



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

April 3, 2000

OFFICE OF  
ENVIRONMENTAL INFORMATION

Scott Kuhn  
Director, Regulatory Analysis and  
Communication  
Safety-Kleen Corporation  
1301 Gervais Street, Suite 300  
Columbia, South Carolina 29201

Dear Mr. <sup>Scott</sup>Kuhn:

This letter responds to your March 3, 2000 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 the recordkeeping requirements required by 40 CFR section 372.10.

According to your letter, the TRI reports for Safety-Kleen's smaller facilities (e.g., the branches) are prepared by technical staff at the corporation's satellite office in Elgin, Illinois. Your letter states that while the branches supply the necessary process information needed to calculate releases, all information on waste composition, waste movements in and out of the branches, as well as the emission calculations, are collected and calculated by personnel in the Elgin office. You further state that while copies of the TRI reports and all supporting information are supplied to the branch offices, any technical questions concerning the TRI reports would have to be answered by you or your staff at the Elgin office. Based on this background information, you are requesting permission from the Agency to allow Safety-Kleen to maintain all copies of the TRI reports submitted for the branch facilities, as well as all of the supporting documentation required by 40 CFR section 372.10, at the Elgin satellite office rather than at the individual branch facilities. Finally, and on a somewhat unrelated note, you would like guidance on using electronic means to satisfy the reporting requirements of section 372.10.

As you are aware, section 372.10(c) provides, in pertinent part:

Records retained under this section must be maintained at the facility to which the report applies or from which a notification was provided. Such records must be readily available for purposes of inspection by EPA.

Pursuant to this language, you should continue to provide complete copies of all reports and supporting documentation to the branch facilities. This does not mean, however, that you or your staff at the Elgin office can not be contacted in the event that these records are reviewed by EPA during an inspection.

With regard to electronic recordkeeping, Q&A 650 in the 1998 EPCRA Section 313 Questions and Answers document (December 1998, EPA 745-B-98-004) provides guidance:

**A covered RCRA Subtitle C hazardous waste *facility* uses data from hard copies of manifests, waste profiles, purchasing orders, inventory orders, etc. to determine thresholds and calculate *releases* and other *waste management* activities. The *covered facility* transfers all of the data from the paper sources into its computer system, and then discards the hard copies. The *facility* keeps the computerized data for three years from the date of submission of its Form R. Can electronic data be used (in conjunction with other data) to satisfy the recordkeeping requirements at 40 CFR Section 372.10, or must the *facility* maintain copies of the original documentation?**

Insofar as 40 CFR Section 372.10 is concerned, some electronic data that has been scanned may be used to satisfy recordkeeping requirements. *Facilities* should employ adequate safeguards to prevent changes to the data after the data have been scanned and the documents stored electronically should capture all of the information required by 40 CFR Section 372.10. For example, this section of the regulations states, in part, that "Each person subject to the reporting requirements . . . must retain the following records for a period of 3 years from the date of the submission of a report . . . [3][vi] receipts or manifests associated with the transfer of each toxic chemical in waste to off-site locations." While the scanning and electronic storage of the entire receipt or manifest would satisfy the recordkeeping requirements of 40 CFR Section 372.10, the data entry of portions of the receipts or manifests into spreadsheets or databases might result in the loss, or erroneous entry, of pertinent information that is required by 40 CFR Section 372.10.

I hope this information is helpful to you in complying with 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