



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

August 2, 1999

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Francis R. Lewis,
Environmental Engineer
CID Recycling and Disposal Facility
P.O. Box 1309
138th and Interstate 94
Calumet City, IL 60409

Dear Mr. Lewis:

This letter is in response to your July 26, 1999 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 on the reporting requirements for facilities performing activities covered by Standard Industrial Classification (SIC) code 4953. According to your letter, the facility at issue performs waste management activities subject to both RCRA subtitle C and subtitle D, with the majority of the facility's revenue being generated by the subtitle D activities.

As you are aware, with regard to EPCRA section 313 reporting, SIC code 4953 ("Refuse Systems") has a qualifier. That qualifier reads:

limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. section 6921 *et seq.*

Accordingly, a facility whose primary SIC code is 4953 only needs to comply with the reporting requirements of EPCRA section 313 if that facility meets the qualifier of being regulated by RCRA subtitle C. EPA has made clear that the entire facility is subject to EPCRA section 313 reporting if at least one unit at the facility is regulated by RCRA subtitle C and the facility's operations are classified in SIC code 4953. (See Q&As 60 and 61 of the 1998 EPCRA Section 313 Questions and Answers document, December 1998, EPA 745-B-98-004; and Page 2-6 of the 1999 EPCRA Section 313 Industry Guidance Document for RCRA Subtitle C TSD Facilities and Solvent Recovery Facilities, January 1999, EPA 745-B-99-004.) In fact, in your letter you refer to a previous letter that not only addresses this issue but specifically references your facility. The June 10, 1998 letter from EPA to Mr. Edward Skernolis of Waste Management, Inc., (a copy of which is attached hereto) provides:

... the CID Recycling and Disposal Facility ... encompasses several RCRA subtitle C hazardous waste and subtitle D municipal solid waste management units. ... Because at least one unit at this facility is regulated by RCRA subtitle C and the facility's operations are classified in SIC code 4953, for the purposes of EPCRA section 313, the whole facility is considered to be in SIC code 4953 (regulated under RCRA subtitle C). As such, Waste Management must consider all non-exempted activities at the facility, for threshold determinations and release and other waste management reporting. The owner or operator should be sure to include any information the facility may have concerning toxic chemicals at the solid waste units of the facility as well as at the hazardous waste units.

Finally, your letter refers to the North American Industrial Classification System (NAICS) codes. Until instructed otherwise through a Federal Register notice, facilities should continue to use the SIC code system to determine if the facility meets the EPCRA section 313 reporting requirements provided for at 40 CFR section 372.22. (See 1998 Q&A 18, *supra*.)

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria J. Doa".

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch