EPCRA Compliance: Get Ready to Report Your Toxic Release Inventory

SCS ENGINEERS
Environmental Consultants and Contractors

The July 1 deadline for toxic inventory release reporting is quickly approaching; are you meeting your obligations? This is an important part of your environmental compliance strategy if you have a facility with at least 10 full-time equivalent employees in a covered North American Industry Classification System (NAICS) code that exceeded a reporting threshold in the previous calendar year. Reporting releases of toxic materials on an annual basis is one aspect of the Emergency Planning and Community Right-to-Know Act (EPCRA).

The U.S. Environmental Protection Agency (USEPA) identifies some agricultural industries as being subject to this reporting. Affected facilities include most food manufacturing with an NAICS code beginning with 311, most beverage and tobacco products beginning with code 312, and facilities whose primary activity is reducing maple sap to maple syrup. There are some exceptions. For instance, facilities primarily engaged in custom grain grinding for animal feed, custom animal slaughtering for individuals, and bottling of mineral or spirit water are not required to report. Visit the EPA's website if you are unsure if your business is covered.

Follow these tips to help you remain in compliance.

What's in a Name?

This report is often referred to by a variety of names, including Toxic Release Inventory, TRI, SARA 313 report, Form R, or Form A. Do not be fooled by the nomenclature; these all refer to the same report.

There are two steps associated with the toxic release inventory.

Step 1
First you'll need to determine if your facility is required to report by identifying the amount of the reportable chemicals or chemical categories that you manufactured, processed, or otherwise used in the previous calendar year. Use these definitions:

- **Manufacture** means to produce, prepare, compound, or import, including coincidental manufacture such as a by-product.
- **Process** means to prepare an already manufactured product for distribution in commerce. This includes repackaging.
- **Otherwise Use** is defined as other chemical use that is not considered manufacturing or processing.

Some activities are not subject to reporting; among the exemptions are chemicals in items that meet the definition of "articles," chemicals for personal use, chemicals used for building and grounds maintenance (the exemption does not apply to cleaning of process equipment), or for maintenance of motor vehicles. There is also an exemption for "de minimis" concentrations, meaning that the chemical constitutes less than 1% of the formula or 0.1% if the chemical is a carcinogen.

There are more than 650 chemicals and chemical categories covered by Toxic Release Inventory (TRI). USEPA's List of Lists at https://www.epa.gov/sites/production/files/2015-03/documents/list_of_lists.pdf can help you find reportable chemicals. Chemicals that are reportable under TRI are identified in the Section 313 column.

Chemicals that are considered persistent bioaccumulative toxins (PBT) can be found both in the List of Lists, and on a dedicated web page. Chemicals in this category that may impact agribusiness may be present in some pesticides. The USEPA has a guidance document for reporting pesticides and other PBT chemicals. Be aware that the de minimis exemption does not apply to PBT chemicals.

Certain chemicals that are identified by category may not be listed in the List of Lists; the USEPA has published separate lists at https://ofmpub.epa.gov/apex/guideme_ext/f?p=104:80:0::NO::: for many of these categories. Aqueous ammonia used in refrigeration systems, for example – falls into a chemical category. Note that there are some special instructions for ammonia threshold determination and reporting.

After you have identified the non-exempt chemicals and processes, you then need to determine how much of each was manufactured, processed, or otherwise used during the previous year. Each of these categories will be calculated separately for each chemical. The method for determining the totals differs from many other environmental regulatory calculations; USEPA does not require you to use

the maximum concentration in all circumstances. For instance, if the Safety Data Sheet (SDS) expresses the concentration as a range, you may use an average of the range. Many chemical manufacturers provide more precise concentrations for TRI reporting in section 15 of the SDS.

Finally, check to see if you have exceeded any reporting thresholds.

- Manufacture: 25,000 pounds
- Process: 25,000 pounds
- Otherwise Use: 10,000 pounds
- Persistent Bioaccumulative Toxins: Varies by Chemical

Complete the reporting in Step 2 for each chemical that exceeds a reporting threshold.

Important: Complete and document Step 1 every year, even if you do not have to file a report.

Step 2:
Forget (nearly) everything you did in Step 1. That step just helped you identify which chemicals are required to be on your TRI report.

For each chemical that exceeds a reporting threshold, the facility is required to calculate releases to the air, wastewater, storm water, the amount of the chemical recycled or treated on site, or sent off site for treatment during the previous calendar year.

Choose your Form.
- **Form A**: Use this form if:
  - You are not reporting any PBTs; and
  - The amount manufactured, processed or otherwise used does not exceed 1,000,000 pounds; and
  - The total annual releases do not exceed 500 pounds.
- **Form R**: Use this form if you do not qualify to use Form A.

Complete a TRI report through the USEPA's Central Data Exchange (CDX) at https://cdx.epa.gov/ by July 1. Some states and tribes have additional reporting requirements. Wisconsin state authorities are able to access your report through CDX, so there is no need to send a copy to the state.

The USEPA makes TRI submissions available to the public, and you can access them through the Environmental Compliance History Online (ECHO), or the USEPA's Envirofacts webpage.

Follow these steps to stay ahead of your environmental reporting requirements. For questions or help meeting your reporting requirements, contact SCS Engineers.

For more information, contact Cheryl Moran (cmoran@scsengineers.com) at SCS Engineers in Madison, WI or Ann O'Brien (aobrien@scsengineers.com) at SCS Engineers in Chicago. Cheryl Moran is a Project Manager with SCS Engineers with more than 20 years of experience in the printing industry. She is a Certified Hazardous Materials Manager (CHMM) and has worked with air, water, and waste issues including permitting, environmental recordkeeping, reporting and monitoring programs, hazardous waste management, environmental compliance audits, and sustainability programs.