



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

April 23, 2001

OFFICE OF  
ENVIRONMENTAL INFORMATION

Mr. Derek Jelinek  
Environmental Specialist  
A V Systems, Inc.  
4657 Platt Road  
Ann Arbor, Michigan 48108-9726

Dear Mr. Jelinek:

This letter responds to your March 01, 2001 letter requesting guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, you are asking for guidance about Example 6 on page 16 of the 2000 Toxic Chemical Release Inventory Reporting Forms and Instructions (February 2001, EPA 745-B-01-001):

**Example 6: Concentration Ranges Straddling the *De Minimis* Value**

A facility processes 8,000,000 pounds of a mixture containing . . . manganese. Manganese is eligible for the *de minimis* exemption at concentrations up to 1% . . . The MSDS states the mixture contains 0.2% to 1.2% manganese. The amount of mixture subject to reporting (at or above *de minimis* limit) is:

$$[(8,000,000) \times (1.2\% - 0.9\%)] \div (1.2\% - 0.2\%)$$

The average concentration of manganese that is not exempt (at or above *de minimis* limit) is:

$$(1.2\% + 1.0\%) \div (2)$$

Therefore, the amount of manganese that is subject to threshold determinations and release and other waste management estimates is:

$$[((8,000,000) \times (1.2\% - 0.9\%)) \div (1.2\% - 0.2\%)] \times [(1.2\% + 1.0\%) \div (2)] =$$

26,400 pounds . . . manganese (which is above the processing threshold for manganese)

In response to one of your questions regarding Example 6, as that example states; only 26,400 pounds of manganese is subject to both the threshold determinations and the release and other waste management calculations.

Further, for purposes of illustration, you pose the following:

Assume all 8,000,000 pounds of the mixture in Example 6 goes into a process that

has associated releases. The facility measures the amount of manganese released on a daily basis. The facility determines the releases to be 1,000 pounds. Does EPA intend that those measurements be adjusted to reflect the releases based on the non-exempt amount?

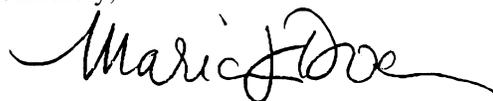
As Example 6 states, only 26,400 pounds of manganese in the mixture is subject to both threshold determinations and release and other waste management calculations. Accordingly, a ratio between the non-exempt amount of manganese and the total amount of manganese may be applied against the measured releases. Therefore, as your letter provides by way of follow-up example, 660 pounds (as opposed to 1,000 pounds) may be reported for this mixture:

$$1,000 \text{ pounds measured release} \times (26,400 \text{ lbs.} \div 40,000 \text{ lbs.}) = 660 \text{ lbs.},$$

where the 40,000 lbs. =  $[(8,000,000) \times ((1.2\% - 0.2\%) \div 2)]$

I hope this information is helpful to you in understanding the reporting requirements of section 313 of EPCRA. If you have any other questions, or desire further information, please call Larry Reisman, of my staff, at 202.260.2301.

Sincerely,



Maria J. Doa, Ph.D., Director  
Toxics Release Inventory Program Division