

**REVIEW OF PROPOSED TOXIC CHEMICAL
RELEASE RULE OF SARA TITLE III**

07/20/87

WMCO:EH(EC):87-0442

WMCO/DOE-FMPC

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LETTER

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WMCO:EH(EC):87-0442

July 20, 1987

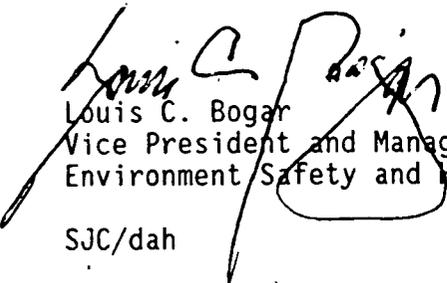
James A. Reafsnyder
Site Manager
Department of Energy
P.O. Box 398705
Cincinnati, Ohio 45239-8704

Dear Mr. Reafsnyder:

SUBJECT: REVIEW OF PROPOSED TOXIC CHEMICAL RELEASE RULE OF SARA, TITLE III

Comments on the proposed rule on toxic chemical release of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 are provided in Attachment I to this letter. WMCO's comments to this proposed rule were requested in letter DOE 158-87 by July 20, 1987.

Very truly yours,


Louis C. Bogar
Vice President and Manager
Environment Safety and Health

SJC/dah

Attachment

cc: R. C. Conner
L. C. Dolan
T. A. Poff
Mark Smith, DOE/ORO (SE-31),
P. G. Woods

~~Central Files~~
EC Files

Commitment Number: DW:87:0491

ATTACHMENT I

Comments on SARA, Title III
Federal Register, June 4, 1987

- 1) SARA, Title III will have significant impact on regulated facilities. Not only will the proposed Section 313, the text of which is printed in this Federal Register, impact regulated facilities, but also Sections 311 and 312 will as well. Sections 311 and 312 will require the submission of MSDS or lists of MSDS chemicals by categories to State and Local Emergency Planning Commissions and local fire departments by October 17, 1987. The list and threshold quantities of chemicals to be reported has yet to be established by EPA. This task may require substantial effort on WMCO's part, depending on the threshold quantities and list of chemicals and categories for which it is determined that submission is required. EPA expects the list and categories of chemicals to be available by late August. An initial threshold of 10,000 lbs. is favored, however, the thresholds will be reduced in future required submissions, as this is a "phase-in" program. By March 1, 1988, Tier I information for each of applicable OSHA categories of health and physical hazards, including an estimate of maximum and daily amounts of each chemical, and the general location of the hazardous chemicals in each category. Upon request of the state or local emergency response committee or fire department, the facility must provide more detailed Tier II information to the requesting agency. This information must be available to the public on request.
- 2) Chemicals at the FMPC which may be covered by the toxic chemical release requirements of Section 313 are: hydrogen fluoride, nitric acid, sodium hydroxide, and possibly thorium dioxide. It will be required to list the ranges and maximum amounts of these chemicals present at the FMPC, and the general uses of the chemical here. All accidental and routine releases of these chemicals to all environmental media will have to be quantified by estimation or monitoring. A complete mass balance for these materials will be required. Acquisition of data necessary for this mass balance will involve a significant commitment of WMCO's time. Waste treatment efficiencies for those specific chemicals, including influent and effluent concentrations are required to be reported. This information is not currently available.
- 3) Waste minimization practices related to reported chemicals including process modifications, changes in operating procedures, product redesign and raw material substitutions or recycle must be reported. Any waste minimization practices will be indexed to plant production levels. Since this information will be made available to the public, it is possible that some security issues may be involved in this reporting.
- 4) All information reported as required by Title 313 of SARA must be made accessible to the general public in an electronic database. Any adverse health and environmental effects of reported chemicals will be included on this database, as will all information reported by the FMPC and other industries and facilities. It is possible that some public relations and legal issues will be generated by the availability of this information to the general public.

ATTACHMENT I - Continued

Comments on SARA, Title III
Federal Register, June 4, 1987

- 5) Section 372, IV, C states: A facility that processes a chemical has a higher threshold assigned to it by the statute than a facility that "otherwise uses," that chemical. The facility must report if it processes more than 75,000 pounds of nitric acid in 1987. A facility that "otherwise uses" nitric acid to clean equipment is not processing nitric acid. Therefore, this otherwise use threshold is use of more than 10,000 pound per year of nitric acid. It is important that the threshold limit category e.g., processor or otherwise use, be carefully chosen; because it results in a different reporting limit.
- 6) Section 372, IV,C, 4 emphasizes that USEPA believes that a facility must take reasonable steps to identify any recordable chemicals in those trade name products; it is recommended that this burden for the facility be transferred to the supplier of the trade name product. Since the supplier is the primary economic benefactor and the cost of identifying the reportable chemicals can be better incorporated in the cost of the product. In addition it would encourage the supplier of the product with the reportable chemical to consider use of other alternate non-reportable chemicals in their trade product.
- 7) Section 372, VI, Frequency of Reporting and Reporting Deadlines, has considerable redundancy built into it in terms of requiring; NPDES, UIC, RCRA EPA I.D numbers; and reportable total annual releases including both accidental and routine or planned releases, which includes transfer of wastes to treatment or storage facilities. This redundancy will probably be confusing to the public and places the critical need to delineate specifically to the requestor what the data means, and to make sure that the computerized data from the various permits is in agreement with the community right-to-know release information.
- 8) Section 372, IX, B, Identifying Adverse Health and Environmental Effects Information in the Data Base requires USEPA to identify the adverse health and environmental effects associated with a toxic chemical that is claimed trade secret and assure that such information be included in the computer data base. USEPA has identified several options for meeting this requirement: e.g. 1) develop a cumulative, worst case effects characterization for the generic class of the chemical, 2) develop a generic identify for the chemical, and 3) individual adverse effect profiles that would be substance specific but would mask its specific identify. It is recommended options 2 and 3 be combined to require the identification of adverse health and environmental effects associated with a toxic chemical that is a claimed secret. Otherwise if option 1 is chosen, it will overstate the adverse effect of any particular chemical within a generic class.