% FROM STORMWATER</u>
YES	NA				

5.4-5.5 Disposal to Land Onsite

5.4.1 Underground Injection Onsite to Class I Wells.

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.4.2 Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5 Disposal to Land Onsite**5.5.1A RCRA Subtitle C Landfills**

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.1B Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.2 Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3A RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3B Other Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.4 Other Disposal

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations**6.1 Discharges to Publicly Owned Treatment Works (POTWs)**

0- POTW NAME: NO DATA	ADDRESS: NO DATA
CITY: NO DATA	STATE: NO DATA
COUNTY: NO DATA	ZIP CODE: NO DATA

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
NO DATA		NO DATA

6.2 Transfers to other Off-Site Locations

6.2.1 RCRA Number: IAD984571802 Parent Company Controlled: NO

Name: PMX INDUSTRIES INC Address: 5300 WILLOW CREEK DRIVE SOUTHWEST

City: CEDAR RAPIDS State: IA

County: LINN Zip Code: 524044303

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
28306	Pounds	C - Mass Balance Calculations	M24 - Metals Recovery
			P91 - Metals Recovery

6.2.2 RCRA Number: CTD001147974 Parent Company Controlled: NO

Name: MILLER COMPANY, THE Address: 99 CENTER ST.

City: MERIDEN State: CT

County: NEW HAVEN Zip Code: 064504224

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
95153	Pounds	C - Mass Balance Calculations	M24 - Metals Recovery

Section 7A. On-Site Waste Treatment Methods and Efficiency

7A.1a. Waste Stream: NA

7A.1b.	<u>WASTE TREATMENT METHOD(S) SEQUENCE</u>
1	NO DATA

7A.1d. Waste Treatment Efficiency Estimate: NA

Section 7B. On-Site Energy Recovery Processes

ON SITE ENERGY RECOVERY PROCESSES

NA

Section 7C. On-Site Recycling Processes

ON SITE RECYCLING PROCESSES

NA

Section 8. Source Reduction and Recycling Activities

SECTION	<u>TYPE OF QUANTITY</u>	UNITS	<u>PRIOR YEAR</u>	<u>CURRENT REPORTING YEAR</u>	<u>FOLLOWING YEAR</u>	<u>SECOND FOLLOWING YEAR</u>
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1b	Total other on-site disposal or other releases		NA	NA	NA	NA
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1d	Total other off-site disposal or other releases		NA	NA	NA	NA
8.2	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
8.3	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
8.4			NA	NA	NA	NA

	Quantity Recycled Onsite					
8.5	Quantity Recycled Offsite	Pounds	149832	123459	130000	135000
8.6	Quantity Treated Onsite		NA	NA	NA	NA
8.7	Quantity Treated Offsite		NA	NA	NA	NA

8.8 One-Time Event Release: NA

8.9 Production Ratio:

8.10 Source Reduction Activities

<u>SOURCE REDUCTION ACTIVITIES</u>	<u>METHOD 1</u>	<u>METHOD 2</u>	<u>METHOD 3</u>	<u>ESTIMATED ANNUAL REDUCTION</u>
NA				

8.11 Additional Data Indicator: NO

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Last updated on Tuesday, August 25th, 2015
http://ofmint.rtpnc.epa.gov/enviro/tri_formr_partone.get_thisone



Envirofacts Warehouse **Toxics Release Inventory** **Report Error**

EZ Query Batch Reports Form R Reports NEW

Overview Law EXIT EPA Customized Query State Reports Query Model Feedback EF Home

TRI FORM R REPORTS

Facility Name Beginning with: Eagle Brass
 Reporting Year Selected: 2010
 Query Executed On: AUG-25-2015
 Results are based on data extracted on: AUG-05-2015

PART I. FACILITY IDENTIFICATION INFORMATION (FORM R)

DOCUMENT CONTROL NUMBER: 1310211875861

more info Facility Registry System ID: 110000338180

Section 1. Reporting Year

Reporting Year: 2010

Section 2. Trade Secret Information

2.1 Trade Secret: NO

2.2 Sanitized Copy: Unsanitized

Section 3. Certification

<u>CERTIFYING OFFICIAL'S NAME</u>	<u>CERTIFYING OFFICIAL'S TITLE</u>	<u>CERTIFYING OFFICIAL'S SIGNATURE</u>	<u>DATE SIGNED</u>
JONATHON ANDERTON	VP OF OPERATIONS	Electronic	24-NOV-14

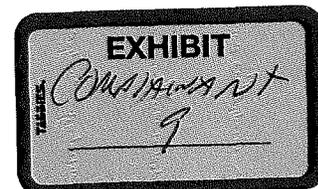
Section 4. Facility Identification

TRI Facility ID: 19533MTLSNOLDBE

4.1 Facility Name and Address.

Facility Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>COUNTY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	BERKS	PA	195339115



BIA Tribal Code **Tribe**

NO DATA NO DATA

Mailing Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	PA	19533-9115

<u>PROVINCE</u>	<u>COUNTRY (NON - US)</u>
NO DATA	NO DATA

4.2 Facility Classification

<u>ENTIRE FACILITY</u>	<u>PARTIAL FACILITY</u>	<u>FEDERAL FACILITY</u>	<u>GOCO FACILITY</u>
YES	NO	NO	NO

4.3 Technical Contact

<u>NAME</u>	<u>PHONE</u>	<u>PHONE EXT.</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203		PRODUCTION@EAGLEBRASS.COM

4.4 Public Contact

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203	PRODUCTION@EAGLEBRASS.COM

4.5 NAICS Codes

<u>NAICS CODE</u>	<u>PRIMARY</u>	<u>NAICS CODE DESCRIPTION</u>
331421	YES	Copper Rolling, Drawing, and Extruding

4.7 Dun & Bradstreet Numbers

<u>DUNS NUMBER</u>
002479277

5 Parent Company Information

Parent Company Name: No US Parent Company

Parent Company DUNS Number: NA

PART II. CHEMICAL - SPECIFIC INFORMATION

DOCUMENT CONTROL NUMBER: 1310211875861

Section 1. Toxic Chemical Identity

1.1 CAS Number: 007440508

1.2 Toxic Chemical or Chemical Category Name: COPPER

1.3 Generic Chemical Name: NA

1.4 Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

Section 2. Mixture Component Identity

2.1 Supplier Provided Generic Chemical Name: NA

Section 3. Activities and Uses of the Toxic Chemical

3.1 Manufacture the Toxic Chemical:

Produce: NO Import: NO On-Site Use/Processing: NO

Sale/Distribution: NO Byproduct: NO Impurity: NO

3.2 Process the Toxic Chemical:

Reactant: NO Formulation Component: NO Article Component: NO Repackaging: YES Impurity: NO

3.3 Otherwise Use the Toxic Chemical:

Chemical Processing Aid: NO Manufacturing Aid: NO Ancillary or Other Use: NO

Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year

Maximum Chemical Amount: 100000 to 999999

Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

5.1 Fugitive or Non-Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.2 Stack or Point Air Emissions

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.3 Discharges to Receiving Streams or Water Bodies

NA	STREAM/WATER BODY NAME	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE	% FROM STORMWATER
YES	NA				

5.4-5.5 Disposal to Land Onsite

5.4.1 Underground Injection Onsite to Class I Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.4.2 Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5 Disposal to Land Onsite

5.5.1A RCRA Subtitle C Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.1B Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.2 Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3A RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3B Other Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.4 Other Disposal

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations**6.1 Discharges to Publicly Owned Treatment Works (POTWs)****6.1.A Total Quantity Transferred to POTWs and Basis of Estimate**

6.1.A.	TOTAL TRANSFERS (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
1	NO DATA		NO DATA

6.1.B POTW Locations

6.1.B.	POTW NAME	ADDRESS	CITY	STATE	COUNTY	ZIP CODE
1	NO DATA	NO DATA	NO DATA	NO DATA	NO DATA	NO DATA

6.2 Transfers to other Off-Site Locations

6.2.1 RCRA Number: CTD001147974 Parent Company Controlled: NO

Name: MILLER COMPANY, THE Address: 99 CENTER ST.

City: MERIDEN State: CT

County: NEW HAVEN Zip Code: 064504224

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS</u> (per year)	<u>UNIT OF</u> <u>MEASURE</u>	<u>BASIS OF</u> <u>ESTIMATE</u>	<u>WASTE MANAGEMENT</u> <u>TYPE</u>
10713	Pounds	O - Other Approaches	M24 - Metals Recovery

6.2.2 RCRA Number: IAD984571802 Parent Company Controlled: NO

Name: PMX INDUSTRIES INC Address: 5300 WILLOW CREEK DRIVE SOUTHWEST

City: CEDAR RAPIDS

State: IA

County: LINN

Zip Code: 524044303

Country Code (Non - US):

Province:

<u>TOTAL TRANSFERS</u> <u>(per year)</u>	<u>UNIT OF</u> <u>MEASURE</u>	<u>BASIS OF</u> <u>ESTIMATE</u>	<u>WASTE MANAGEMENT</u> <u>TYPE</u>
13634	Pounds	O - Other Approaches	M24 - Metals Recovery

6.2.3 RCRA Number: ILD021514211 Parent Company Controlled: NO

Name: TOTAL METAL RECYCLING INC Address: 2720 MISSOURI AVE

City: GRANITE CITY

State: IL

County: MADISON

Zip Code: 62040

Country Code (Non - US):

Province:

<u>TOTAL TRANSFERS</u> <u>(per year)</u>	<u>UNIT OF</u> <u>MEASURE</u>	<u>BASIS OF</u> <u>ESTIMATE</u>	<u>WASTE MANAGEMENT</u> <u>TYPE</u>
75763	Pounds	O - Other Approaches	M24 - Metals Recovery

Section 7A. On-Site Waste Treatment Methods and Efficiency

7A.1a. Waste Stream: NA

<u>7A.1b.</u>	<u>WASTE TREATMENT METHOD(S) SEQUENCE</u>
1	NO DATA

7A.1d. Waste Treatment Efficiency Estimate: NA

Section 7B. On-Site Energy Recovery Processes

<u>ON SITE ENERGY RECOVERY PROCESSES</u>
NA

Section 7C. On-Site Recycling Processes

<u>ON SITE RECYCLING PROCESSES</u>

NA

Section 8. Source Reduction and Recycling Activities

SECTION	<u>TYPE OF QUANTITY</u>	<u>UNITS</u>	<u>PRIOR YEAR</u>	<u>CURRENT REPORTING YEAR</u>	<u>FOLLOWING YEAR</u>	<u>SECOND FOLLOWING YEAR</u>
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1b	Total other on-site disposal or other releases		NA	NA	NA	NA
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1d	Total other off-site disposal or other releases		NA	NA	NA	NA
8.2	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
8.3	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
8.4	Quantity Recycled Onsite		NA	NA	NA	NA
8.5	Quantity Recycled Offsite	Pounds	0	100110	100000	100000
8.6	Quantity Treated Onsite		NA	NA	NA	NA
8.7	Quantity Treated Offsite		NA	NA	NA	NA

8.8 One-Time Event Release: 0 Pounds

8.9 Production Ratio:

8.10 Source Reduction Activities

<u>SOURCE REDUCTION ACTIVITIES</u>	<u>METHOD 1</u>	<u>METHOD 2</u>	<u>METHOD 3</u>	<u>ESTIMATED ANNUAL REDUCTION</u>
NA				

8.11 Additional Data Indicator: NO

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Last updated on Tuesday, August 25th, 2015
http://ofmint.rtpnc.epa.gov/enviro/tri_formr.fac_list



Envirofacts Toxics Release Inventory

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Form R Reports NEW

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Customized Query
State Reports
Query
Model
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TRI FORM R REPORTS

As a result of the [TRI Reporting Forms Modification Rule](#), beginning in reporting year 2005, the [Toxics Release Inventory Program](#) is no longer collecting latitude and longitude data or EPA program ID data (including Resource Conservation and Recovery Act (RCRA) IDs, National Pollutant Discharge Elimination System (NPDES) IDs and Underground Injection Code (UIC) IDs) via the FORM R or FORM A Certification Statement. However, this data will still be made available to TRI data users and will be included in TRI data Reports. For those Reports, this data will be obtained from the [Facility Registry System \(FRS\)](#). Latitude and longitude coordinates used to represent TRI facilities are chosen from the FRS using the "Pick Best" Process. [Primary permitting systems supply FRS with the program IDs](#) that are used to represent TRI facilities. The FRS data that are being used to represent this facility are:

<u>Reference Point/Description</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Collection Method</u>	<u>Accuracy Value</u>
CENTER OF A FACILITY OR STATION	N/A	N/A	ADDRESS MATCHING-HOUSE NUMBER	30

RCRA ID Numbers

NO DATA

NPDES Permit Numbers

NO DATA

Underground Injection Well Code (UIC) ID Numbers

NO DATA

To correct the FRS latitude, longitude or program ID values click on the "Report an Error" button in the top right corner of this page. Facilities wishing to correct other data elements with the FORM R or FORM A should refer to [How to Revise TRI Data](#).

For more information, see [Collection of Latitude, Longitude and Program ID Data Has Been Discontinued](#).

PART I. FACILITY IDENTIFICATION INFORMATION (FORM R)DOCUMENT CONTROL NUMBER: 1311211875416info Facility Registry System ID: 110000338180**Section 1. Reporting Year**Reporting Year: 2011**Section 2. Trade Secret Information**2.1 Trade Secret: NO2.2 Sanitized Copy: Unsanitized**Section 3. Certification**

<u>CERTIFYING OFFICIAL'S NAME</u>	<u>CERTIFYING OFFICIAL'S TITLE</u>	<u>CERTIFYING OFFICIAL'S SIGNATURE</u>	<u>DATE SIGNED</u>
JONATHON ANDERTON	VP OF OPERATIONS	Electronic	21-NOV-14

Section 4. Facility IdentificationTRI Facility ID: 19533MTLSNOLDBE**4.1 Facility Name and Address.**

Facility Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>COUNTY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	BERKS	PA	195339115

BIA Tribal Code Tribe
 NO DATA NO DATA

Mailing Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	PA	19533-9115

<u>PROVINCE</u>	<u>COUNTRY (NON - US)</u>
NO DATA	NO DATA

4.2 Facility Classification

<u>ENTIRE FACILITY</u>	<u>PARTIAL FACILITY</u>	<u>FEDERAL FACILITY</u>	<u>GOCO FACILITY</u>
YES	NO	NO	NO

4.3 Technical Contact

<u>NAME</u>	<u>PHONE</u>	<u>PHONE EXT.</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203		PRODUCTION@EAGLEBRASS.COM

4.4 Public Contact

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203	PRODUCTION@EAGLEBRASS.COM

4.5 NAICS Codes

<u>NAICS CODE</u>	<u>PRIMARY</u>	<u>NAICS CODE DESCRIPTION</u>
331421	YES	Copper Rolling, Drawing, and Extruding

4.7 Dun & Bradstreet Numbers

<u>DUNS NUMBER</u>
002479277

5 Parent Company Information

Parent Company Name: No US Parent Company

Parent Company DUNS Number: NA

PART II. CHEMICAL - SPECIFIC INFORMATION

DOCUMENT CONTROL NUMBER: 1311211875416

Section 1. Toxic Chemical Identity

1.1 CAS Number: 007440508

1.2 Toxic Chemical or Chemical Category Name: COPPER

1.3 Generic Chemical Name: NA

1.4 Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

Section 2. Mixture Component Identity

2.1 Supplier Provided Generic Chemical Name: NA

Section 3. Activities and Uses of the Toxic Chemical

3.1 Manufacture the Toxic Chemical:

Produce: NO Import: NO On-Site Use/Processing: NO

Sale/Distribution: NO Byproduct: NO Impurity: NO

3.2 Process the Toxic Chemical:

Reactant: NO Formulation Component: NO Article Component: NO Repackaging: YES Impurity: NO

3.3 Otherwise Use the Toxic Chemical:

Chemical Processing Aid: NO Manufacturing Aid: NO Ancillary or Other Use: NO

Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year

Maximum Chemical Amount: 100000 to 999999

Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

5.1 Fugitive or Non-Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.2 Stack or Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.3 Discharges to Receiving Streams or Water Bodies

<u>NA</u>	<u>STREAM/WATER BODY NAME</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>% FROM STORMWATER</u>
YES	NA				

5.4-5.5 Disposal to Land Onsite

5.4.1 Underground Injection Onsite to Class I Wells.

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.4.2 Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5 Disposal to Land Onsite

5.5.1A RCRA Subtitle C Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.1B Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.2 Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3A RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3B Other Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.4 Other Disposal

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations

6.1 Discharges to Publicly Owned Treatment Works (POTWs)

0- POTW NAME: NO DATA	ADDRESS: NO DATA
CITY: NO DATA	STATE: NO DATA
COUNTY: NO DATA	ZIP CODE: NO DATA

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
NO DATA		NO DATA

6.2 Transfers to other Off-Site Locations

6.2.1 RCRA Number: IAD984571802 Parent Company Controlled: NO

Name: PMX INDUSTRIES INC Address: 5300 WILLOW CREEK DRIVE SOUTHWEST

City: CEDAR RAPIDS State: IA

County: LINN Zip Code: 524044303

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
15814	Pounds	O - Other Approaches	M24 - Metals Recovery
			P91 - Metals Recovery

6.2.2 RCRA Number: CTD001147974 Parent Company Controlled: NO

Name: MILLER COMPANY, THE Address: 99 CENTER ST.

City: MERIDEN State: CT

County: NEW HAVEN Zip Code: 064504224

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
86136	Pounds	O - Other Approaches	M24 - Metals Recovery

6.2.3 RCRA Number: ILD021514211 Parent Company Controlled: NO

Name: TOTALL METAL RECYCLING INC Address: 2720 MISSOURI AVE

City: GRANITE CITY State: IL

County: MADISON Zip Code: 62040

Country Code (Non - US):

Province:

<u>TOTAL TRANSFERS</u> (per year)	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
3623	Pounds	O - Other Approaches	M24 - Metals Recovery

Section 7A. On-Site Waste Treatment Methods and Efficiency7A.1a. Waste Stream: NA

<u>7A.1b.</u>	<u>WASTE TREATMENT METHOD(S) SEQUENCE</u>
1	NO DATA

7A.1d. Waste Treatment Efficiency Estimate: NA**Section 7B. On-Site Energy Recovery Processes**

<u>ON SITE ENERGY RECOVERY PROCESSES</u>
NA

Section 7C. On-Site Recycling Processes

<u>ON SITE RECYCLING PROCESSES</u>
NA

Section 8. Source Reduction and Recycling Activities

<u>SECTION</u>	<u>TYPE OF QUANTITY</u>	<u>UNITS</u>	<u>PRIOR YEAR</u>	<u>CURRENT REPORTING YEAR</u>	<u>FOLLOWING YEAR</u>	<u>SECOND FOLLOWING YEAR</u>
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1b	Total other on-site disposal or other releases		NA	NA	NA	NA
8.1c	Total off-site disposal to Class I Underground		NA	NA	NA	NA

	Injection Wells, RCRA Subtitle C landfills, and other landfills					
8.1d	Total other off-site disposal or other releases		NA	NA	NA	NA
8.2	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
8.3	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
8.4	Quantity Recycled Onsite		NA	NA	NA	NA
8.5	Quantity Recycled Offsite	Pounds	100110	105573	100000	100000
8.6	Quantity Treated Onsite		NA	NA	NA	NA
8.7	Quantity Treated Offsite		NA	NA	NA	NA

8.8 One-Time Event Release: 0 Pounds

8.9 Production Ratio:

8.10 Source Reduction Activities

<u>SOURCE REDUCTION ACTIVITIES</u>	<u>METHOD 1</u>	<u>METHOD 2</u>	<u>METHOD 3</u>	<u>ESTIMATED ANNUAL REDUCTION</u>
NA				

8.11 Additional Data Indicator: NO

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Last updated on Tuesday, August 25th, 2015
http://ofmint.rtpnc.epa.gov/enviro/tri_formr_partone.get_thisone







[EZ Query](#) [Batch Reports](#) [Form R Reports](#) ^{NEW}

[Overview](#) [Law](#) [EXIT EPA](#) [Customized Query](#) [State Reports](#) [Query](#) [Model](#) [Feedback](#) [EF Home](#)

TRI FORM R REPORTS

As a result of the [TRI Reporting Forms Modification Rule](#), beginning in reporting year 2005, the [Toxics Release Inventory Program](#) is no longer collecting [latitude](#) and [longitude](#) data or EPA program ID data (including Resource Conservation and Recovery Act (RCRA) IDs, National Pollutant Discharge Elimination System (NPDES) IDs and Underground Injection Code (UIC) IDs) via the FORM R or FORM A Certification Statement. However, this data will still be made available to TRI data users and will be included in TRI data Reports. For those Reports, this data will be obtained from the [Facility Registry System \(FRS\)](#). Latitude and longitude coordinates used to represent TRI facilities are chosen from the FRS using the "Pick Best" Process. [Primary permitting systems supply FRS with the program IDs that are used to represent TRI facilities.](#) The FRS data that are being used to represent this facility are:

<u>Reference Point/Description</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Collection Method</u>	<u>Accuracy Value</u>
CENTER OF A FACILITY OR STATION	N/A	N/A	ADDRESS MATCHING-HOUSE NUMBER	30

RCRA ID Numbers

NO DATA

NPDES Permit Numbers

NO DATA

Underground Injection Well Code (UIC) ID Numbers

NO DATA

To correct the FRS latitude, longitude or program ID values click on the "Report an Error" button in the top right corner of this page. Facilities wishing to correct other data elements with the FORM R or FORM A should refer to [How to Revise TRI Data](#).

For more information, see [Collection of Latitude, Longitude and Program ID Data Has Been Discontinued](#).

PART I. FACILITY IDENTIFICATION INFORMATION (FORM R)DOCUMENT CONTROL NUMBER: 1312211875822info Facility Registry System ID: 110000338180**Section 1. Reporting Year**Reporting Year: 2012**Section 2. Trade Secret Information**2.1 Trade Secret: NO2.2 Sanitized Copy: Unsanitized**Section 3. Certification**

<u>CERTIFYING OFFICIAL'S NAME</u>	<u>CERTIFYING OFFICIAL'S TITLE</u>	<u>CERTIFYING OFFICIAL'S SIGNATURE</u>	<u>DATE SIGNED</u>
JONATHON ANDERTON	VP OF OPERATIONS	Electronic	23-NOV-14

Section 4. Facility IdentificationTRI Facility ID: 19533MTLSNOLDBE**4.1 Facility Name and Address.**Facility Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>COUNTY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	BERKS	PA	195339115

BIA Tribal Code Tribe
 NO DATA NO DATA

Mailing Information

<u>NAME</u>	<u>STREET</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP CODE</u>
EAGLE BRASS CO	1243 OLD BERNVILLE RD	LEESPORT	PA	19533-9115

<u>PROVINCE</u>	<u>COUNTRY (NON - US)</u>
NO DATA	NO DATA

4.2 Facility Classification

<u>ENTIRE FACILITY</u>	<u>PARTIAL FACILITY</u>	<u>FEDERAL FACILITY</u>	<u>GOCO FACILITY</u>
YES	NO	NO	NO

4.3 Technical Contact

<u>NAME</u>	<u>PHONE</u>	<u>PHONE EXT.</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203		PRODUCTION@EAGLEBRASS.COM

4.4 Public Contact

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
JONATHON H. ANDERTON	6109165203	PRODUCTION@EAGLEBRASS.COM

4.5 NAICS Codes

<u>NAICS CODE</u>	<u>PRIMARY</u>	<u>NAICS CODE DESCRIPTION</u>
331421	YES	Copper Rolling, Drawing, and Extruding

4.7 Dun & Bradstreet Numbers

<u>DUNS NUMBER</u>
002479277

5 Parent Company Information

Parent Company Name: No US Parent Company

Parent Company DUNS Number: NA

PART II. CHEMICAL - SPECIFIC INFORMATION

DOCUMENT CONTROL NUMBER: 1312211875822

Section 1. Toxic Chemical Identity

1.1 CAS Number: 007440508

1.2 Toxic Chemical or Chemical Category Name: COPPER

1.3 Generic Chemical Name: NA

1.4 Distribution of Each Member of the Dioxin and Dioxin like Compounds Category

NA	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
NO																	

Section 2. Mixture Component Identity

2.1 Supplier Provided Generic Chemical Name: NA

Section 3. Activities and Uses of the Toxic Chemical

3.1 Manufacture the Toxic Chemical:

Produce: NO Import: NO On-Site Use/Processing: NO

Sale/Distribution: NO Byproduct: NO Impurity: NO

3.2 Process the Toxic Chemical:

Reactant: NO Formulation Component: NO Article Component: NO Repackaging: YES Impurity: NO

3.3 Otherwise Use the Toxic Chemical:

Chemical Processing Aid: NO Manufacturing Aid: NO Ancillary or Other Use: NO

Section 4. Maximum Amount of the Toxic Chemical Onsite During the Calendar Year

Maximum Chemical Amount: 10000 to 99999

Section 5. Quantity of the Toxic Chemical Entering each Environmental Medium Onsite

5.1 Fugitive or Non-Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.2 Stack or Point Air Emissions

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.3 Discharges to Receiving Streams or Water Bodies

<u>NA</u>	<u>STREAM/WATER BODY NAME</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>% FROM STORMWATER</u>
YES	NA				

5.4-5.5 Disposal to Land Onsite

5.4.1 Underground Injection Onsite to Class I Wells.

<u>NA</u>	<u>TOTAL RELEASE (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
YES			

5.4.2 Underground Injection Onsite to Class II-V Wells.

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5 Disposal to Land Onsite**5.5.1A** RCRA Subtitle C Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.1B Other Landfills

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.2 Land Treatment/Application Farming

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3A RCRA Subtitle C Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.3B Other Surface Impoundments

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

5.5.4 Other Disposal

NA	TOTAL RELEASE (per year)	UNIT OF MEASURE	BASIS OF ESTIMATE
YES			

Section 6. Transfers of the Toxic Chemical in Wastes to Off-Site Locations**6.1** Discharges to Publicly Owned Treatment Works (POTWs)

0- POTW NAME: NO DATA	ADDRESS: NO DATA
CITY: NO DATA	STATE: NO DATA
COUNTY: NO DATA	ZIP CODE: NO DATA

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>
NO DATA		NO DATA

6.2 Transfers to other Off-Site Locations

6.2.1 RCRA Number: IAD984571802 Parent Company Controlled: NO

Name: PMX INDUSTRIES INC Address: 5300 WILLOW CREEK DRIVE SOUTHWEST

City: CEDAR RAPIDS State: IA

County: LINN Zip Code: 524044303

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
21597	Pounds	O - Other Approaches	M24 - Metals Recovery
			P91 - Metals Recovery

6.2.2 RCRA Number: CTD001147974 Parent Company Controlled: NO

Name: MILLER COMPANY, THE Address: 99 CENTER ST.

City: MERIDEN State: CT

County: NEW HAVEN Zip Code: 064504224

Country Code (Non - US): Province:

<u>TOTAL TRANSFERS (per year)</u>	<u>UNIT OF MEASURE</u>	<u>BASIS OF ESTIMATE</u>	<u>WASTE MANAGEMENT TYPE</u>
80294	Pounds	O - Other Approaches	M24 - Metals Recovery

Section 7A. On-Site Waste Treatment Methods and Efficiency

7A.1a. Waste Stream: NA

7A.1b.	<u>WASTE TREATMENT METHOD(S) SEQUENCE</u>
1	NO DATA

7A.1d. Waste Treatment Efficiency Estimate: NA

Section 7B. On-Site Energy Recovery Processes

ON SITE ENERGY RECOVERY PROCESSES
NA

Section 7C. On-Site Recycling Processes

ON SITE RECYCLING PROCESSES
NA

Section 8. Source Reduction and Recycling Activities

SECTION	TYPE OF QUANTITY	UNITS	PRIOR YEAR	CURRENT REPORTING YEAR	FOLLOWING YEAR	SECOND FOLLOWING YEAR
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1b	Total other on-site disposal or other releases		NA	NA	NA	NA
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills		NA	NA	NA	NA
8.1d	Total other off-site disposal or other releases		NA	NA	NA	NA
8.2	Quantity Used for Energy Recovery Onsite		NA	NA	NA	NA
8.3	Quantity Used for Energy Recovery Offsite		NA	NA	NA	NA
8.4			NA	NA	NA	NA

	Quantity Recycled Onsite					
8.5	Quantity Recycled Offsite	Pounds	105573	101891	110000	110000
8.6	Quantity Treated Onsite		NA	NA	NA	NA
8.7	Quantity Treated Offsite		NA	NA	NA	NA

8.8 One-Time Event Release: 0 Pounds

8.9 Production Ratio:

8.10 Source Reduction Activities

<u>SOURCE REDUCTION ACTIVITIES</u>	<u>METHOD 1</u>	<u>METHOD 2</u>	<u>METHOD 3</u>	<u>ESTIMATED ANNUAL REDUCTION</u>
NA				

8.11 Additional Data Indicator: NO

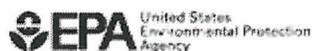
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Last updated on Tuesday, August 25th, 2015
http://ofmint.rtpnc.epa.gov/enviro/tri_formr_partone.get_thisone

RY	Form	Chemical Name	CAS #	DCN	File Number	Form Status	Postmark Date	Received Date
2013	R	COPPER	7440508	1313211875846	EX14003997261	Active	11/23/2014	11/23/2014
2013	R	NICKEL	7440020	1313211875834	EX14003997259	Active	11/23/2014	11/23/2014
2013	R	NICKEL	7440020	1313211812413	EX14003888233	Inactive	7/7/2014	7/7/2014
2012	R	COPPER	7440508	1312211875822	EX14003997234	Active	11/23/2014	11/23/2014
2012	R	NICKEL	7440020	1312211875810	EX14003997246	Active	11/23/2014	11/23/2014
2012	R	NICKEL	7440020	1312211072968	EX14003635861	Inactive	6/6/2014	6/6/2014
2011	R	COPPER	7440508	1311211875416	EX14003996838	Active	11/21/2014	11/21/2014
2011	R	NICKEL	7440020	1311211875428	EX14003996838	Active	11/21/2014	11/21/2014
2011	R	NICKEL	7440020	1311209861119	EX12002764239	Inactive	10/8/2012	10/8/2012
2010	R	COPPER	7440508	1310211875861	EX14003997436	Active	11/24/2014	11/24/2014
2003	R	NICKEL	7440020	1303202089266	ES04000206363	Active	11/5/2004	11/8/2004
2002	R	NICKEL	7440020	1302201028356	DD03000144170	Active	11/4/2003	11/12/2003
2001	R	NICKEL	7440020	1301150747208	DD02000172243	Active	8/27/2002	9/3/2002
2000	R	NICKEL	7440020	1300140700372	DD01000174223	Active	8/29/2001	9/4/2001
1999	R	NICKEL	7440020	1399130443409	DD00000128304	Active	6/30/2000	7/3/2000
1998	R	NICKEL	7440020	1398120621053	DD99000165391	Active	7/27/1999	7/30/1999
1997	R	NICKEL	7440020	1397115111965	1397115111965	Active	6/29/1998	7/1/1998
1996	R	NICKEL	7440020	1396105073439	1396105073439	Active	7/8/1997	7/11/1997
1994	R	NICKEL	7440020	1394085006120	1394085006120	Active	4/20/1995	4/24/1995
1993	R	NICKEL	7440020	1393075486148	1393075486148	Active	11/3/1994	11/7/1994
1993	R	NICKEL	7440020	1393075006229	1393075006229	Inactive	5/19/1993	5/23/1994
1992	R	AMMONIA	7664417	1392065005845	1392065005845	Active	4/12/1993	4/16/1993
1992	R	COPPER	7440508	1392065005833	1392065005833	Active	4/12/1993	4/16/1993
1992	R	NICKEL	7440020	1392065005858	1392065005858	Active	4/12/1993	4/16/1993
1991	R	AMMONIA	7664417	1391055460341	1391055460341	Active	8/17/1992	8/20/1992
1991	R	COPPER	7440508	1391055460339	1391055460339	Active	8/17/1992	8/20/1992
1991	R	NICKEL	7440020	1391055460327	1391055460327	Active	8/17/1992	8/20/1992
1989	R	AMMONIA	7664417	1389035131236	1389035131236	Active	6/20/1990	6/22/1990
1989	R	COPPER	7440508	1389035131248	1389035131248	Active	6/20/1990	6/22/1990
1988	R	AMMONIA	7664417	1388025214659	1388025214659	Active	6/27/1989	6/29/1989
1988	R	COPPER	7440508	1388025214646	1388025214646	Active	6/27/1989	6/29/1989
1987	R	COPPER	7440508	1387010453367	1387010453367	Active		



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Toxics Release Inventory (TRI) Program

TRI Resources

Understand what's happening at a TRI facility

- Explore an interactive diagram of a TRI facility
- Learn what common TRI terms mean

Find TRI data

- Start your TRI search
- Browse guides and tutorials for TRI tools

Information for Specific Groups

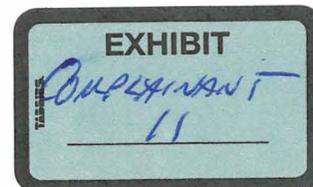
- TRI for Communities
- TRI for Tribal Communities
- TRI for Colleges and Universities
- TRI en español

Read national- and geographic-specific TRI data analyses

- 2013 TRI National Analysis Report
- Find previous years' reports in the archive

Learn how to use TRI and share your stories

- Read about TRI data in action
- Talk about TRI in the discussion forum



Understand the basics of risk

- Find out what TRI can tell you about risk
- Learn about risk assessment at EPA

Connect to other resources

- Find websites about toxic chemicals
- Call or email TRI-related contacts

Last updated on May 14, 2015

Understand the basics of risk

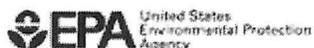
- Find out what TRI can tell you about risk
- Learn about risk assessment at EPA

Connect to other resources

- Find websites about toxic chemicals
- Call or email TRI-related contacts

Last updated on May 14, 2015

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Toxics Release Inventory (TRI) Program

TRI Reporting Forms and Instructions

Facilities must use TRI-MEweb to submit TRI reporting forms to EPA (except for trade secret information, which facilities will still complete on paper). Please visit the Electronic Reporting of Toxics Release Inventory Data webpage for details on this requirement to use TRI-MEweb.

For reference purposes, below are TRI reporting forms and instructions on how to report. TRI forms must be submitted by **July 1** of each year. Please consider EPA's Audit Policy for submissions that are past due or being revised, and for information about self-disclosing.

The TRI Reporting Forms and Instructions manual contains detailed explanations of how to report quantities of routine and accidental chemical releases, and releases resulting from catastrophic or other one-time events of EPCRA Section 313 chemicals, as well as the maximum amount of chemicals held on-site during the calendar year and the amount contained in wastes managed on-site or transferred off-site.

Quick Links

- [Guidance Documents](#)
- [Threshold Screening Tool](#)
- [TRI-MEweb Resources](#)

On this page:

- [Reporting Forms and Instructions by Reporting Year](#)
- [Submitting TRI Reports to States and Tribes](#)
- [Trade Secret Submission and Substantiation](#)

Reporting Forms and Instructions by Reporting Year

2014

2013
2012
2011
2010
2009
2008 - 2003

Reporting Year 2014

- 2014 Reporting Forms (PDF)
- 2014 TRI Reporting Forms & Instructions Guide (PDF)
- 2014 Standardized Parent Company Names (XLSX)
- 2014 TRI Chemical List (62 pp, 46 K) (XLSX)
- Documentation for POTW Removal Rates (PDF)

Submitting TRI Reports to States and Tribes

- Facilities are required to submit TRI reports to both EPA and the applicable state, territory or tribe. Facilities located in a state (or the Indian country of a tribe) that participates in the TRI Data Exchange participants can fulfill their TRI reporting obligations by submitting their TRI forms via the Central Data Exchange using TRI-MEweb.
- Facilities located in a state (or the Indian country of a tribe) that doesn't participate in the TRI Data Exchange must submit a separate TRI report to the appropriate state or tribe. Addresses and contact information are available for states and tribes.

Trade Secret Submission and Substantiation

- Trade Secret Submission Forms & Instructions (PDF)

Regular Mail

Attention: EPCRA Substantiation Packages
 TRI Reporting Center
 P. O. Box 10163
 Fairfax, VA 22038

2013

2012

2011

2010

2009

2008 - 2003

Reporting Year 2014

- 2014 Reporting Forms (PDF)
- 2014 TRI Reporting Forms & Instructions Guide (PDF)
- 2014 Standardized Parent Company Names (XLSX)
- 2014 TRI Chemical List (62 pp, 46 K) (XLSX)
- Documentation for POTW Removal Rates (PDF)

Submitting TRI Reports to States and Tribes

- Facilities are required to submit TRI reports to both EPA and the applicable state, territory or tribe. Facilities located in a state (or the Indian country of a tribe) that participates in the TRI Data Exchange participants can fulfill their TRI reporting obligations by submitting their TRI forms via the Central Data Exchange using TRI-MEweb.
- Facilities located in a state (or the Indian country of a tribe) that doesn't participate in the TRI Data Exchange must submit a separate TRI report to the appropriate state or tribe. Addresses and contact information are available for states and tribes.

Trade Secret Submission and Substantiation

- Trade Secret Submission Forms & Instructions (PDF)

Regular Mail

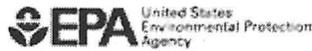
Attention: EPCRA Substantiation Packages
TRI Reporting Center
P. O. Box 10163
Fairfax, VA 22038

Certified Mail or Overnight Delivery

Attention: EPCRA Substantiation Packages
c/o CGI Federal, Inc.
12601 Fair Lakes Circle
Fairfax, VA 22033

Last updated on June 15, 2015

Menu



Toxics Release Inventory (TRI) Program

Training on TRI Reporting for RY 2014

For people involved with Toxics Release Inventory (TRI) reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

On this page:

- Training on Basic TRI Reporting Concepts
- Training on Advanced TRI Reporting Concepts
- Showcasing Sustainability in Your TRI Report

Looking for TRI-MEweb Training?

We have online tutorials specific to using TRI-MEweb to submit your TRI reporting forms electronically.

Training on Basic TRI Reporting Concepts

This course will help you determine:

- If your facility is covered by EPCRA Section 313 (TRI), and
- If your facility is covered, for which chemicals your facility must submit a TRI form.

You will also learn about:

- Information on making release and other waste management calculations and estimates,
- When the Form A Certification statement can be used instead of the Form R,
- Reporting exemptions (i.e., particular uses of TRI chemicals that don't have to be included on TRI forms), and
- General TRI Program and process information.

Basic Course Materials:

- Online Training Module (note: module includes audio and requires the Adobe Flash player)
- Keyboard shortcuts for use with online training module
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- Basic Concepts presentation slides (PDF)
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If your facility must report to TRI, this course will help you understand:

- Advanced issues related to threshold determinations, TRI reporting, and exemptions,
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- General TRI Program and process information, and
- How to use the TRI-MEweb online reporting application and the CDX electronic submission process.

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Showcasing Sustainability in Your TRI Report

Learn how your facility can take advantage of the opportunity to report and describe pollution prevention (P2) activities and other environmentally-friendly practices related to listed toxic chemicals.

- Download the TRI P2 Reporting Tip Sheet (PDF)
- Watch a training webinar about reporting enhancements implemented in RY 2012 that make it easier to submit your facility's P2 data, or download the presentation slides (PDF)

Last updated on July 27, 2015

Basic Course Materials:

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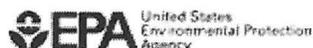
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Last updated on July 27, 2015

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Toxics Release Inventory (TRI) Program

TRI Program Contacts

On This Page:

- TRI Information Center
 - Central Data Exchange (CDX) Helpdesk
 - TRI Data Processing Center
 - EPA TRI State and Regional Coordinators
 - TRI Tribal Contacts
 - TRI Program Division, EPA Headquarters
 - TRI Webmaster
-

TRI Information Center

Issues Regarding:

- Clarification of TRI regulations, reporting requirements, and guidance
- Assistance in completing TRI forms
- Locating, understanding, and using data in TRI Explorer, TRI.NET, Envirofacts, etc.

Contact:

TRI Information Center

- (800) 424-9346 - select option #3 from menu
 - (703) 412-9810 - Wash., D.C. metro area
-

Central Data Exchange (CDX) Helpdesk

Issues Regarding:

- Accessing CDX software applications (i.e., TRI-MEweb)
- CDX account access (registration, password, user ID issues)
- Obtaining TRI-MEweb facility access key codes
- Status of TRI-MEweb submissions
- Facilitating step-by-step TRI-MEweb transmission, certification, and submission processes
- Reporting TRI-MEweb software issues
- TRI-MEweb technical problems (i.e., data quality alerts, NOSEs, critical errors, etc.) and software questions related to form submissions

Contact:

Central Data Exchange

- (888) 890-1995
- (970) 494-5500

TRI Data Processing Center**Issues Regarding:**

- Status of TRI-MEweb Electronic Signature Agreements (ESA) approvals
- Verification of EPA's receipt of facility's TRI Form(s)

Contact:

TRI Data Processing Center-
9:am to 4:00 pm (ET)

- (703) 227-7644
- Fax: (703) 227-4199
- E-mail your question, tridpc@epacdx.net

Issues Regarding:

- Accessing CDX software applications (i.e., TRI-MEweb)
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EPA TRI State and Regional Coordinators

Issues Regarding:

- Self-disclosing EPCRA 313 violations
- Compliance with and enforcement of EPCRA 313 (reporting late, data quality, non-reporting, recordkeeping)
- Registering, completing, and submitting Form Rs (paper forms and/or TRI-MEweb)
- Threshold calculations
- Regional TRI training opportunities

Contact:

- EPA Regional TRI Coordinators
- State TRI Coordinators

TRI Tribal Contacts

Issues Regarding:

- Where to send hard copy TRI forms to meet requirements of the TRI tribal rule

Contact:

- Tribal Contacts

TRI Program Division, EPA Headquarters

Issues Regarding:

- General TRI information or assistance not addressed by other points of contact.

Contact:

- Frequent Questions
- (202) 566-1415
- E-mail your question, tri.help@epa.gov

TRI Webmaster

Issues Regarding:

- Difficulty finding information

Contact:

- E-mail your question, Joiner.Ken@epa.gov

**Please use the form below to send us comments or questions.
Be sure to include your e-mail address if you'd like a response.**

Name

Please enter a name to address you by.

Email (Required)

Please enter a valid email address.

Comments (Required)

Please enter your comments.

Issues Regarding:

- General TRI information or assistance not addressed by other points of contact.

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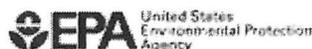
Comments (Required)

Please enter your comments.

Submit

Last updated on July 21, 2015

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Toxics Release Inventory (TRI) Program

What You Can Do

It's your right to know what toxic chemicals are being used in your community. The purpose of TRI data is to empower you with this information.

On this page:

- What can I do with the TRI data I find?
- What can I do if I think there's a problem at a facility?
- What can I do if there's a facility-related emergency?
- How can I get more information?
- Where can I get help if I want to talk to a real person?
- How can I find out about TRI Program news?

What can I do with the TRI data I find?

- You can use TRI data (along with other environmental information) to discuss your community's environmental health concerns with:
 - Neighborhood associations/community groups
 - Environmental organizations
 - Local colleges and researchers
 - Environmental, natural resources, health and/or planning government agencies
 - Local and state elected officials
 - Industry trade associations
 - Industrial facilities
- Use TRI pollution prevention (P2) data to encourage local facilities to implement new P2 activities or expand existing activities.
- Check out our "TRI in Action" report for examples of how individuals and groups are using TRI data to make a difference.

What can I do if I think there's a problem at a facility?

- Report this information to EPA so it can be investigated. EPA, states and tribes regularly monitor each facility's compliance with all environmental regulations.
- Find out if the facility is in compliance with EPA laws and regulations using EPA's Enforcement and Compliance History Online website.

- Contact your state office of environmental protection for additional information on facility performance, state environmental laws, and environmental conditions.
- Contact the appropriate TRI regional coordinator. EPA's regional offices oversee federal environmental regulations in several states and territories.
- Contact the Office of Occupational Safety Health Administration (OSHA) for worker safety concerns.
- Directly contact company representatives to ask questions about the data they've provided to EPA. Public contact information for each TRI facility can be found in Section 4.4 of each reporting Form R submitted to EPA. Form Rs can be found by searching for a particular facility in Envirofacts.

What can I do if there's a facility-related emergency?

Your Local Emergency Planning Commission (LEPC) has information on facilities and emergency response plans for your area. Staff at your local fire department will know whom to contact. In the case of an oil spill or other environmental emergency, please contact the National Response Center at 1-800-424-8802.

How can I find more information?

TRI is only one piece of the puzzle. While TRI provides important information about toxic chemical releases in your community, seeing the whole picture requires additional data. Here are some supplemental resources:

- EPA's "My Environment" Tool: Find information on air, water, energy, land, health, and more for a specific location.
- "Tools With TRI Data" section of TRI Data and Tools webpage: Use multiple EPA data sources for comparative analysis
- Other Toxic Chemical Resources: Links to information compiled by EPA and other federal agencies.

Where can I get help if I want to talk to a real person?

If you have TRI-related questions:

- Contact the TRI Information Center at 1-800-424-9346 (select menu option #3).
- Contact the TRI regional coordinator for your location for help in understanding TRI data about a particular geographic area or facility.
- Contact the TRI Help Desk (tri.help@epa.gov) if you'd prefer to email your questions or comments. TRI Program staff will respond as quickly as possible.

How can I find out about TRI Program news?

Join our email list and receive updates about TRI regulatory changes, upcoming opportunities for stakeholder participation and other announcements!

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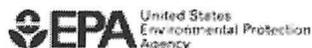
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- Enter your email address to sign up:

Submit

Last updated on June 22, 2015

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Toxics Release Inventory (TRI) Program

Reporting to TRI for Facilities

Reporting Quick Links

- [Frequent Questions](#)
- [TRI Program Contacts](#)

- [Covered Industries](#)
- [Forms & Instructions](#)
- [Guidance Documents](#)

- [Section 8 Resources for Third Party Load Users](#)
- [Training](#)
- [Threshold Tool](#)

- [TRI Data Exchange](#)
- [TRI-MEweb](#)

- [Data Quality](#)
- [Pollution Prevention](#)
- [TRI Compliance](#)

The information you need to begin the TRI reporting process is available by following the links in the sections below. Click on any of the section headings to begin or **+ Expand All**.

[Does my facility need to report to the TRI Program?](#)

[What's new for Reporting Year 2014?](#)

[What is the general process for preparing and submitting my facility's TRI forms to EPA and the appropriate state or tribal contact?](#)

[What TRI reporting assistance is available?](#)

How will my facility's TRI data be used by EPA?

What steps are taken to ensure that TRI data reported by facilities are correct?

What should I know about TRI compliance and enforcement?

Can I revise or withdraw my facility's TRI submission(s)?

Last updated on July 7, 2015

How will my facility's TRI data be used by EPA?

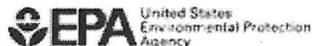
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Last updated on July 7, 2015

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Toxics Release Inventory (TRI) Program

Training on TRI Reporting for RY 2014

For people involved with Toxics Release Inventory (TRI) reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA).

On this page:

- Training on Basic TRI Reporting Concepts
- Training on Advanced TRI Reporting Concepts
- Showcasing Sustainability in Your TRI Report

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This course will help you determine:

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Basic Course Materials:

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Showcasing Sustainability in Your TRI Report

Learn how your facility can take advantage of the opportunity to report and describe pollution prevention (P2) activities and other environmentally-friendly practices related to listed toxic chemicals.

- Download the TRI P2 Reporting Tip Sheet (PDF)
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Last updated on July 27, 2015

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Last updated on July 27, 2015



Toxic Chemical Release Inventory Reporting Forms and Instructions

Revised 2010 Version

**Section 313
of the Emergency Planning and
Community Right-to-Know Act**
(Title III of the Superfund Amendments
and Reauthorization Act of 1986)



A. General Information

Reporting to the Toxic Chemical Release Inventory (i.e., Toxics Release Inventory (TRI)) is required by Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986), Public Law 99 499. The information contained in the Form R constitutes a "report," and the submission of a report to the appropriate authorities constitutes "reporting."

The Pollution Prevention Act, passed into law in October, 1990 (Pub. L. 101 508), added reporting requirements to Form R. These requirements affect all facilities required to submit Form R under Section 313 of EPCRA. The data were required beginning with reports for calendar year 1991.

Reporting is required to provide the public with information on the releases and other waste management of EPCRA Section 313 chemicals in their communities and to provide EPA with release and other waste management information to assist the Agency in determining the need for future regulations. Facilities must report the quantities of routine and accidental releases, and releases resulting from catastrophic or other one time events of EPCRA Section 313 chemicals, as well as the maximum amount of the EPCRA Section 313 chemical on-site during the calendar year and the amount contained in wastes managed on-site or transferred off-site.

A completed Form R or Form A must be submitted for each EPCRA Section 313 chemical manufactured, processed, or otherwise used at each covered facility as described in the reporting rules in 40 C FR Part 372 (originally published February 16, 1988, in the *Federal Register* and November 30, 1994, in the *Federal Register* (for Form A)).

A.1 Who Must Report

- Section 313 of EPCRA requires that reports be filed by owners and operators of facilities that meet all of the following criteria.
- The facility has 10 or more full-time employee equivalents (i.e., a total of 20,000 hours or greater; see 40 CFR 372.3); and
- The facility is included in a North American Industry Classification System (NAICS) code listed in Table I. NAICS codes found in Table I correspond to the following Standard Industrial Classification (SIC) Codes: SIC 10 (except 1011, 1081, and 1094), 12 (except 1241), 20-39, 4911 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4931 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4939 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. Section 6921 *et seq.*), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis); and
- The facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA Section 313 chemical in quantities greater than the established threshold in the course of a calendar year.

Executive Order 13423 extends these reporting requirements to federal facilities, regardless of their SIC or NAICS code.

A.2 How to Submit Forms

Facilities can use *TRI-MEweb* or paper for submitting Form R(s) and/or Form A(s).

A.2.a. How to Submit Form R(s) and/or Form A(s) Electronically to EPA via the Central Data Exchange (Using the *TRI-MEweb* Application)

The preferred method to report to TRI is by the use of the *TRI-Made Easy web (TRI-MEweb)* application via EPA's Central Data Exchange (CDX). *TRI-MEweb* is an intelligent, Web-based version of the popular *TRI-ME* software. There are several advantages to using *TRI-MEweb*.

Advantages like no longer having to download the most current version of software, prior year data pre-populated into current year forms to expedite your reporting, allowing a certifier to submit an

such cases, if applicable thresholds are exceeded, you are required to file two separate reports, one for lead compounds and one for chromium compounds. Apply the total weight of the lead chromate to the threshold determinations for both lead compounds and chromium compounds. (Note: Only the quantity of each parent metal released or otherwise managed as waste, not the quantity of the compound, would be reported on the appropriate sections of both Form Rs. See B.5.)

Nitrate Compounds (water dissociable; reportable only when in aqueous solution)

For the category nitrate compounds (water dissociable; reportable only when in aqueous solution), the entire weight of the nitrate compound is counted in making threshold determinations. A nitrate compound is covered by this listing only when in water and only if dissociated. If no information is available on the identity of the type of nitrate that is manufactured, processed or otherwise used, assume that the nitrate compound exists as sodium nitrate.

B.4.e Threshold Determination for Persistent Bioaccumulative Toxic (PBT) Chemicals

There are two separate thresholds for EPCRA Section 313 PBT chemicals; these thresholds are set based on the chemicals' potential to persist and bioaccumulate in the environment. The manufacturing, processing and otherwise use thresholds for PBT chemicals is 100 pounds, while for the subset of PBTs chemicals that are highly persistent and highly bioaccumulative, it is 10 pounds. One exception is the dioxin and dioxin-like compounds chemical category. The threshold for this category is 0.1 gram. The PBT chemicals, their CAS numbers or chemical category code, and their reporting thresholds are listed in a table in the introductory section of B.4. See Table IIc of these instructions for lists of individual members of the dioxin and dioxin-like compounds chemical category and the polycyclic aromatic compounds (PACs) chemical category.

B.4.f. Mixtures and Other Trade Name Products

EPCRA Section 313 chemicals contained in mixtures and other trade name products must be

factored into threshold determinations and release and other waste management calculations.

If your facility processed or otherwise used mixtures or other trade name products during the calendar year, you are required to use the best readily available data (or reasonable estimates if such data are not readily available) to determine whether the toxic chemicals in a mixture meet or exceed the *de minimis* concentration and, therefore, whether they must be included in threshold determinations and release and other waste management calculations. If you know that a mixture or other trade name product contains a specific EPCRA Section 313 chemical, combine the amount of the EPCRA Section 313 chemical in the mixture or other trade name product with other amounts of the same EPCRA Section 313 chemical processed or otherwise used at your facility for threshold determinations and release and other waste management calculations. If you know that a mixture contains an EPCRA Section 313 chemical but it is present below the *de minimis* level, you do not have to consider the amount of the EPCRA Section 313 chemical present in that mixture for purposes of threshold determinations and release and other waste management calculations. PBT chemicals are not eligible for the *de minimis* exemption except lead when it is contained in stainless steel, brass or bronze alloy.

Observe the following guidelines in estimating concentrations of EPCRA Section 313 chemicals in mixtures when only limited information is available:

- If you only know the upper bound concentration, you must use it for threshold determinations (40 CFR Section 372.30(b)(ii)).
- If you know the lower and upper bound concentrations of an EPCRA Section 313 chemical in a mixture, EPA recommends you use the midpoint of these two concentrations for threshold determinations.
- If you know only the lower bound concentration, EPA recommends you subtract out the percentages of any other known components to determine a reasonable upper bound concentration, and then determine a midpoint.

data used for all quantities reported on the Form R and Form A.

For the first time beginning with RY 2004, TRI will provide **Data Quality Alerts** (DQA). The DQA informs facilities of possible reporting issues. For example, if a facility reports a change in the release of a chemical that is over 25% compared to last year, a DQA will be triggered. This is offered to assist facilities in ensuring accurate reporting.

C.3 Common Errors in Completing Form R Reports and Form A Certification Statements, including Reporting Determination Errors

General Considerations

- **Lack of signed Certification Statement.** If you choose not to send your TRI submissions via the paperless CDX process, you must sign and submit Part I, Section 3 of your hard copy submission. Although EPA accepts paper submissions, EPA strongly encourages you to send your submission via TRI-MEweb and CDX.
- **Incomplete Forms.** A complete Form R report for a single EPCRA section 313 chemical or single EPCRA section 313 chemical category consists of five pages stapled together. By using TRI-MEweb and CDX, errors such as this would not occur. Each chemical submission must have its own page one. EPA cannot enter into the database data from a package that contains only one page 1, but several page 2s, 3s, 4s, and/or 5s. Such forms are considered incomplete submissions.

Threshold Determinations

- **Calculating threshold determinations.** Annual quantities manufactured, processed, or otherwise used for section 313 chemicals must be calculated, not surmised. The assumption that thresholds are exceeded commonly leads to error.
- **Misclassification of EPCRA section 313 chemical activity.** Failure to correctly classify an EPCRA section 313 chemical activity may result in an incorrect threshold determination. As a result, a facility may fail to submit the required Form R.
- **EPCRA section 313 chemical activity overlooked.** Many facilities believe that because the section 313 reporting requirement pertains to manufacturers, only the use of EPCRA section 313 chemicals in manufacturing processes must be examined. Any activity involving the manufacture, process, or

otherwise use of an EPCRA section 313 chemical or chemical category must be included in threshold determinations. Commonly overlooked activities include importation of chemicals, generation of waste byproducts, processing of naturally occurring metals and metal category compounds in ore, manufacturing and processing intermediates, the use of chemicals for cleaning of equipment, and the generation of byproducts during combustion of coal and/or oil. Facilities should take a systematic approach to identify all chemicals and mixtures used in production and non-production capacities, including catalysts, well treatment chemicals, and wastewater treatment chemicals.

- **Considering EPCRA section 313 chemicals in mixtures and other trade name products.** EPCRA section 313 chemicals contained in mixtures (including ores and stainless steel alloys) and other trade name products must be factored into threshold determinations and release and other waste management determinations, provided that the *de minimis* exemption cannot be taken. When the EPCRA section 313 chemical being reported is a component in a mixture or other trade name product, report only the weight of the EPCRA section 313 chemical in the mixture. Refer to Section B.4b of this document to calculate the weight of an EPCRA section 313 chemical in a mixture or other trade name product.
- **Overlooking manufacturing.** Coincidental manufacturing must not be overlooked. If coal and/or fuel oil and other raw materials that contain EPCRA section 313 chemicals are used in boilers/burners, there is a potential for the coincidental manufacture of EPCRA section 313 chemicals such as sulfuric acid (acid aerosols), hydrochloric acid (acid aerosols), hydrogen fluoride, and metal category compounds. Additionally, manufacturing of EPCRA section 313 chemicals during waste treatment is commonly overlooked. For example, the treatment of nitric acid may result in the manufacturing of a reportable chemical (nitrate compounds).

Container Residue

- **Overlooking container residue.** Container residue must not be disregarded in release and other waste management calculations. Even a "RCRA empty" drum is expected to contain a residue and it must be considered for TRI reporting. Additionally, on-site drum rinsing and disposal of the rinsate will result in a release and other waste management activity. Refer to Estimating Releases and Waste Treatment Efficiencies for Toxic Chemical Reporting Forms.

Part II. Chemical-Specific Information

Section 1. Toxic Chemical Identity

- **Reporting chemical abstract service (CAS) registry numbers in Section 1.1.** Beginning with the 1991 reporting year, EPA has assigned alphanumeric category codes to the twenty chemical categories for the purposes of reporting the CAS number field in Section 1.1. When completing a Form R for a chemical category, the appropriate code for that category must be provided in Section 1.1. The CAS numbers are listed in Table II: "Section 313 Toxic Chemical List," and if needed, the category codes are listed in Appendix B: "Reporting Codes for EPA Form R." Category guidance documents are listed in the Chemical and Industry Guidance Documents section in this document.
- **Failure to check for synonyms.** Some reportable chemicals (especially glycol ethers and toluene diisocyanates) have many synonyms that do not readily imply they are in the category. For example, benzene, 1,3-diisocyanatomethyl may not be readily recognized as toluene diisocyanate (mixed isomers).
- **Invalid chemical identification in Section 1.2.** The CAS number and the chemical name reported here must exactly match the listed official EPCRA section 313 CAS number and EPCRA section 313 chemical name.
- **Failure to consider an EPCRA section 313 chemical qualifier.** Only EPCRA section 313 chemicals in the form specified in the qualifier require reporting under section 313 and should be reported on Form R with the appropriate qualifier in parentheses. For example, isopropyl alcohol is listed on the EPCRA section 313 chemical list with the qualifier manufacturing- strong acid process, no supplier notification. Thus, the ONLY facilities that should report this EPCRA section 313 chemical are those that manufacture isopropyl alcohol by the strong acid process.
- **Generic chemical name in Section 1.3.** A generic chemical name should only be provided if the section 313 chemical identity is claimed as a trade secret.

Section 2. Mixture Component Identity

- Identifying chemicals used in mixtures. Facilities should carefully review the most recent MSDS or supplier notification for every mixture brought on-site to identify all section 313 chemicals used during a reporting year. Although some mixtures may not have MSDSs, the best readily available information should be used to determine the presence of EPCRA section 313 chemicals in ores and alloys.

- Mixture names in Section 2.1. Mixture names are to be entered here only if the supplier is claiming the identity of the EPCRA section 313 chemical a trade secret and that is the sole identification. Mixture names that include the name or CAS number of one or more EPCRA section 313 chemicals are not valid uses of the mixture name field.

Section 3. Activities and Uses of the Toxic Chemical at the Facility

- **Reporting EPCRA section 313 chemical activity.** EPCRA section 313 chemical activity is commonly overlooked or misclassified. *Any activity* involving the manufacture, process, or otherwise use of an EPCRA section 313 chemical must be examined. For example, waste treatment operations otherwise use EPCRA section 313 chemicals to treat waste streams and may coincidentally manufacture an additional EPCRA section 313 chemical as a result of the treatment reaction. Such activity must be considered. Further, EPCRA section 313 chemical activity must be correctly classified as either "manufactured," "processed," or "otherwise used."
- **Section 3.1** Manufacture means to produce, prepare, compound, or import an EPCRA section 313 chemical.
- **Section 3.2** Process means the preparation of an EPCRA section 313 chemical after its manufacture, which usually includes the incorporation of the EPCRA section 313 chemical into the final product, for distribution in commerce.
- **Section 3.3** Otherwise use encompasses any use of an EPCRA section 313 chemical that does not fall under the terms "manufacture" or "process," and includes treatment for destruction, stabilization (without subsequent distribution in commerce), disposal, and other use of an EPCRA section 313 chemical, including an EPCRA section 313 chemical contained in a mixture or other trade name product. Otherwise use of an EPCRA section 313 chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless:
 1. The EPCRA section 313 chemical that was disposed, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or
 2. The EPCRA section 313 chemical that was disposed, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities.

For example, solvents in paint applied to a manufactured product are often misclassified as processed, instead of

 United States Environmental Protection Agency	<h2 style="margin:0;">FORM R</h2> <p style="margin:0;">Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, also Known as Title III of the Superfund Amendments and Reauthorization Act</p>	TRI Facility ID Number Toxic Chemical, Category or Generic Name								
WHERE TO SEND COMPLETED FORMS: 1. TRI Data Processing Center P. O. Box 10163 Fairfax, VA 22038 2. APPROPRIATE STATE OFFICE (See instructions in Appendix E)										
This section only applies if you are revising or withdrawing a previously submitted form, otherwise leave blank.	Revision (enter up to two code(s)) <input style="width:40px; height:20px;" type="text"/> <input style="width:40px; height:20px;" type="text"/>	Withdrawal (enter up to two code(s)) <input style="width:40px; height:20px;" type="text"/> <input style="width:40px; height:20px;" type="text"/>								
IMPORTANT: See instructions to determine when "Not Applicable (NA)" boxes should be checked.										
PART 1. FACILITY IDENTIFICATION INFORMATION										
SECTION 1. REPORTING YEAR _____										
SECTION 2. TRADE SECRET INFORMATION										
2.1	Are you claiming the toxic chemical identified on page 2 trade secret? <input type="checkbox"/> Yes (Answer question 2.2; Attach substantiation forms) <input type="checkbox"/> No (Do not answer 2.2; Go to Section 3)	2.2 Is this copy <input type="checkbox"/> Sanitized <input type="checkbox"/> Unsanitized (Answer only if "YES" in 2.1)								
SECTION 3. CERTIFICATION (Important: Read and sign after completing all form sections.) I hereby certify that I have reviewed the attached documents and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report.										
Name and official title of owner/operator or senior management official:		Signature								
		Date Signed:								
SECTION 4. FACILITY IDENTIFICATION										
4.1	TRI Facility ID Number									
Facility or Establishment Name		Facility or Establishment Name or Mailing Address (If different from street address)								
Street		Mailing Address								
City/County/State/Zip Code		Country (Non-US)								
4.2	This report contains information for: (Important: Check a or b; check c or d if applicable) a. <input type="checkbox"/> An entire facility b. <input type="checkbox"/> Part of a facility c. <input type="checkbox"/> A Federal facility d. <input type="checkbox"/> GOCO									
4.3	Technical Contact Name	Telephone Number (include area code)								
	Email Address									
4.4	Public Contact Name	Telephone Number (include area code)								
	Email Address									
4.5	NAICS Code (s) (6 digits) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%; border-bottom: 1px solid black;">Primary</td> <td style="width:25%;"></td> <td style="width:25%;"></td> <td style="width:25%;"></td> </tr> <tr> <td style="font-size: small;">a.</td> <td style="font-size: small;">b.</td> <td style="font-size: small;">c.</td> <td style="font-size: small;">d.</td> </tr> </table>		Primary				a.	b.	c.	d.
Primary										
a.	b.	c.	d.							
4.6	Dun & Bradstreet Number (s) (9 digits) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; border-bottom: 1px solid black;">a.</td> <td style="width:50%;"></td> </tr> <tr> <td style="font-size: small;">b.</td> <td></td> </tr> </table>		a.		b.					
a.										
b.										
SECTION 5. PARENT COMPANY INFORMATION										
5.1	Name of Parent Company	NA <input type="checkbox"/>								
5.2	Parent Company's Dun & Bradstreet Number	NA <input type="checkbox"/>								

FORM R	TRI Facility ID Number
PART II. TOXIC CHEMICAL RELEASE INVENTORY REPORTING FORM	Toxic Chemical, Category or Generic Name

SECTION 1. TOXIC CHEMICAL IDENTITY (Important: DO NOT complete this section if you completed Section 2 below.)

1.1	CAS Number (Important: Enter only one number exactly as it appears on the Section 313 list. Enter category code if reporting a chemical category.)
1.2	Toxic Chemical or Chemical Category Name (Important: Enter only one name exactly as it appears on the Section 313 list.)
1.3	Generic Chemical Name (Important: Complete only if Part 1, Section 2.1 is checked "yes". Generic Name must be structurally descriptive.)

SECTION 2. MIXTURE COMPONENT IDENTITY (Important: DO NOT complete this section if you completed Section 1 above.)

2.1	Generic Chemical Name Provided by Supplier (Important: Maximum of 70 characters, including numbers, letters, spaces and punctuation.)
-----	---

SECTION 3. ACTIVITIES AND USES OF THE TOXIC CHEMICAL AT THE FACILITY
(Important: Check all that apply.)

3.1 Manufacture the toxic chemical:	3.2 Process the toxic chemical:	3.3 Otherwise use the toxic chemical:
a. <input type="checkbox"/> Produce b. <input type="checkbox"/> Import If produce or import c. <input type="checkbox"/> For on-site use/processing d. <input type="checkbox"/> For sale/distribution e. <input type="checkbox"/> As a byproduct f. <input type="checkbox"/> As an impurity	a. <input type="checkbox"/> As a reactant b. <input type="checkbox"/> As a formulation component c. <input type="checkbox"/> As an article component d. <input type="checkbox"/> Repackaging e. <input type="checkbox"/> As an impurity	a. <input type="checkbox"/> As a chemical processing aid b. <input type="checkbox"/> As a manufacturing aid c. <input type="checkbox"/> Ancillary or other use

SECTION 4. MAXIMUM AMOUNT OF THE TOXIC CHEMICAL ON SITE AT ANY TIME DURING THE CALENDAR YEAR

4.1	<input style="width: 50px;" type="text"/> (Enter two digit code from instruction package.)
-----	--

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ONSITE

		A. Total Release (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (enter code)	C. % From Stormwater
5.1	Fugitive or non-point air emissions NA <input type="checkbox"/>			
5.2	Stack or point air emissions NA <input type="checkbox"/>			
5.3	Discharges to receiving streams or water bodies (enter one name per box)			
Stream or Water Body Name				
5.3.1				
5.3.2				
5.3.3				

If additional pages of Part II, Section 5.3 are attached, indicate the total number of pages in this box and indicate the Part II, Section 5.3 page number in this box. (example: 1,2,3, etc.)

EPA Form 9350-1 (Rev. 10/2009) - Previous editions are obsolete. *For Dioxin or Dioxin-like compounds, report in grams/year.
** Range Codes: A= 1-10 pounds; B= 11-499 pounds; C= 500-999 pounds.

FORM R

PART II. CHEMICAL - SPECIFIC INFORMATION (CONTINUED)

TRI Facility ID Number
Toxic Chemical, Category or Generic Name

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ON SITE (continued)

	NA	A. Total Release (pounds/year*) (enter range code ** or estimate)	B. Basis of Estimate (enter code)
5.4.1 Underground Injection onsite to Class I Wells	<input type="checkbox"/>		
5.4.2 Underground Injection onsite to Class II-V Wells	<input type="checkbox"/>		
5.5 Disposal to land onsite	<input type="checkbox"/>		
5.5.1A RCRA Subtitle C landfills	<input type="checkbox"/>		
5.5.1B Other landfills	<input type="checkbox"/>		
5.5.2 Land treatment/ application farming	<input type="checkbox"/>		
5.5.3A RCRA Subtitle C surface impoundments	<input type="checkbox"/>		
5.5.3B Other surface impoundments	<input type="checkbox"/>		
5.5.4 Other disposal	<input type="checkbox"/>		

SECTION 6. TRANSFERS OF THE TOXIC CHEMICAL IN WASTES TO OFF-SITE LOCATIONS

6.1 DISCHARGES TO PUBLICLY OWNED TREATMENT WORKS (POTWs)

6.1.A Total Quantity Transferred to POTWs and Basis of Estimate

6.1.A.1 Total Transfers (pounds/year*) (enter range code ** or estimate)	6.1.A.2 Basis of Estimate (enter code)

6.1.B	POTW Name						
POTW Address							
City		State		County		Zip	

6.1.B	POTW Name						
POTW Address							
City		State		County		Zip	

If additional pages of Part II, Section 6.1 are attached, indicate the total number of pages in this box and indicate the Part II, Section 6.1 page number in this box (example: 1,2,3, etc.)

SECTION 6.2 TRANSFERS TO OTHER OFF-SITE LOCATIONS

6.2.	Off-Site EPA Identification Number (RCRA ID No.)								
Off-Site Location Name									
Off-Site Address									
City		State		County		Zip		Country (Non-US)	
Is location under control of reporting facility or parent company?							<input type="checkbox"/> Yes	<input type="checkbox"/> No	

<h1 style="margin: 0;">FORM R</h1> <h2 style="margin: 0;">PART II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)</h2>	TRI Facility ID Number Toxic Chemical, Category or Generic Name
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SECTION 6.2 TRANSFERS TO OTHER OFF-SITE LOCATIONS (CONTINUED)

A. Total Transfers (pounds/year*) (enter range code**or estimate)	B. Basis of Estimate (enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

6.2 Off-Site EPA Identification Number (RCRA ID No.)

Off-Site Location Name

Off-Site Address

City	State	County	Zip	Country (Non-US)
------	-------	--------	-----	---------------------

Is location under control of reporting facility or parent company? Yes No

A. Total Transfers (pounds/year*) (enter range code**or estimate)	B. Basis of Estimate (enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

SECTION 7A. ON-SITE WASTE TREATMENT METHODS AND EFFICIENCY

Not Applicable (NA) - Check here if no on-site waste treatment is applied to any waste stream containing the toxic chemical or chemical category.

a. General Waste Stream [enter code]	b. Waste Treatment Method(s) Sequence [enter 3- or 4- character code(s)]	d. Waste Treatment Efficiency [enter 2 character code]
7A.1a	7A.1b 1	7A.1d
	3 4	
	6 7	
7A.2a	7A.2b 1	7A.2d
	3 4	
	6 7	
7A.3a	7A.3b 1	7A.3d
	3 4	
	6 7	
7A.4a	7A.4b 1	7A.4d
	3 4	
	6 7	
7A.5a	7A.5b 1	7A.5d
	3 4	
	6 7	

If additional pages of Part II, Section 6.2/7A are attached, indicate the total number of pages in this box and indicate the Part II, Section 6.2/7 page number in this box: (example: 1,2,3,etc.)

EPA Form 9350 -1 (Rev. 10/2009) - Previous editions are obsolete. *For Dioxin or Dioxin-like compounds, report in grams/year **Range Codes: A=1 - 10 pounds; B=11 - 499 pounds C= 500-999 pounds.

FORM R

PART II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)

TRI Facility ID Number
Toxic Chemical, Category or Generic Name

SECTION 7B. ON-SITE ENERGY RECOVERY PROCESSES

Not Applicable (NA) - Check here if no on-site energy recovery is applied to any waste stream containing the toxic chemical or chemical category.

Energy Recovery Methods [enter 3-character code(s)]

1 2 3

SECTION 7C. ON-SITE RECYCLING PROCESSES

Not Applicable (NA) - Check here if no on-site recycling is applied to any waste stream containing the toxic chemical or chemical category.

Recycling Methods [enter 3-character code(s)]

1 2 3

SECTION 8. SOURCE REDUCTION AND RECYCLING ACTIVITIES

		Column A Prior Year (pounds/year*)	Column B Current Reporting Year (pounds/year*)	Column C Following Year (pounds/year*)	Column D Second Following Year (pounds/year*)
8.1					
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1b	Total other on-site disposal or other releases				
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1d	Total other off-site disposal or other releases				
8.2	Quantity used for energy recovery onsite				
8.3	Quantity used for energy recovery offsite				
8.4	Quantity recycled onsite				
8.5	Quantity recycled offsite				
8.6	Quantity treated onsite				
8.7	Quantity treated offsite				
8.8	Quantity released to the environment as a result of remedial actions, catastrophic events, or one-time events not associated with production processes (pounds/year)*				
8.9	Production ratio or activity index				
8.10	Did your facility engage in any source reduction activities for this chemical during the reporting year? If not, enter "NA" in Section 8.10.1 and answer Section 8.11.				
	Source Reduction Activities [enter code(s)]	Methods to Identify Activity (enter codes)			
8.10.1		a.	b.	c.	
8.10.2		a.	b.	c.	
8.10.3		a.	b.	c.	
8.10.4		a.	b.	c.	
8.11	If you wish to submit additional optional information on source reduction, recycling, or pollution control activities, check "Yes."				Yes <input type="checkbox"/>



Toxic Chemical Release Inventory Reporting Forms and Instructions

Revised 2011 Version

**Section 313
of the Emergency Planning and
Community Right-to-Know Act**
(Title III of the Superfund Amendments
and Reauthorization Act of 1986)

A. General Information

Reporting to the Toxic Chemical Release Inventory (i.e., Toxics Release Inventory (TRI)) is required by Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986), Public Law 99 499. The information contained in the Form R constitutes a "report," and the submission of a report to the appropriate authorities constitutes "reporting."

The Pollution Prevention Act, passed into law in October, 1990 (Pub. L. 101 508), added reporting requirements to Form R. These requirements affect all facilities required to submit Form R under Section 313 of EPCRA. The data were required beginning with reports for calendar year 1991.

Reporting is required to provide the public with information on the releases and other waste management of EPCRA Section 313 chemicals in their communities and to provide EPA with release and other waste management information to assist the Agency in determining the need for future regulations. Facilities must report the quantities of routine and accidental releases, and releases resulting from catastrophic or other onetime events of EPCRA Section 313 chemicals, as well as the maximum amount of the EPCRA Section 313 chemical on-site during the calendar year and the amount contained in wastes managed on-site or transferred off-site.

A completed Form R or Form A must be submitted for each EPCRA Section 313 chemical manufactured, processed, or otherwise used at each covered facility as described in the reporting rules in 40 CFR Part 372 (originally published February 16, 1988, in the *Federal Register* and November 30, 1994, in the *Federal Register* (for Form A)).

A.1 Who Must Report

- Section 313 of EPCRA requires that reports be filed by owners and operators of facilities that meet all of the following criteria.

- The facility has 10 or more full-time employee equivalents (i.e., a total of 20,000 hours or greater; see 40 CFR 372.3); and
- The facility is included in a North American Industry Classification System (NAICS) code listed in Table I. NAICS codes found in Table I correspond to the following Standard Industrial Classification (SIC) Codes: SIC 10 (except 1011, 1081, and 1094), 12 (except 1241), 20-39, 4911 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4931 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4939 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. Section 6921 *et seq.*), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis); and
- The facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA Section 313 chemical in quantities greater than the established threshold in the course of a calendar year.

Executive Order 13423 extends these reporting requirements to federal facilities, regardless of their SIC or NAICS code.

A.2 How to Submit Forms

Facilities can use *TRI-MEweb* or paper for submitting Form R(s) and/or Form A(s).

A.2.a. How to Submit Form R(s) and/or Form A(s) Electronically to EPA via the Central Data Exchange (Using the *TRI-MEweb* Application)

The preferred method to report to TRI is by the use of the *TRI-MEweb* application via EPA's Central Data Exchange (CDX). There are several advantages to using *TRI-MEweb* for TRI reporting: TRI reporters no longer have to download the most current version of software,

How to Determine if Your Facility Must Submit a Form R or Is Eligible to Use Form A

you are required to file two separate reports, one for lead compounds and one for chromium compounds. Apply the total weight of the lead chromate to the threshold determinations for both lead compounds and chromium compounds. (Note: Only the quantity of each parent metal released or otherwise managed as waste, not the quantity of the compound, would be reported on the appropriate sections of both Form Rs. See B.5.)

Nitrate Compounds (water dissociable; reportable only when in aqueous solution)

For the category nitrate compounds (water dissociable; reportable only when in aqueous solution), the entire weight of the nitrate compound is counted in making threshold determinations. A nitrate compound is covered by this listing only when in water and only if dissociated. If no information is available on the identity of the type of nitrate that is manufactured, processed or otherwise used, assume that the nitrate compound exists as sodium nitrate.

B.4.e Threshold Determination for Persistent Bioaccumulative Toxic (PBT) Chemicals

There are two separate thresholds for EPCRA Section 313 PBT chemicals; these thresholds are set based on the chemicals' potential to persist and bioaccumulate in the environment. The manufacturing, processing and otherwise use thresholds for PBT chemicals is 100 pounds, while for the subset of PBTs chemicals that are highly persistent and highly bioaccumulative, it is 10 pounds. One exception is the dioxin and dioxin-like compounds chemical category. The threshold for this category is 0.1 gram. The PBT chemicals, their CAS numbers or chemical category code, and their reporting thresholds are listed in a table in the introductory section of B.4. See Table IIc of these instructions for lists of individual members of the dioxin and dioxin-like compounds chemical category and the polycyclic aromatic compounds (PACs) chemical category.

B.4.f Mixtures and Other Trade Name Products

EPCRA Section 313 chemicals contained in mixtures and other trade name products must be

factored into threshold determinations and release and other waste management calculations.

If your facility processed or otherwise used mixtures or other trade name products during the calendar year, you are required to use the best readily available data (or reasonable estimates if such data are not readily available) to determine whether the toxic chemicals in a mixture meet or exceed the *de minimis* concentration and, therefore, whether they must be included in threshold determinations and release and other waste management calculations. If you know that a mixture or other trade name product contains a specific EPCRA Section 313 chemical, combine the amount of the EPCRA Section 313 chemical in the mixture or other trade name product with other amounts of the same EPCRA Section 313 chemical processed or otherwise used at your facility for threshold determinations and release and other waste management calculations. If you know that a mixture contains an EPCRA Section 313 chemical but it is present below the *de minimis* level, you do not have to consider the amount of the EPCRA Section 313 chemical present in that mixture for purposes of threshold determinations and release and other waste management calculations. PBT chemicals are not eligible for the *de minimis* exemption except lead when it is contained in stainless steel, brass or bronze alloy.

Observe the following guidelines in estimating concentrations of EPCRA Section 313 chemicals in mixtures when only limited information is available:

- If you only know the upper bound concentration, you must use it for threshold determinations (40 CFR Section 372.30(b)(ii)).
- If you know the lower and upper bound concentrations of an EPCRA Section 313 chemical in a mixture, EPA recommends you use the midpoint of these two concentrations for threshold determinations.
- If you know only the lower bound concentration, EPA recommends you subtract out the percentages of any other known components to determine a reasonable upper bound concentration, and then determine a midpoint.

determinations, the basis of exemptions applied, and the estimation techniques and data used for all quantities reported on the Form R and Form A.

For the first time beginning with RY 2004, TRI will provide **Data Quality Alerts (DQA)**. The DQA informs facilities of possible reporting issues. For example, if a facility reports a change in the release of a chemical that is over 25% compared to last year, a DQA will be triggered. This is offered to assist facilities in ensuring accurate reporting.

C.3 Common Errors in Completing Form R Reports and Form A Certification Statements, including Reporting Determination Errors

General Considerations

Lack of signed Certification Statement. If you choose not to send your TRI submissions via the paperless CDX process, you must sign and submit Part I, Section 3 of your hard copy submission. Although EPA accepts paper submissions, EPA strongly encourages you to send your submission via *TRI-MEweb* and CDX.

Incomplete Forms. A complete Form R report for a single EPCRA section 313 chemical or single EPCRA section 313 chemical category consists of five pages stapled together. By using *TRI-MEweb* and CDX, errors such as this would not occur. Each chemical submission must have its own page one. EPA cannot enter into the database data from a package that contains only one page 1, but several page 2s, 3s, 4s, and/or 5s. Such forms are considered incomplete submissions.

Threshold Determinations

Calculating threshold determinations. Annual quantities manufactured, processed, or otherwise used for section 313 chemicals must be calculated, not surmised. The assumption that thresholds are exceeded commonly leads to error.

Misclassification of EPCRA section 313 chemical activity. Failure to correctly classify an EPCRA section 313 chemical activity may result in an incorrect threshold determination. As a result, a facility may fail to submit the required Form R.

EPCRA section 313 chemical activity overlooked. Many facilities believe that because the section 313 reporting requirement pertains to manufacturers, only the use of EPCRA section 313 chemicals in manufacturing processes must be examined. *Any activity* involving the manufacture, process, or otherwise use of an EPCRA section 313 chemical or chemical category must be included in threshold

determinations. Commonly overlooked activities include importation of chemicals, generation of waste byproducts, processing of naturally occurring metals and metal category compounds in ore, manufacturing and processing intermediates, the use of chemicals for cleaning of equipment, and the generation of byproducts during combustion of coal and/or oil. Facilities should take a systematic approach to identify all chemicals and mixtures used in production and non-production capacities, including catalysts, well treatment chemicals, and wastewater treatment chemicals.

Considering EPCRA section 313 chemicals in mixtures and other trade name products. EPCRA section 313 chemicals contained in mixtures (including ores and stainless steel alloys) and other trade name products must be factored into threshold determinations and release and other waste management determinations, provided that the *de minimis* exemption cannot be taken. When the EPCRA section 313 chemical being reported is a component in a mixture or other trade name product, report only the weight of the EPCRA section 313 chemical in the mixture. Refer to Section B.4b of this document to calculate the weight of an EPCRA section 313 chemical in a mixture or other trade name product.

Overlooking manufacturing. Coincidental manufacturing must not be overlooked. If coal and/or fuel oil and other raw materials that contain EPCRA section 313 chemicals are used in boilers/burners, there is a potential for the coincidental manufacture of EPCRA section 313 chemicals such as sulfuric acid (acid aerosols), hydrochloric acid (acid aerosols), hydrogen fluoride, and metal category compounds. Additionally, manufacturing of EPCRA section 313 chemicals during waste treatment is commonly overlooked. For example, the treatment of nitric acid may result in the manufacturing of a reportable chemical (nitrate compounds).

Container Residue

Overlooking container residue. Container residue must not be disregarded in release and other waste management calculations. Even a "RCRA empty" drum is expected to contain a residue and it must be considered for TRI reporting. Additionally, on-site drum rinsing and disposal of the rinsate will result in a release and other waste management activity. Refer to Estimating Releases and Waste Treatment Efficiencies for Toxic Chemical Reporting Forms.

Part II. Chemical-Specific Information

Section 1. Toxic Chemical Identity

Reporting chemical abstract service (CAS) registry numbers in Section 1.1. Beginning with the 1991 reporting year, EPA has assigned alphanumeric category codes to the twenty chemical categories for the purposes of reporting the CAS number field in Section 1.1. When completing a Form R for a chemical category, the appropriate code for that category must be provided in Section 1.1. The CAS numbers are listed in Table II: "Section 313 Toxic Chemical List," and if needed, the category codes are listed in Appendix B: "Reporting Codes for EPA Form R." Category guidance documents are listed in the Chemical and Industry Guidance Documents section in this document.

Failure to check for synonyms. Some reportable chemicals (especially glycol ethers and toluene diisocyanates) have many synonyms that do not readily imply they are in the category. For example, benzene,1,3-diisocyanatomethyl may not be readily recognized as toluene diisocyanate (mixed isomers).

Invalid chemical identification in Section 1.2. The CAS number and the chemical name reported here must exactly match the listed official EPCRA section 313 CAS number and EPCRA section 313 chemical name.

Failure to consider an EPCRA section 313 chemical qualifier. Only EPCRA section 313 chemicals in the form specified in the qualifier require reporting under section 313 and should be reported on Form R with the appropriate qualifier in parentheses. For example, isopropyl alcohol is listed on the EPCRA section 313 chemical list with the qualifier manufacturing- strong acid process, no supplier notification. Thus, the ONLY facilities that should report this EPCRA section 313 chemical are those that manufacture isopropyl alcohol by the strong acid process.

Generic chemical name in Section 1.3. A generic chemical name should only be provided if the section 313 chemical identity is claimed as a trade secret.

Section 2. Mixture Component Identity

Identifying chemicals used in mixtures. Facilities should carefully review the most recent MSDS or supplier notification for every mixture brought on-site to identify all section 313 chemicals used during a reporting year. Although some mixtures may not have MSDSs, the best readily available information should be used to determine the presence of EPCRA section 313 chemicals in ores and alloys.

Mixture names in Section 2.1. Mixture names are to be entered here only if the supplier is claiming the identity of the EPCRA section 313 chemical a trade secret and that is the sole identification. Mixture names that include the name or CAS number of one or more EPCRA section 313 chemicals are not valid uses of the mixture name field.

Section 3. Activities and Uses of the Toxic Chemical at the Facility

Reporting EPCRA section 313 chemical activity. EPCRA section 313 chemical activity is commonly overlooked or misclassified. *Any activity* involving the manufacture, process, or otherwise use of an EPCRA section 313 chemical must be examined. For example, waste treatment operations otherwise use EPCRA section 313 chemicals to treat waste streams and may coincidentally manufacture an additional EPCRA section 313 chemical as a result of the treatment reaction. Such activity must be considered. Further, EPCRA section 313 chemical activity must be correctly classified as either "manufactured," "processed," or "otherwise used."

Section 3.1 Manufacture means to produce, prepare, compound, or import an EPCRA section 313 chemical.

Section 3.2 Process means the preparation of an EPCRA section 313 chemical after its manufacture, which usually includes the incorporation of the EPCRA section 313 chemical into the final product, for distribution in commerce.

Section 3.3 Otherwise use encompasses any use of an EPCRA section 313 chemical that does not fall under the terms "manufacture" or "process," and includes treatment for destruction, stabilization (without subsequent distribution in commerce), disposal, and other use of an EPCRA section 313 chemical, including an EPCRA section 313 chemical contained in a mixture or other trade name product. Otherwise use of an EPCRA section 313 chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless:

1. The EPCRA section 313 chemical that was disposed of, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or
2. The EPCRA section 313 chemical that was disposed of, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities.

For example, solvents in paint applied to a manufactured product are often misclassified as processed, instead of otherwise used. Because the solvents are not incorporated

 EPA United States Environmental Protection Agency		FORM R Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, also Known as Title III of the Superfund Amendments and Reauthorization Act		TRI Facility ID Number Toxic Chemical, Category, or Generic Name 	
WHERE TO SEND COMPLETED FORMS:		1. TRI Data Processing Center P. O. Box 10163 Fairfax, VA 22038	2. APPROPRIATE STATE OFFICE (See instructions in Appendix E)		
This section only applies if you are revising or withdrawing a previously submitted form, otherwise leave blank.	Revision (Enter up to two code(s)) <input type="text"/> <input type="text"/>		Withdrawal (Enter up to two code(s)) <input type="text"/> <input type="text"/>		
IMPORTANT: See instructions to determine when "Not Applicable (NA)" boxes should be checked.					
PART I. FACILITY IDENTIFICATION INFORMATION					
SECTION 1. REPORTING YEAR _____					
SECTION 2. TRADE SECRET INFORMATION					
2.1 Are you claiming the toxic chemical identified on page 2 as a trade secret? <input type="checkbox"/> Yes Yes (Answer question 2.2; attach substantiation forms) <input type="checkbox"/> No (Do not answer 2.2; go to Section 3)	2.2 Is this copy <input type="checkbox"/> Sanitized <input type="checkbox"/> Unsanitized (Answer only if "Yes" in 2.1)				
SECTION 3. CERTIFICATION (Important: Read and sign after completing all form sections.) I hereby certify that I have reviewed the attached documents and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report.					
Name and official title of owner/operator or senior management official:		Signature:		Date signed:	
SECTION 4. FACILITY IDENTIFICATION					
4.1	Facility or Establishment Name		TRI Facility ID Number		
	Physical Street Address		Mailing Address (if different from physical street address)		
	City/County/State/ZIP Code		City/State/ZIP Code Country (Non-US)		
4.2 This report contains information for: (Important: Check a or b; check c or d if applicable)	a. <input type="checkbox"/> An entire facility b. <input type="checkbox"/> Part of a facility c. <input type="checkbox"/> A federal facility d. <input type="checkbox"/> GOCO				
4.3	Technical Contact Name		Telephone Number (include area code)		
	Email Address				
4.4	Public Contact Name		Telephone Number (include area code)		
	Email Address				
4.5 NAICS Code(s) (6 digits)	Primary				
	a.	b.	c.	d.	e. f.
4.6 Dun & Bradstreet Number(s) (9 digits)	a.				
	b.				
SECTION 5. Parent Company Information					
5.1 Name of U.S. Parent Company (for TRI Reporting purposes)				No U.S. Parent Company <input type="checkbox"/> (for TRI Reporting purposes)	
5.2 Parent Company's Dun & Bradstreet Number	NA <input type="checkbox"/>				

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION	Toxic Chemical, Category, or Generic Name

SECTION 1. TOXIC CHEMICAL IDENTITY
(Important: DO NOT complete this section if you are reporting a mixture component in Section 2 below.)

1.1	CAS Number (Important: Enter only one number exactly as it appears on the Section 313 list. Enter category code if reporting a chemical category.)
1.2	Toxic Chemical or Chemical Category Name (Important: Enter only one name exactly as it appears on the Section 313 list.)
1.3	Generic Chemical Name (Important: Complete only if Part I, Section 2.1 is checked "Yes". Generic Name must be structurally descriptive.)

SECTION 2. MIXTURE COMPONENT IDENTITY (Important: DO NOT complete this section if you completed Section 1.)

2.1	Generic Chemical Name Provided by Supplier (Important: Maximum of 70 characters, including numbers, letters, spaces, and punctuation.)
------------	--

SECTION 3. ACTIVITIES AND USES OF THE TOXIC CHEMICAL AT THE FACILITY
(Important: Check all that apply.)

3.1 Manufacture the toxic chemical: a. <input type="checkbox"/> Produce b. <input type="checkbox"/> Import If Produce or Import c. <input type="checkbox"/> For on-site use/processing d. <input type="checkbox"/> For sale/distribution e. <input type="checkbox"/> As a byproduct f. <input type="checkbox"/> As an impurity	3.2 Process the toxic chemical: a. <input type="checkbox"/> As a reactant b. <input type="checkbox"/> As a formulation component c. <input type="checkbox"/> As an article component d. <input type="checkbox"/> Repackaging e. <input type="checkbox"/> As an impurity	3.3 Otherwise use the toxic chemical: a. <input type="checkbox"/> As a chemical processing aid b. <input type="checkbox"/> As a manufacturing aid c. <input type="checkbox"/> Ancillary or other use
--	---	--

SECTION 4. MAXIMUM AMOUNT OF THE TOXIC CHEMICAL ON-SITE AT ANY TIME DURING THE CALENDAR YEAR

4.1	<input style="width: 40px;" type="text"/> (Enter two digit code from instruction package.)
------------	--

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ON-SITE

			A. Total Release (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Percent from Stormwater
5.1	Fugitive or non-point air emissions	NA <input type="checkbox"/>			
5.2	Stack or point air emissions	NA <input type="checkbox"/>			
5.3	Discharges to receiving streams or water bodies (Enter one name per box)	NA <input type="checkbox"/>			

Stream or Water Body Name					
5.3.1					
5.3.2					
5.3.3					

If additional pages of Part II, Section 5.3 are attached, indicate the total number of pages in this box and indicate the Part II, Section 5.3 page number in this box. (Example: 1, 2, 3, etc.)

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	Toxic Chemical, Category, or Generic Name

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ON-SITE (continued)

		NA	A. Total Release (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)
5.4.1	Underground Injection on-site to Class I Wells	<input type="checkbox"/>		
5.4.2	Underground Injection on-site to Class II-V Wells	<input type="checkbox"/>		
5.5	Disposal to land on-site			
5.5.1A	RCRA Subtitle C landfills	<input type="checkbox"/>		
5.5.1B	Other landfills	<input type="checkbox"/>		
5.5.2	Land treatment/application farming	<input type="checkbox"/>		
5.5.3A	RCRA Subtitle C surface impoundments	<input type="checkbox"/>		
5.5.3B	Other surface impoundments	<input type="checkbox"/>		
5.5.4	Other disposal	<input type="checkbox"/>		

SECTION 6. TRANSFER(S) OF THE TOXIC CHEMICAL IN WASTES TO OFF-SITE LOCATIONS

6.1 DISCHARGES TO PUBLICLY OWNED TREATMENT WORKS (POTWs) NA

6.1.____ POTW Name

POTW Address

City	County	State	ZIP
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A. Quantity Transferred to this POTW (pounds/year*) (Enter range code** or estimate)	B. Basis of Estimate (Enter code)
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If additional pages of Part II, Section 6.1 are attached, indicate the total number of pages in this box and indicate the Part II, Section 6.1 page number in this box: (Example: 1, 2, 3, etc.)

SECTION 6.2 TRANSFERS TO OTHER OFF-SITE LOCATIONS NA

6.2.____ Off-Site EPA Identification Number (RCRA ID No.)

Off-Site Location Name:

Off-Site Address:

City	County	State	ZIP	Country (non-US)
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Is this location under control of reporting facility or parent company? Yes No

*For Dioxin or Dioxin-like compounds, report in grams/year.
 **Range Codes: A= 1-10 pounds; B= 11-499 pounds; C= 500-999 pounds.

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	Toxic Chemical, Category, or Generic Name

SECTION 6.2. TRANSFERS TO OTHER OFF-SITE LOCATION (CONTINUED)

A. Total Transfer (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (Enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

6.2. Off-Site EPA Identification Number (RCRA ID No.)

Off-Site Location Name:

Off-Site Address:

City	County	State	ZIP	Country (non-US)
------	--------	-------	-----	------------------

Is this location under control of reporting facility or parent company? Yes No

A. Total Transfer (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (Enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

SECTION 7A. ON-SITE WASTE TREATMENT METHODS AND EFFICIENCY

Not Applicable (NA) - Check here if no on-site waste treatment method is applied to any waste stream containing the toxic chemical or chemical category.

a. General Waste Stream (Enter code)	b. Waste Treatment Method(s) Sequence (Enter 3- or 4-character code(s))				c. Waste Treatment Efficiency (Enter 2 character code)
7A.1a	7A.1b	1	2	7A.1c	
	3	4	5		
	6	7	8		
7A.2a	7A.2b	1	2	7A.2c	
	3	4	5		
	6	7	8		
7A.3a	7A.3b	1	2	7A.3c	
	3	4	5		
	6	7	8		
7A.4a	7A.4b	1	2	7A.4c	
	3	4	5		
	6	7	8		
7A.5a	7A.5b	1	2	7A.5c	
	3	4	5		
	6	7	8		

If additional pages of Part II, Section 6.2/7.A are attached, indicate the total number of pages in this box and indicate the Part II, Section 6.2/7.A page number in this box. (Example: 1, 2, 3, etc.)

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	
Toxic Chemical, Category, or Generic Name	

SECTION 7B. ON-SITE ENERGY RECOVERY PROCESSES

NA Check here if no on-site energy recovery is applied to any waste stream containing the toxic chemical or chemical category.

Energy Recovery Methods (Enter 3-character code(s))

1. 2. 3.

SECTION 7C. ON-SITE RECYCLING PROCESSES

NA Check here if no on-site recycling is applied to any waste stream containing the toxic chemical or chemical category.

Recycling Methods (Enter 3-character code(s))

1. 2. 3.

SECTION 8. DISPOSAL OR OTHER RELEASES, SOURCE REDUCTION, AND RECYCLING ACTIVITIES

		Column A Prior Year (pounds/year*)	Column B Current Reporting Year (pounds/year*)	Column C Following Year (pounds/year*)	Column D Second Following Year (pounds/year*)
8.1	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1b	Total other on-site disposal or other releases				
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1d	Total other off-site disposal or other releases				
8.2	Quantity used for energy recovery on-site				
8.3	Quantity used for energy recovery off-site				
8.4	Quantity recycled on-site				
8.5	Quantity recycled off-site				
8.6	Quantity treated on-site				
8.7	Quantity treated off-site				
8.8	Quantity released to the environment as a result of remedial actions, catastrophic events, or one-time events not associated with production processes (pounds/year*)				
8.9	Production ratio or activity index				
8.10	Did your facility engage in any newly implemented source reduction activities for this chemical during the reporting year? If so, complete the following section; if not, check NA. NA <input type="checkbox"/>				

	Source Reduction Activities (Enter code(s))	Methods to Identify Activity (Enter code(s))		
8.10.1		a.	b.	c.
8.10.2		a.	b.	c.
8.10.3		a.	b.	c.
8.10.4		a.	b.	c.

FORM R Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	TRI Facility ID Number
	Toxic Chemical, Category, or Generic Name

SECTION 8.11. DISPOSAL OR OTHER RELEASES, SOURCE REDUCTION, AND RECYCLING ACTIVITIES

8.11 If you wish to submit additional optional information on source reduction, recycling, or pollution control activities, provide it here.

SECTION 9. MISCELLANEOUS INFORMATION

9.1 If you wish to submit any miscellaneous, additional, or optional information regarding your Form R submission, provide it here.



Toxic Chemical Release Inventory Reporting Forms and Instructions

Revised 2012 Version

Section 313
of the Emergency Planning and
Community Right-to-Know Act
(Title III of the Superfund Amendments
and Reauthorization Act of 1986)

A. General Information

Reporting to the Toxic Chemical Release Inventory (i.e., Toxics Release Inventory (TRI)) is required by Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986), Public Law 99 499. The information contained in the Form R constitutes a "report," and the submission of a report to the appropriate authorities constitutes "reporting."

The Pollution Prevention Act, of October, 1990 (Pub. L. 101 508), added reporting requirements to the Form R. These requirements affect all facilities required to submit a Form R under Section 313 of EPCRA. The data were required beginning with reports for calendar year 1991.

Reporting is required to provide information to the public on releases and other waste management of EPCRA Section 313 chemicals in their communities and to provide EPA with release and other waste management information to assist the Agency in determining the need for future regulations. Facilities must report the quantities of routine and accidental releases, and releases resulting from catastrophic or other onetime events of EPCRA Section 313 chemicals, as well as the maximum amount of the EPCRA Section 313 chemical on-site during the calendar year and the amount contained in wastes managed on-site or transferred off-site.

A completed Form R or Form A must be submitted for each EPCRA Section 313 chemical manufactured, processed, or otherwise used at each covered facility as described in the reporting rules in 40 Code of Federal Regulations (CFR) Part 372 (originally published February 16, 1988, in the *Federal Register* and November 30, 1994, in the *Federal Register* (for Form A)).

A.1 Who Must Report

- Section 313 of EPCRA requires that reports be filed by owners and operators of facilities that meet all of the following criteria.
- The facility has 10 or more full-time employee equivalents (i.e., a total of 20,000 hours or greater; see 40 CFR 372.3); and
- The facility is included in a North American Industry Classification System (NAICS) code listed in Table I. NAICS codes found in Table I

correspond to the following Standard Industrial Classification (SIC) Codes: SIC 10 (except 1011, 1081, and 1094), 12 (except 1241), 20-39, 4911 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4931 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4939 (limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce), 4953 (limited to facilities regulated under RCRA Subtitle C, 42 U.S.C. Section 6921 *et seq.*), 5169, 5171, and 7389 (limited to facilities primarily engaged in solvents recovery services on a contract or fee basis); and

- The facility manufactures (defined to include importing), processes, or otherwise uses any EPCRA Section 313 chemical in quantities greater than the established threshold in the course of a calendar year.

Executive Order 13423 extends these reporting requirements to federal facilities, regardless of their SIC or NAICS code.

A.2 How to Submit Forms

Facilities can use TRI-MEweb or paper for submitting Form R(s) and/or Form A Certification Statement(s).

A.2.a How to Submit Form R(s) and/or Form A(s) Certification Statement Electronically to EPA via the Central Data Exchange (Using the TRI-MEweb Application)

The preferred method to report your toxic chemical release data to your federal, state or tribal TRI authorities is by the use of the web-based TRI-MEweb application via EPA's Environment Information Exchange Network (EIEN). The EIEN is a partnership among state, tribes, territories, and EPA to deliver critical environmental information. The Central Data Exchange (CDX) is the point of entry for all TRI reporting facilities to the EIEN for environmental data submissions to all EIEN partners. CDX also hosts the TRI-MEweb reporting tool software. TRI-MEweb allows facilities to file a

How to Determine if Your Facility Must Submit a Form R or Is Eligible to Use Form A

be reported on the appropriate sections of both Form Rs. See B.5.)

Nitrate Compounds (water dissociable; reportable only when in aqueous solution)

For the category nitrate compounds (water dissociable; reportable only when in aqueous solution), the entire weight of the nitrate compound is counted in making threshold determinations. A nitrate compound is covered by this listing only when in water and only if dissociated. If no information is available on the identity of the type of nitrate that is manufactured, processed or otherwise used, assume that the nitrate compound exists as sodium nitrate.

B.4.e Threshold Determination for Persistent Bioaccumulative Toxic (PBT) Chemicals

There are two separate thresholds for EPCRA Section 313 PBT chemicals; these thresholds are set based on the chemicals' potential to persist and bioaccumulate in the environment. The manufacturing, processing and otherwise use thresholds for PBT chemicals is 100 pounds, while for the subset of PBTs chemicals that are highly persistent and highly bioaccumulative, it is 10 pounds. One exception is the dioxin and dioxin-like compounds chemical category. The threshold for this category is 0.1 gram. The PBT chemicals, their CAS numbers or chemical category code, and their reporting thresholds are listed in a table in the introductory section of B.4. See Table IIc of these instructions for lists of individual members of the dioxin and dioxin-like compounds chemical category and the polycyclic aromatic compounds (PACs) chemical category.

B.4.f Mixtures and Other Trade Name Products

EPCRA Section 313 chemicals contained in mixtures and other trade name products must be factored into threshold determinations and release and other waste management calculations.

If your facility processed or otherwise used mixtures or other trade name products during the calendar year, you are required to use the best readily available data (or reasonable estimates if such data are not readily available) to determine whether the toxic chemicals in a mixture meet or exceed the *de*

minimis concentration and, therefore, whether they must be included in threshold determinations and release and other waste management calculations. If you know that a mixture or other trade name product contains a specific EPCRA Section 313 chemical, combine the amount of the EPCRA Section 313 chemical in the mixture or other trade name product with other amounts of the same EPCRA Section 313 chemical processed or otherwise used at your facility for threshold determinations and release and other waste management calculations. If you know that a mixture contains an EPCRA Section 313 chemical but it is present below the *de minimis* level, you do not have to consider the amount of the EPCRA Section 313 chemical present in that mixture for purposes of threshold determinations and release and other waste management calculations. PBT chemicals are not eligible for the *de minimis* exemption except lead when it is contained in stainless steel, brass or bronze alloy.

Observe the following guidelines in estimating concentrations of EPCRA Section 313 chemicals in mixtures when only limited information is available:

- If you only know the upper bound concentration, you must use it for threshold determinations (40 CFR Section 372.30(b)(ii)).
- If you know the lower and upper bound concentrations of an EPCRA Section 313 chemical in a mixture, EPA recommends you use the midpoint of these two concentrations for threshold determinations.
- If you know only the lower bound concentration, EPA recommends you subtract out the percentages of any other known components to determine a reasonable upper bound concentration, and then determine a midpoint.
- If you have no information other than the lower bound concentration, EPA recommends you calculate a midpoint assuming an upper bound concentration of 100 percent.

Notices of Significant Errors (NOSE)

Applies to: Paper forms and TRI-MEweb submissions

The most serious errors are classified as Notices of Significant Errors (NOSE). The eFDP contains the Notice of Significant Error if applicable. Significant errors prevent submissions from being entered into the TRI Data Processing Center data management system or do not allow the TRI Data Processing Center to verify the authenticity of the submission. Invalid forms, missing pages, no chemical name or CAS number are examples of significant errors. These types of errors could be corrected by the reporting facility on their eFDP, or the reporting facility could submit a revised Form R or Form A, or the reporting facility could provide the TRI Data Processing Center with a brief explanation why they do not believe that it is an error. A facility must respond to a Notice of Significant Error within 21 days of receipt. Failure to respond within the initial 21 day requirement could result in the issuance of a Notice of Noncompliance (NON). A Notice of Noncompliance is not included in an eFDP and is mailed separately.

Reporters will receive a NOSE for failure to certify a submission (i.e. not signing paper forms). This includes any electronic submission that is not certified in the TRI-MEweb system as of July 1st, 2012 for which the user has not submitted certification via another reporting media, such as paper.

Notice of Noncompliance (NON)

Applies to: Paper forms and TRI-MEweb submissions

The Agency will issue a Notice of Noncompliance (NON) to a facility for failure to respond to a Notice of Significant Error (NOSE) within the required period. A NON suggests that a facility should take corrective action within 30 days and respond to the Agency that corrective action has been taken. If a facility fails to respond to the NON within the required time period, the Agency may take further action.

Record Keeping

Facilities must keep copies, for three years, of submitted Form R reports and Form A certifications and all documentation used to complete their submissions in accordance with 40 CFR 372.10. This documentation should include calculations for threshold determinations, the basis of exemptions applied, and the estimation techniques and data used for all quantities reported on the Form R and Form A. TRI-MEweb stores several years worth (7 years in RY 2012) of submitted chemical release data that can be accessed to be printed for your records.

C.3 Common Errors in Completing Form R Reports and Form A Certification Statements.

The following section lists the most common errors that reporting facilities have encountered when submitting paper or TRI-MEweb submissions to EPA. Some of these errors are not detected nor listed on an eFDP report. Errors that are not detectable are hard to evaluate by EPA because they could be valid submissions and can only be determined to be incorrect by the reporting facility. Reporting facilities should review their submission to ensure these common errors are not present in their forms before submitting them to EPA.

General Considerations

Applies to: Paper forms only

Lack of signed certification statement. If you choose not to send your TRI submissions via the paperless CDX process, you must sign and submit Part I, Section 3 of your hard copy submission. Although EPA accepts paper submissions, EPA strongly encourages you to send your submission via TRI-MEweb and CDX. This error type is listed on an eFDP as a NOSE.

Incomplete Forms. A complete Form R report for a single EPCRA section 313 chemical or single EPCRA section 313 chemical category consists of six pages stapled together. By using TRI-MEweb and CDX, errors such as this would not occur. Each chemical submission must have its own page one. EPA cannot enter into the database data from a package that contains only one page 1, but several page 2s, 3s, 4s, 5s and/or 6s. Such forms are considered incomplete submissions. This error type is listed on an eFDP as a NOSE.

Threshold Determinations

Applies to: Paper forms and TRI-MEweb submissions

Calculating threshold determinations. Annual quantities manufactured, processed, or otherwise used for section 313 chemicals must be calculated, not surmised. The assumption that thresholds are exceeded commonly leads to error. This error type is not detected nor listed on an eFDP report.

Misclassification of EPCRA section 313 chemical activity. Failure to correctly classify an EPCRA section 313 chemical activity may result in an incorrect threshold determination. As a result, a facility may fail to submit the required Form R. This error type is not detected nor listed on an

eFDP report.

EPCRA section 313 chemical activity overlooked.

Many facilities believe that because the section 313 reporting requirement pertains to manufacturers, only the use of EPCRA section 313 chemicals in manufacturing processes must be examined. *Any activity* involving the manufacture, process, or otherwise use of an EPCRA section 313 chemical or chemical category must be included in threshold determinations. Commonly overlooked activities include importation of chemicals, generation of waste byproducts, processing of naturally occurring metals and metal category compounds in ore, manufacturing and processing intermediates, the use of chemicals for cleaning of equipment, and the generation of byproducts during combustion of coal and/or oil. Facilities should take a systematic approach to identify all chemicals and mixtures used in production and non-production capacities, including catalysts, well treatment chemicals, and wastewater treatment chemicals. This error type is not detected nor listed on an eFDP report.

Considering EPCRA section 313 chemicals in mixtures and other trade name products.

EPCRA section 313 chemicals contained in mixtures (including ores and stainless steel alloys) and other trade name products must be factored into threshold determinations and release and other waste management determinations, provided that the *de minimis* exemption cannot be taken. When the EPCRA section 313 chemical being reported is a component in a mixture or other trade name product, report only the weight of the EPCRA section 313 chemical in the mixture. Refer to Section B.4f of this document to calculate the weight of an EPCRA section 313 chemical in a mixture or other trade name product. This error type is not detected nor listed on an eFDP report.

Overlooking manufacturing. Coincidental manufacturing must not be overlooked. If coal and/or fuel oil and other raw materials that contain EPCRA section 313 chemicals are used in boilers/burners, there is a potential for the coincidental manufacture of EPCRA section 313 chemicals such as sulfuric acid (acid aerosols), hydrochloric acid (acid aerosols), hydrogen fluoride, and metal category compounds. Additionally, manufacturing of EPCRA section 313 chemicals during waste treatment is commonly overlooked. For example, the treatment of nitric acid may result in the manufacturing of a reportable chemical (nitrate compounds). This error type is not detected nor listed on an eFDP report.

Container Residue

Overlooking container residue. Container residue must not be disregarded in release and other waste management calculations. Even a "RCRA empty" drum is expected to contain a residue and it must be considered for TRI reporting. Additionally, on-site drum rinsing and disposal of the rinsate will result in a release and other waste management activity. Refer to Estimating Releases and Waste Treatment Efficiencies for Toxic Chemical Reporting Forms. This error type is not detected nor listed on an eFDP report.

Part I. Facility Identification Information

Section 1. Reporting Year

- **Invalid Paper forms:** Hard copy submissions may be submitted using the TRI Form R and/or Form A Certification Statement applicable for that particular reporting year. EPA provides printable TRI forms from RY 2003 through RY 2012 on the TRI website at http://www.epa.gov/tri/reporting_materials/forms/. For reporters submitting RY 2011 and RY 2012 hard-copy forms, EPA recommends entering data using the electronically fillable fields in the RY 2011 and RY 2012 forms. RY 2010 and prior year forms are not electronically fillable and must be completed by hand or typewriter. You can also request older reporting forms under the *Contact Us* link on the TRI web site for TRI forms prior to RY 2003. Please sign and date the certification statement on Page 1 prior to mailing your TRI form(s) to EPA's DPC. This error type is listed on an eFDP as a NOSE.
- **Invalid TRI-MEweb Forms:** Users that prepare TRI forms using TRI-MEweb must pick the reporting year before starting to enter any chemical release data. Users may start a blank form or choose to import prior year data into current year forms from the *Form Summary Table* on the TRI-MEweb Welcome page after clicking on the (+) sign next to TRIFID of the reporting facility. If the preparer transmitted, certified and submitted a form with an incorrect reporting year selected, a revision of this form cannot change the reporting year field. Instead, the incorrect reporting year form must be withdrawn and resubmitted under the correct reporting year. This error type is not detected nor listed on an eFDP report.

Section 2. Trade Secret Information

Applies to: Paper forms only

Incorrect completion of trade secret information.

The responses to trade secret questions in Part I Section 2 and Part II Section 1.3 of Form R/Form

example, isopropyl alcohol is listed on the EPCRA section 313 chemical list with the qualifier manufacturing- strong acid process, no supplier notification. Thus, the ONLY facilities that should report this EPCRA section 313 chemical are those that manufacture isopropyl alcohol by the strong acid process. This error type is not detected nor listed on an eFDP report.

Section 2. Mixture Component Identity

Applies to: Paper forms and TRI-MEweb submissions

Identifying chemicals used in mixtures. Facilities should carefully review the most recent MSDS or supplier notification for every mixture brought on-site to identify all section 313 chemicals used during a reporting year. Although some mixtures may not have MSDSs, the best readily available information should be used to determine the presence of EPCRA section 313 chemicals in ores and alloys. This error type is not detected nor listed on an eFDP report.

Mixture names in Section 2.1. Mixture names are to be entered here only if the supplier is claiming the identity of the EPCRA Section 313 chemical a trade secret and that is the sole identification. Mixture names that include the name or CAS number of one or more EPCRA Section 313 chemicals are not valid uses of the mixture name field. This error type is not detected nor listed on an eFDP report.

Section 3. Activities and Uses of the Toxic Chemical at the Facility

Applies to: Paper forms and TRI-MEweb submissions

Reporting EPCRA section 313 chemical activity. EPCRA section 313 chemical activity is commonly overlooked or misclassified. *Any activity* involving the manufacture, process, or otherwise use of an EPCRA Section 313 chemical must be examined. For example, waste treatment operations otherwise use EPCRA Section 313 chemicals to treat waste streams and may coincidentally manufacture an additional EPCRA Section 313 chemical as a result of the treatment reaction. Such activity must be considered. Further, EPCRA Section 313 chemical activity must be correctly classified as either “manufactured,” “processed,” or “otherwise used.”

Section 3.1 Manufacture means to produce, prepare, compound, or import an EPCRA Section 313 chemical.

Section 3.2 Process means the preparation of an EPCRA Section 313 chemical after its

manufacture, which usually includes the incorporation of the EPCRA Section 313 chemical into the final product, for distribution in commerce.

Section 3.3 Otherwise use encompasses any use of an EPCRA Section 313 chemical that does not fall under the terms “manufacture” or “process,” and includes treatment for destruction, stabilization (without subsequent distribution in commerce), disposal, and other use of an EPCRA Section 313 chemical, including an EPCRA Section 313 chemical contained in a mixture or other trade name product. Otherwise use of an EPCRA Section 313 chemical does not include disposal, stabilization (without subsequent distribution in commerce), or treatment for destruction unless:

1. The EPCRA Section 313 chemical that was disposed of, stabilized, or treated for destruction was received from off-site for the purposes of further waste management; or
2. The EPCRA Section 313 chemical that was disposed of, stabilized, or treated for destruction was manufactured as a result of waste management activities on materials received from off-site for the purposes of further waste management activities.

For example, solvents in paint applied to a manufactured product are often misclassified as processed, instead of otherwise used. Because the solvents are not incorporated into the final product, the solvent is being otherwise used, not processed. This error type is not detected nor listed on an eFDP report.

Section 4. Maximum Amount of the Toxic Chemical On-site at Any Time During the Calendar Year

Applies to: Paper forms only

Maximum amount on-site left blank. Form has failed to provide the appropriate code for maximum amount on site. This error type is listed on an eFDP as a NOSE.

Incorrect units of measure. If amounts are reported in units other than pounds (e.g., metric units) or with exponential numbers, EPA may require a revision of the Form R/Form A submitted. The exception is for the reporting of dioxin and dioxin-like compounds where the amounts are reported in grams. This error type is not detected nor listed on an eFDP report.

 EPA United States Environmental Protection Agency		FORM R Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, also Known as Title III of the Superfund Amendments and Reauthorization Act		TRI Facility ID Number Toxic Chemical, Category, or Generic Name 	
WHERE TO SEND COMPLETED FORMS:		1. TRI Data Processing Center P. O. Box 10163 Fairfax, VA 22038		2. APPROPRIATE STATE OR TRIBAL OFFICE (See instructions in Appendix E)	
This section only applies if you are revising or withdrawing a previously submitted form, otherwise leave blank.		Revision (Enter up to two code(s)) <input type="text"/> <input type="text"/>		Withdrawal (Enter up to two code(s)) <input type="text"/> <input type="text"/>	
IMPORTANT: See instructions to determine when "Not Applicable (NA)" boxes should be checked.					
PART I. FACILITY IDENTIFICATION INFORMATION					
SECTION 1. REPORTING YEAR _____					
SECTION 2. TRADE SECRET INFORMATION					
2.1 Are you claiming the toxic chemical identified on page 2 as a trade secret? <input type="checkbox"/> Yes (Answer question 2.2; attach substantiation forms)			<input type="checkbox"/> No (Do not answer 2.2; go to Section 3)		
			2.2 Is this copy <input type="checkbox"/> Sanitized <input type="checkbox"/> Unsanitized (Answer only if "Yes" in 2.1)		
SECTION 3. CERTIFICATION (Important: Read and sign after completing all form sections.) I hereby certify that I have reviewed the attached documents and that, to the best of my knowledge and belief, the submitted information is true and complete and that the amounts and values in this report are accurate based on reasonable estimates using data available to the preparers of this report.					
Name and official title of owner/operator or senior management official:		Signature:		Date signed	
SECTION 4. FACILITY IDENTIFICATION					
Facility or Establishment Name		TRI Facility ID Number			
Physical Street Address		Mailing Address (if different from physical street address)			
City/County/Tribe/State/ZIP Code		City/State/ZIP Code		Country (Non-US)	
4.2 This report contains information for: (Important: Check a or b; check c or d if applicable)					
		a. <input type="checkbox"/> An entire facility	b. <input type="checkbox"/> Part of a facility	c. <input type="checkbox"/> A federal facility	d. <input type="checkbox"/> GOCO
4.3 Technical Contact Name					Telephone Number (include area code)
Email Address					
4.4 Public Contact Name					Telephone Number (include area code)
Email Address					
4.5 NAICS Code(s) (6 digits)		Primary	a.	b.	c.
		d.	e.	f.	
4.6 Dun & Bradstreet Number(s) (9 digits)		a.	b.		
SECTION 5. Parent Company Information					
5.1 Name of U.S. Parent Company (for TRI Reporting purposes)					No U.S. Parent Company (for TRI Reporting purposes) <input type="checkbox"/>
5.2 Parent Company's Dun & Bradstreet Number		NA <input type="checkbox"/>			

FORM R Part II. CHEMICAL-SPECIFIC INFORMATION	TRI Facility ID Number
	Toxic Chemical, Category, or Generic Name

SECTION 1. TOXIC CHEMICAL IDENTITY

(Important: DO NOT complete this section if you are reporting a mixture component in Section 2 below.)

1.1	CAS Number (Important: Enter only one number exactly as it appears on the Section 313 list. Enter category code if reporting a chemical category.)
1.2	Toxic Chemical or Chemical Category Name (Important: Enter only one name exactly as it appears on the Section 313 list.)
1.3	Generic Chemical Name (Important: Complete only if Part I, Section 2.1 is checked "Yes". Generic Name must be structurally descriptive.)

SECTION 2. MIXTURE COMPONENT IDENTITY

(Important: DO NOT complete this section if you completed Section 1.)

2.1	Generic Chemical Name Provided by Supplier (Important: Maximum of 70 characters, including numbers, letters, spaces, and punctuation.)

SECTION 3. ACTIVITIES AND USES OF THE TOXIC CHEMICAL AT THE FACILITY

(Important: Check all that apply.)

3.1 Manufacture the toxic chemical:	3.2 Process the toxic chemical:	3.3 Otherwise use the toxic chemical:
a. <input type="checkbox"/> Produce b. <input type="checkbox"/> Import If Produce or Import c. <input type="checkbox"/> For on-site use/processing d. <input type="checkbox"/> For sale/distribution e. <input type="checkbox"/> As a byproduct f. <input type="checkbox"/> As an impurity	a. <input type="checkbox"/> As a reactant b. <input type="checkbox"/> As a formulation component c. <input type="checkbox"/> As an article component d. <input type="checkbox"/> Repackaging e. <input type="checkbox"/> As an impurity	a. <input type="checkbox"/> As a chemical processing aid b. <input type="checkbox"/> As a manufacturing aid c. <input type="checkbox"/> Ancillary or other use

SECTION 4. MAXIMUM AMOUNT OF THE TOXIC CHEMICAL ON-SITE AT ANY TIME DURING THE CALENDAR YEAR

4.1	<input style="width: 40px; height: 15px;" type="text"/> (Enter two digit code from instruction package.)
------------	--

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ON-SITE

			A. Total Release (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Percent from Stormwater
5.1	Fugitive or non-point air emissions	NA <input type="checkbox"/>			
5.2	Stack or point air emissions	NA <input type="checkbox"/>			
5.3	Discharges to receiving streams or water bodies (Enter one name per box)	NA <input type="checkbox"/>			
Stream or Water Body Name					
5.3.1					
5.3.2					
5.3.3					

If additional pages of Part II, Section 5.3 are attached, indicate the total number of pages in this box and indicate the Part II, Section 5.3 page number in this box. (Example: 1, 2, 3, etc.)

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	Toxic Chemical, Category, or Generic Name

SECTION 5. QUANTITY OF THE TOXIC CHEMICAL ENTERING EACH ENVIRONMENTAL MEDIUM ON-SITE (continued)

		NA	A. Total Release (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)
5.4.1	Underground Injection on-site to Class I Wells	<input type="checkbox"/>		
5.4.2	Underground Injection on-site to Class II-V Wells	<input type="checkbox"/>		
5.5	Disposal to land on-site			
5.5.1A	RCRA Subtitle C landfills	<input type="checkbox"/>		
5.5.1B	Other landfills	<input type="checkbox"/>		
5.5.2	Land treatment/application farming	<input type="checkbox"/>		
5.5.3A	RCRA Subtitle C surface impoundments	<input type="checkbox"/>		
5.5.3B	Other surface impoundments	<input type="checkbox"/>		
5.5.4	Other disposal	<input type="checkbox"/>		

SECTION 6. TRANSFER(S) OF THE TOXIC CHEMICAL IN WASTES TO OFF-SITE LOCATIONS

6.1 DISCHARGES TO PUBLICLY OWNED TREATMENT WORKS (POTWs) NA

6.1. POTW Name								
POTW Address								
City				County			State	ZIP
A. Quantity Transferred to this POTW (pounds/year*) (Enter range code** or estimate)				B. Basis of Estimate (Enter code)				

If additional pages of Part II, Section 6.1 are attached, indicate the total number of pages in this box
and indicate the Part II, Section 6.1 page number in this box. (Example: 1, 2, 3, etc.)

SECTION 6.2 TRANSFERS TO OTHER OFF-SITE LOCATIONS NA

6.2. Off-Site EPA Identification Number (RCRA ID No.)								
Off-Site Location Name:								
Off-Site Address:								
City				County		State	ZIP	Country (non-US)
Is this location under control of reporting facility or parent company? <input type="checkbox"/> Yes <input type="checkbox"/> No								

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	Toxic Chemical, Category, or Generic Name

SECTION 6.2. TRANSFERS TO OTHER OFF-SITE LOCATION (CONTINUED)

A. Total Transfer (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (Enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

6.2 Off-Site EPA Identification Number (RCRA ID No.)

Off-Site Location Name:

Off-Site Address:

City	County	State	ZIP	Country (non-US)
------	--------	-------	-----	------------------

Is this location under control of reporting facility or parent company? Yes No

A. Total Transfer (pounds/year*) (Enter a range code** or estimate)	B. Basis of Estimate (Enter code)	C. Type of Waste Treatment/Disposal/ Recycling/Energy Recovery (Enter code)
1.	1.	1. M
2.	2.	2. M
3.	3.	3. M
4.	4.	4. M

SECTION 7A. ON-SITE WASTE TREATMENT METHODS AND EFFICIENCY

Not Applicable (NA) - Check here if no on-site waste treatment method is applied to any waste stream containing the toxic chemical or chemical

a. General Waste Stream (Enter code)	b. Waste Treatment Method(s) Sequence (Enter 3-or 4-character code(s))	c. Waste Treatment Efficiency (Enter 2 character code)
7A.1a	7A.1b	7A.1c
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
7A.2a	7A.2b	7A.2c
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
7A.3a	7A.3b	7A.3c
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
7A.4a	7A.4b	7A.4c
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	
7A.5a	7A.5b	7A.5c
	1	
	2	
	3	
	4	
	5	
	6	
	7	
	8	

If additional pages of Part II, Section 6.2/7.A are attached, indicate the total number of pages in this box.
and indicate the Part II, Section 6.2/7.A page number in this box. (Example: 1, 2, 3, etc.)

FORM R	TRI Facility ID Number
Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	Toxic Chemical, Category, or Generic Name

SECTION 7B. ON-SITE ENERGY RECOVERY PROCESSES

NA Check here if no on-site energy recovery is applied to any waste stream containing the toxic chemical or chemical category.

Energy Recovery Methods (Enter 3-character code(s))

1. 2. 3.

SECTION 7C. ON-SITE RECYCLING PROCESSES

NA Check here if no on-site recycling is applied to any waste stream containing the toxic chemical or chemical category.

Recycling Methods (Enter 3-character code(s))

1. 2. 3.

SECTION 8. DISPOSAL OR OTHER RELEASES, SOURCE REDUCTION, AND RECYCLING ACTIVITIES		Column A Prior Year (pounds/year*)	Column B Current Reporting Year (pounds/year*)	Column C Following Year (pounds/year*)	Column D Second Following Year (pounds/year*)
8.1					
8.1a	Total on-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1b	Total other on-site disposal or other releases				
8.1c	Total off-site disposal to Class I Underground Injection Wells, RCRA Subtitle C landfills, and other landfills				
8.1d	Total other off-site disposal or other releases				
8.2	Quantity used for energy recovery on-site				
8.3	Quantity used for energy recovery off-site				
8.4	Quantity recycled on-site				
8.5	Quantity recycled off-site				
8.6	Quantity treated on-site				
8.7	Quantity treated off-site				
8.8	Quantity released to the environment as a result of remedial actions, catastrophic events, or one-time events not associated with production processes (pounds/year*)				
8.9	Production ratio or activity index				
8.10	Did your facility engage in any newly implemented source reduction activities for this chemical during the reporting year? If so, complete the following section; if not, check NA. NA <input type="checkbox"/>				
	Source Reduction Activities (Enter code(s))	Methods to Identify Activity (Enter code(s))			
8.10.1		a.	b.	c.	
8.10.2		a.	b.	c.	
8.10.3		a.	b.	c.	
8.10.4		a.	b.	c.	

EPA form 9350-1 (Rev. 10/2012) – Previous editions are obsolete.

*For Dioxin or Dioxin-like compounds, report in grams/year.

FORM R Part II. CHEMICAL-SPECIFIC INFORMATION (CONTINUED)	TRI Facility ID Number
	Toxic Chemical, Category, or Generic Name

SECTION 8.11. DISPOSAL OR OTHER RELEASES, SOURCE REDUCTION, AND RECYCLING ACTIVITIES

8.11 If you wish to submit additional optional information on source reduction, recycling, or pollution control activities, provide it here.

SECTION 9. MISCELLANEOUS INFORMATION

9.1 If you wish to submit any miscellaneous, additional, or optional information regarding your Form R submission, provide it here.

You are here: [One EPA OARM OHR Administrative Policy Manuals Delegations Manual](#)
[Delegations Manual TOC Chapter 22 TOC: EMERGENCY PLANNING AND](#)
[COMMUNITY RIGHT-TO-KNOW-ACT](#)
22-3-A. Administrative Enforcement Actions

22-3-A. Administrative Enforcement Actions

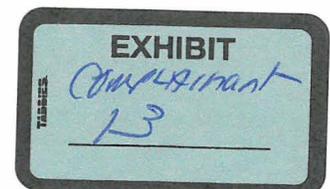
1200 TN 350
5/11/94

1. **AUTHORITY.** To take any administrative enforcement action under the Emergency Planning and Community Right-to-Know-Act (EPCRA) including, but not limited to: delegating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.
2. **TO WHOM DELEGATED.** Assistant Administrator for Solid Waste and Emergency Response, Assistant Administrator for Enforcement and Compliance Assurance and Regional Administrators.
3. **LIMITATIONS.**
 - a. The Assistant Administrator for Enforcement and Compliance Assurance may exercise this authority, and must notify the appropriate Regional Administrator and the Assistant Administrator for Prevention, Pesticides and Toxic Substances or designee when exercising this authority.
 - b. Regional Administrators must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee, before exercising this authority, unless such consultation is waived by memorandum. The Regional Administrators must also consult with the Regional Counsel or designee before exercising this authority.
4. **REDELEGATION AUTHORITY.** The Assistant Administrator for Enforcement and Compliance Assurance may redelegate this authority to the Division Director level. Regional Administrators may redelegate this authority to the Branch Chief level.
5. **ADDITIONAL REFERENCES.** EPCRA, Section 325.

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EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA)22-3-A. Administrative Enforcement Actions

1. AUTHORITY. To take any administrative enforcement action under the Emergency Planning and Community Right-to-Know Act (EPCRA) including, but not limited to: designating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.

2. TO WHOM DELEGATED.

a. All enforcement action authorities relating to Sections 302, 303, 304, 311, 312, 322, and 323 of EPCRA are delegated to Director, Hazardous Site Cleanup Division (HSCD); Associate Division Director, Office of Enforcement, HSCD; and Director, Office of Enforcement, Compliance, and Environmental Justice (OECEJ).

b. All enforcement action authorities relating to Sections 313, 322, 323 of EPCRA are delegated to Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

c. Authority to conduct inspections and to issue Notices of Noncompliance (NONs) for Section 313 are delegated to the Associate Director, Office of Toxics and Pesticides, LCD; Chief, Toxic Programs Branch, LCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

d. Authority for Notices of Noncompliance (NONs) for violations of Sections 302, 303, 304, 311, 312, 322, and 323 are delegated to the Director, HSCD; Associate Division Director, Office of Enforcement, HSCD; Director, OECEJ; and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. The delegates must consult with the Assistant Administrator for Enforcement and Compliance Assurance or designee, before exercising this authority, unless such consultation is waived by memorandum.

b. The delegates must obtain the concurrence of, or concurrence waiver from, the Regional Counsel or his/her designee before exercising this authority.

c. The Director OECEJ may exercise this authority only in multi-media cases.

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT (EPCRA)

22-3-A. Administrative Enforcement Actions (Cont.)

d. The Director OECEJ must consult with the LCD and/or HSCD designees before exercising this authority.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. EPCRA Section 325.

b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise this authority, and must notify the appropriate Regional Administrator and the Assistant Administrator for Prevention, Pesticides and Toxic Substances or designee when exercising this authority.

6. SUPERSESSON. Delegations Manual, EPCRA, Regional Delegation 22-3. Administrative Enforcement Actions, 1200 TN RIII-149 (February 27, 2003).

Date 9/1/05

/s/ James W. Newsom for
Donald S. Welsh
Regional Administrator



United States
Environmental Protection Agency

Office of Pollution
Prevention and Toxics
Washington, DC 20460

December 1998
EPA 745-B-98-004

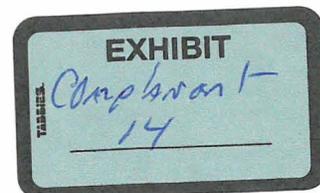
EPCRA Section 313 Questions and Answers

Revised 1998 Version

Q
&
A

Section 313 of the Emergency Planning and Community Right-to-Know Act

Toxic Chemical Release Inventory



Threshold Determination, Metal Alloy, Mixture

107. How does a facility determine the threshold for reporting of a listed toxic chemical (such as chromium) in a solid piece of steel which it processes?

Since steel is a *mixture* (and not a compound), the *processing* threshold determination is made based on the total amount of each *toxic chemical* present in the steel. If the *toxic chemical* is present in a known concentration, the amount present can be calculated by multiplying the weight of the steel by the weight percent of the listed *toxic chemical*. The threshold for *processing* is 25,000 pounds.

Threshold Determination, Metal Compounds

108. How are threshold determinations made for metal-containing compounds?

Threshold quantities for metal compounds are based on the total weight of the metal compound, not just the metal portion of the metal compound. The threshold quantities are determined by adding up the total weight of all metal compounds containing the same parent metal. However, *release* and other *waste management* calculations are based solely on the weight of the parent metal portion of the metal compounds. Note that there are a few metal compounds that are separately listed and are not counted in the metal compounds categories. For example, maneb (CAS number 12427-38-2) is a manganese compound that is a separately listed chemical and is not reportable under the manganese compounds category.

Threshold Determination, Metal Alloy, Article Exemption, De Minimis Exemption

109. Regarding metals in mixtures, such as chromium in an alloy (stainless steel), how are thresholds and releases and other waste management activities accounted for in a foundry type operation where all of the metals are melted down? Could the de minimis and article exemptions be applied?

For threshold purposes, if the listed *toxic chemicals* in the metals are *processed, otherwise used, manufactured* as an impurity (that remains with the product), or *imported* below the de minimis levels, then the de minimis exemption may be taken for that metal in the alloy. However, the *article* exemption cannot be taken for this type of foundry operation since in founding, a metal is melted down and poured into a mold. Consequently, the resulting metal is not recognizable as its original form.

Threshold Determination, Metal Compounds Solution

110. If a covered facility has a solution containing a chromium compound, does the facility need to report on the entire mixture or just the chromium when making a threshold determination under Section 313?

To determine if a *facility* meets an applicable threshold for the chromium compound (or any *toxic chemical*) in a solution, the *facility* is required to determine the weight percent of chromium compound in the solution and use that amount for the threshold determination.

Threshold Determination, Process, Electroplating

111. A product is immersed into a plating bath containing nickel chloride (NiCl) to bond nickel to it prior to distribution in commerce. Nickel is incorporated into the final product whereas the chloride remains in the plating bath. Since nickel chloride is reportable under the nickel compound category of Section 313, which threshold applies?

The total weight of nickel chloride used in the plating bath is considered towards the *facility's processing* threshold determination. If the *facility* exceeds the threshold, the owner/operator would only report *releases* and other *waste management* of the nickel, the parent metal. Because the *facility* is also creating elemental nickel, the amount of nickel *manufactured* from nickel chloride is considered towards the *manufacturing* threshold. The *facility* is also *processing* the elemental nickel. If the *facility* exceeds thresholds for both chemicals independently, they may file one Form R for nickel and nickel compounds.

Threshold Determination, Metal Compounds, Mixture, Metal Silicates

112. A covered facility manufactures specialty glass products. The starting materials are primarily metal silicates which are ground into a powder, mixed, and heated. The resulting mixture, the specialty glass, has all the metal silicates melted together in a non-crystalline structure. Since the metal silicates do not exist by themselves in the mixture, how should a threshold determination be made?

The metal silicates are *processed* since they become incorporated into a product (the specialty glass) that is distributed in commerce. If the metal silicates still exist as the original metal silicates but just mixed together then each metal silicate that belongs to a particular metal compound category is included in the *processing* threshold calculations for that category. If the metal silicates have been reacted to produce another compound (*i.e.*, if the specialty glass is not just a *mixture* of individual metal silicates but is another new metal compound) then the metal silicates have still been *processed*, but a new metal compound has also been *manufactured* and its weight (*i.e.*, the whole weight of the glass) must be included in the *manufacturing* threshold calculations.

Threshold Determination, Manufacture, Fuel, Natural Gas

113. A covered facility purchases natural gas that contains EPCRA Section 313 toxic chemicals. The facility uses the gas on-site to heat buildings and power equipment. Before the natural gas is used, the listed toxic chemicals are removed and destroyed in a flare. The definition of manufacturing in 40 CFR Section 372.3 states that, "manufacture also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, otherwise use or disposal of another chemical or mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct..." Are the toxic chemicals that are removed from the natural gas coincidentally manufactured, and hence subject to threshold determination under EPCRA Section 313?