



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

SEP 16 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Ms. Stephanie Woolf, EPCRA Coordinator
Environmental Programs
& Settlement Agreement Division
Department of Energy
Idaho Operations Office
850 Energy Drive
Idaho Falls, Idaho 83401-1563

Dear Ms. Woolf,

This letter responds to your August 20, 1998 letter to Ms. Christina Colt of EPA Region 10, in which you ask for guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, your letter describes a situation in which the U.S. Department of Energy's Idaho National Engineering and Environmental Laboratory (INEEL) dismantles used shipping/storage casks by cutting the lead into smaller sections for shipping. The lead is then shipped off-site to a lead smelter and the lead is melted into ingots for reuse. The ingots are not returned to INEEL. Based upon this description, and in light of Q&A 435 of the 1997 version of the EPCRA Section 313 Questions and Answers document, you want to know whether any reporting with regard to the lead is required by EPCRA section 313.

Based upon the facts you have provided, the lead in the pieces sent off-site for direct reuse constitutes preparation for distribution and actual distribution in commerce and should therefore be counted toward INEEL's "processing" threshold. In fact, if the processing threshold of 25,000 pounds is exceeded, the reporting requirements of EPCRA section 313 should be complied with regardless of whether any releases take place.

Of course, INEEL may be eligible for the alternate threshold and may be eligible to file a Form A for the lead. Form A reporting is available to those facilities manufacturing, processing or otherwise using one million pounds or less per year of a listed chemical resulting in "an annual reportable amount of that toxic chemical not exceeding 500 pounds for the combined total quantities released at the facility, disposed within the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to off-site locations for the purpose of recycle, energy

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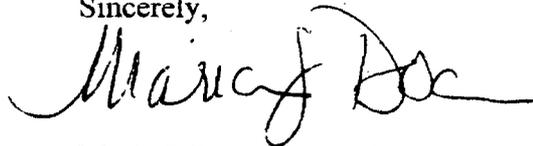
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recovery, treatment, and/or disposal.” (40 CFR Section 372.27(a))

With regard to Q&A 435, that question and answer clearly falls within the “Release/Waste Management” section of the 1997 version of the Questions and Answers document. EPA recognizes that the answer to #435 may be confusing and #435 is presently being revised for the upcoming version of the Q&A document. The revision to Q&A 435 will make clear that that question and answer is strictly limited to release and other waste management concerns. Activity threshold determinations, as well as other determinations required by EPCRA section 313, are not affected by #435.

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 black ink, appearing to read "Maria J. Dòa". The signature is fluid and cursive, with a long horizontal stroke at the end.

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