Toxics Release Inventory Reporting Requirements

Basic Concepts

Do I Need to Report to TRI and How Do I Report

Introduction

What is EPCRA Section 313 & TRI?

- Section 313 of EPCRA requires facilities to file a TRI report annually for each Section 313 chemical exceeding an activity threshold (manufacturing, processing or otherwise using)
  - Section 313 chemical list contains over 600 chemicals and chemical categories
  - Facilities exceeding an activity threshold must report if they are:
    - In a “covered sector” (defined by NAICS codes); and
    - Have 10 or more employees
  - Submit TRI reports to U.S. EPA, and either
    - designated state officials, or
    - designated tribal office

……by July 1st following the calendar year’s activities (aka Reporting Year (RY))

[e.g. July 1, 2014 deadline for RY 2013 (January 1 - December 31, 2013 activities)]

Basic Concepts Module

1. Introduction
2. Covered Sectors
3. Thresholds (PBT and Non-PBT)
4. Reporting Exemptions
5. Threshold Determinations
6. Overview of Form R
7. Alternate Threshold Rule (Form A)

Advanced Concepts Module

1. Recent TRI Program Changes
2. Advanced Reporting Guidance
3. Detailed PBT Guidance
4. Tools and Assistance
5. TRI-MEweb Updates

2/4/2014
TRI Process – 2 Part Process

Applicability & Threshold Determinations
- Identify Section 313 chemicals manufactured, processed, or otherwise used at the site
- Determine quantities of Section 313 chemicals and whether they are manufactured, processed, or otherwise used on-site for the reporting year

Release/Waste Mgmt. Reporting
- Identify total releases and off-site transfers
- Identify other waste management practices
- Identify pollution prevention activities

If a Threshold is Exceeded...
- Use TRI-MEweb to Complete Form R or Form A
- Complete Final QA/QC
- Submit to EPA & State

TRI Reporting Process

Covered Primary NAICS Code(s) or Federal facility?
- NO
- YES

Ten Employees? (20,000 hours/year)
- NO
- YES

MPOU* Chemicals?
- NO
- YES

MPOU* Thresholds Exceeded?
- NO
- YES

*MPOU: Manufacture (including import), process, or otherwise use

Industrial Sectors Covered

<table>
<thead>
<tr>
<th>Industrial Sector</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manufacturing</td>
<td>Facilities engaged in the mechanical or chemical transformation of materials or substances into new products</td>
</tr>
<tr>
<td>Metal mining</td>
<td>Not including metal mining services, and uranium, radium, and vanadium ores</td>
</tr>
<tr>
<td>Coal mining</td>
<td>Not including coal mining services</td>
</tr>
<tr>
<td>Electrical utilities</td>
<td>Limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce</td>
</tr>
<tr>
<td>Treatment, Storage, and Disposal facilities</td>
<td>Limited to facilities regulated under the Resource Conservation and Recovery Act, Subtitle C, 42 U.S.C. Section 6921 et seq.</td>
</tr>
<tr>
<td>Solvent recovery services</td>
<td>Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis</td>
</tr>
<tr>
<td>Chemical distributors</td>
<td>Facilities engaged in the wholesale distribution of chemicals and allied products</td>
</tr>
<tr>
<td>Petroleum bulk terminals</td>
<td>Facilities engaged in the wholesale distribution of crude petroleum and petroleum products from bulk liquid storage facilities</td>
</tr>
</tbody>
</table>
TRI Reporting Requirements

Covered NAICS Codes

- 2012 North American Industry Classification System (NAICS) codes are used for TRI reporting.
- To determine whether your facility's primary NAICS code is covered by TRI regulations, see: [www2.epa.gov/tri/my-facilitys-six-digit-naics-code-tri-covered-industry](http://www2.epa.gov/tri/my-facilitys-six-digit-naics-code-tri-covered-industry)
- TRI-Covered* Industries NAICS
  - 212 Mining
  - 221 Utilities
  - 31 - 33 Manufacturing
  - All Other Miscellaneous Manufacturing (includes 1119, 1131, 2111, 4883, 5417, 8114)
  - 424 Merchant Wholesalers, Non-durable Goods
  - 425 Wholesale Electronic Markets and Agents Brokers
  - 511, 512, 519 Publishing
  - 562 Hazardous Waste
  - Federal Facilities

* Note: For many of these NAICS codes, there are reporting exceptions.

Federal Facilities

- Federal facilities (covered by Executive Order 13423 and its implementing instructions)
  - Regardless of their NAICS code
    - Includes federal prisons, national parks, federal hospitals
  - With 10 or more full-time employees (equivalent of 20,000 hours per year)
  - That exceed manufacture, process, or otherwise use thresholds of a listed chemical
  - Government unit responsible for reporting on activities conducted at Federal facilities
  - Does not change existing requirements of private contractors of government owned contractor operated (GOCO) facility to report.

Definition of “Facility”

- TRI reporting requirements are determined by activities at “facilities”
  - Primary NAICS code determination at facility level
  - Employee threshold determination at facility level
  - Chemical threshold determinations made at facility level
- “Facility - all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person)” (EPCRA § 329 (d))

Example of a Multi-Establishment Facility

- Three separate establishments located on contiguous/adjacent property owned by same person(s), is one facility under EPCRA (40 CFR § 372.22(b) and 372.3)
  - Establishment - unique and separate economic unit of a facility (See 40 CFR § 372.3)
    - Generic Products Food Processing (NAICS 311421)
    - Generic Products Farm (NAICS 111219)
    - Gen. Prod. Warehouse (NAICS 49312)
Multi-Establishment Facility

Three separate establishments located on contiguous/adjacent property owned by the same person(s), is one facility under EPCRA (40 CFR §§ 372.22(b) and 372.3)

NAICS determination by:
- Majority (50% of value added)

Generic Products Food Processing (NAICS 311421) 60%
Generic Products Farm (NAICS 111210) 20%
Gen. Prod. Warehouse (NAICS 49312) 20%

Value added of food processing establishment = value of final food products – value of warehousing – value of farm products.

Employee Threshold

10 or more full-time employee equivalents (i.e., 20,000 hours) (40 CFR §§ 372.3 and 372.22(a))
- Worked for the facility
- Includes operational staff, administrative staff, contractors, dedicated sales staff, company drivers, off-site direct corporate support
- Does NOT include contract drivers or contractors performing intermittent service functions such as janitorial services (1998 Q&A #21, #23, and #38)
- Add all hours from part-time and full-time employees

Determinations based on available time management systems/data
Quiz #1 Question 1

1. Would the facility described below be covered by Section 313 of EPCRA (TRI) and, therefore, need to consider its toxic chemical use for possible reporting? Select Yes or No.

A manufacturing facility in a TRI-covered NAICS code, owned by ABC Corporation, with 100 full-time employees

YES NO

Quiz #1 Question 2

2. Would the facility described below be covered by Section 313 of EPCRA (TRI) and, therefore, need to consider its toxic chemical use for possible reporting? Select Yes or No.

A maintenance and warehouse facility, owned by ABC Corporation, with 5 full-time employees, a few blocks away from the manufacturing facility described in Question 1.

YES NO

Quiz #1 Question 3

3. Would the facility described below be covered by Section 313 of EPCRA (TRI) and, therefore, need to consider its toxic chemical use for possible reporting? Select Yes or No.

A maintenance and warehouse facility, owned by ABC Corporation, with only 5 full-time employees, next door to the manufacturing facility described in Question 1.

YES NO

Section II: Thresholds (PBT and Non-PBT)
Toxic Chemical Activity Thresholds

- Threshold calculations for each activity are based on cumulative quantities of each Section 313 chemical over the reporting year for the whole facility.
- Each activity threshold is treated separately.
  - Quantify amounts of toxic chemicals that are manufactured, processed, or otherwise used at the facility.
  - Compare amounts in each activity to the toxic chemical’s applicable threshold.

If an activity threshold is exceeded for a toxic chemical, a TRI Report must be prepared and submitted for that chemical.

Non-PBT TRI Chemical Activity Thresholds

- A facility meeting the first two applicability criteria for reporting must file a TRI Report for a non-PBT Section 313 chemical if the facility:
  - Manufactured (including imported) more than 25,000 pounds of the chemical in the reporting year, or
  - Processed more than 25,000 pounds of the chemical in the reporting year, or
  - Otherwise Used more than 10,000 pounds of the chemical in the reporting year.

Listed PBT* TRI Chemicals

- Within the list of 600+ chemicals and chemical categories, there is a subset designated as being of special concern and commonly referred to as PBT chemicals (40 CFR § 372.28).
- PBT chemicals have lower activity thresholds and different reporting requirements than non-PBT TRI chemicals.
  - Special rules often apply to PBT chemicals.
- 20 chemicals and chemical compound categories are classified as PBTs and have lower activity thresholds.

*PBT = Persistent, Bioaccumulative, Toxic

PBT Chemicals and Activity Thresholds

- PBT chemicals are subject to separate and lower activity thresholds (See 40 CFR § 372.28).}

**PBT Thresholds**

- **100 lbs./yr (manufactured, processed, or otherwise used):**
  - Aldrin
  - Lead
  - Lead Compounds
  - Methoxychlor
  - Tetrabromobisphenol A
  - Trifluralin

- **10 lbs./yr (manufactured, processed, or otherwise used):**
  - Chlor dane
  - Heptachlor
  - Mercury
  - Toxaphene
  - Isodrin
  - PCBs

- **0.1 g/yr (manufactured, processed, or otherwise used):**
  - Dioxin and dioxin-like compounds

  - Excluding lead in stainless steel, brass, or bronze alloys.
Section 313 Chemicals and Chemical Categories

- Current list contains over 600 individual chemicals and chemical categories (See Table II of the EPA’s TRI Reporting Forms and Instructions document). There are 4 parts to the chemical list:
  - Individual chemicals alphabetically by name
  - Individual chemicals by CAS #
  - Chemicals with qualifiers
  - Chemical categories

- The list can change – check every year. Changes are listed in the front of the TRI Reporting Forms and Instructions, on the TRI website, and in TRI-MEweb.

Chemical List Changes

- A rule was published on November 7th, 2013 (78 FR 216) adding o-nitrotoluene to the TRI chemical list. Reporting for this chemical will begin in Reporting Year 2014 for forms due to the Agency on July 1, 2015. For more information visit: http://www2.epa.gov/toxics-release-inventory-tri-program/addition-ortho-nitrotoluene-final-rule

- On October 17, 2011, the 1994 administrative stay of the TRI reporting requirements for hydrogen sulfide (H2S) was lifted (76 FR 64022). See also, “correction” of 76 FR 64022 (Oct. 17, 2011) at 76 FR 69136 (Nov. 8, 2011). H2S reporting requirements became effective on October 17, 2011 for reporting year 2012, such that Form R reports were due to the Agency on July 1, 2013.

- A rule was published in 2010 adding 16 new chemicals to the TRI chemical list. Reporting for these chemicals began in Reporting Year 2011.

Section 313 Chemicals With Qualifiers

- Qualifiers - Listed chemicals with parenthetic qualifiers subject to TRI reporting only if manufactured, processed, or otherwise used in specified form (40 CFR § 372.25(g)). Below are some examples (see Table II of EPA’s TRI Reporting Forms and Instructions document):

<table>
<thead>
<tr>
<th>Chemical</th>
<th>CAS #</th>
<th>Qualifier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td>7429-90-5</td>
<td>Fume or dust</td>
</tr>
<tr>
<td>Aluminum Oxide</td>
<td>1344-28-1</td>
<td>Fibrous forms</td>
</tr>
<tr>
<td>Asbestos</td>
<td>1330-21-4</td>
<td>Fibril forms</td>
</tr>
<tr>
<td>Isopropyl alcohol</td>
<td>67-63-0</td>
<td>Only manufacturers using strong acid process</td>
</tr>
<tr>
<td>Phosphorus (not phosphate)</td>
<td>7723-14-0</td>
<td>Yellow or white</td>
</tr>
<tr>
<td>Saccharin</td>
<td>95-88-2</td>
<td>Manufacture only</td>
</tr>
<tr>
<td>Hydrochloric acid</td>
<td>7647-01-0</td>
<td>Acid aerosols</td>
</tr>
<tr>
<td>Sulfuric acid</td>
<td>7664-93-9</td>
<td>Acid aerosols</td>
</tr>
<tr>
<td>Vanadium</td>
<td>7440-62-2</td>
<td>Except when contained in alloy</td>
</tr>
</tbody>
</table>

TRI Chemical Categories

- Metal compound chemical categories
  - Antimony Compounds
  - Arsenic Compounds
  - Barium Compounds *
  - Beryllium Compounds
  - Cadmium Compounds
  - Chromium Compounds **
  - Cobalt Compounds
  - Copper Compounds ***
  - Lead Compounds
  - Manganese Compounds
  - Mercury Compounds
  - Nickel Compounds
  - Selenium Compounds
  - Silver Compounds
  - Thallium Compounds
  - Vanadium Compounds
  - Zinc Compounds

For all categories: Includes any unique chemical substance that contains the element or compound as part of that chemical’s infrastructure
* Does not include Barium Sulfate CAS 7727-43-7
** Except chromite ore and unreacted ore component of processing residue (see RFI for further information)
*** Does not include copper Phthalocyanine compounds that are substituted with only hydrogen, and/or chlorine and/or bromine

Note: Elemental metals and metal compounds are separately listed chemicals under Section 313.
EPCRA TRI Chemical Categories (examples)

**Chlorophenols**

\[
\text{OH} \quad \text{Cl}_X \quad H(5-X) \quad X = 1 \text{ to } 5
\]

**Cyanide Compounds**

\[XCN\] where \(X=H\) or any other group where a formal dissociation may occur. For example, KCN or Ca(CN)\(_2\).

**Disocyanates**

20 individual compounds cited in Category

**Dioxin and Dioxin-Like Compounds**

17 individual compounds cited in Category

**Ethylenebisdithiocarbamic acid, salts and esters (EBDCs)**

Includes a substance that may contain EBDC or EBDC salt or ester as part of its infrastructure

**Certain Glycol Ethers**

Complex definition

**Nicotine and salts**

Includes a substance that may contain it or salt as part of its infrastructure

**Nitrates compounds**

Water dissociable, reportable only when in aqueous solution

**Polybrominated Biphenyls (PBBs)**

\[
\begin{align*}
\text{B}_X \\
\text{H}(10-X) \quad X = 1 \text{ to } 10
\end{align*}
\]

Manufacturing Activities

- Manufacturing (EPCRA § 313(b)(1)(C)(i) and 40 CFR § 372.3)
  - generating a Section 313 chemical
    - Intentionally producing chemicals for:
      - Sale
      - Distribution
      - On-site use or processing (e.g., intermediates)
    - Coincidently producing chemicals as impurities* or by-products**:
      - At any point at the facility, including waste treatment (#152 of 1998 Q&A) and fuel combustion (#252 and #254 of 1998 Q&A)
      - Importing
      - “Cause” to be imported

*Impurity=TRI chemical that still remains with the final facility product as it is distributed into commerce (#151 and #319 of 1998 Q&A)
**By-product=TRI chemical that is separated out from the process mixture before it becomes the final product

Processing Activities

- Processing (EPCRA § 313(b)(1)(C)(ii) and 40 CFR § 372.3) - preparation of a Section 313 chemical, after its manufacture, for distribution in commerce:
  - Use as a reactant to manufacture another substance or product
  - Add as a formulation component
  - Incorporate as an article component
  - Repackage for distribution
  - Quantities sent off-site for recycling
  - Incidentally include as an impurity

Repackaging as a Processing Activity

- Repackaging a Section 313 chemical for distribution in commerce is considered processing
  - Repackaging includes:
    - From container to tanker truck and vice versa
    - Between similar size containers
    - Via pipeline to/from a tank
  - Repackaging does not include:
    - Sampling without repackaging
    - Re-labeling

- Repackaging without distribution into commerce is not processing
- Transfer to a storage tank for mere storage is not processing
Otherwise Use Activities

• Otherwise Use (40 CFR § 372.3) - includes most activities that are NOT manufacturing or processing.

Examples
• Chemical processing aid (e.g., solvents)
• Manufacturing aid (e.g., lubricants, refrigerants)
• Ancillary activities (e.g., chemicals used to remediate wastes)
  • Fabrication and/or use of tools in your process
  • Installation of piping and process-related equipment, e.g., constructing storage tanks

Managing wastes received from off-site also counts as “Otherwise Use”
• Disposal, treatment for destruction on-site, or stabilization that does not result in further distribution in commerce are considered otherwise use if:
  • Section 313 chemical was received from off-site for the purposes of further waste management, or
  • Section 313 chemical was manufactured as a result of waste management activities on materials received from off-site for the purpose of further waste management.
• On-site energy recovery is an otherwise use activity.
• Waste management activities, including on-site recycling, treatment for destruction, waste stabilization and release/disposal of Section 313 chemicals in wastes generated on-site are not threshold activities.

Calculating Activity Thresholds

• The threshold quantity is the total amount manufactured, processed, or otherwise used, NOT the amount released.
• Calculate the total amount of Section 313 chemical used for a specific threshold activity
• For threshold determinations, Section 313 chemicals recycled from spent or contaminated materials or Section 313 chemicals directly reused:
  • Count original amount used only once
  • If the materials remain in use from previous years, count only the quantity added during current reporting year
• Calculations for reporting waste management may be different from threshold quantities.

Threshold Determination for Compound Categories

• Count together all compounds within the same chemical category for each activity, even if different compounds within a category are used in separate operations
• Consider the entire weight of all the different chemical compounds in the same chemical category when determining thresholds
• Note: calculations for release and other waste management estimates of metal compounds based on the parent metal weight only; and for nitrate compounds are based on weight of nitrate ion only
Activities That Are Not TRI Threshold Activities

- Activities that, alone, do NOT constitute a threshold activity
  - Storage
  - Remediation of on-site contamination (assuming no listed chemicals are manufactured during remediation)
  - Re-labeling without repackaging
  - On-site recycling (not including wastes received from off-site)
  - Transfers sent off-site for further waste management (not including recycling)
  - Repackaging (and blending, if any) of waste fuels for burning for energy recovery. (However, all fuels, including waste fuels (with blending, if any), are considered otherwise used when combusted for energy recovery.)

Note: While these activities are not included in the threshold determination, releases and wastes from these activities are not exempt from reporting if threshold is exceeded through other activities (unless specifically eligible for one of the reporting exemptions).

Quiz #2 Question 1

1. A plant uses benzene as a raw material to manufacture liquid industrial adhesive for sale. The plant adds 27,000 lbs. of benzene to its liquid adhesive-making operation during the reporting year, but 3,000 lbs. are volatilized during the operation. How much of the benzene should be applied toward the processing activity threshold? Select your choice.

A. 27,000 lbs.
B. 24,000 lbs.
C. 3,000 lbs.

Quiz #2 Question 2

2. If a facility processes 20,000 lbs. of 2-Butoxyethanol in one operation and 10,000 lbs. of 2-(2-Butoxyethoxy)ethanol in another operation during the reporting year, what should it apply towards it's processing threshold for glycol ethers? Select your choice.

A. 10,000 lbs.
B. 20,000 lbs.
C. 30,000 lbs.

Quiz #2 Question 3

3. A facility processes 18,000 lbs. copper sulfate, 10,000 lbs. of cuprous oxide, and otherwise uses 12,000 lbs. of aqueous sulfuric acid solution. For which TRI chemicals or chemical categories would the facility need to submit a TRI form? Select your choice.

A. copper compounds and sulfuric acid
B. only copper compounds
C. only sulfuric acid
Section III: Reporting Exemptions

If an exemption applies, then the amount of Section 313 chemical subject to the exemption does NOT have to be included in:
- Threshold determinations
- Release reporting

Recognize that exemptions only apply to certain limited circumstances

Types of exemptions (40 CFR § 372.38)
- De minimis
- Article
- Laboratory activities
- NAICS code specific
  - Coal mining extraction activities
  - Metal mining overburden
- “Otherwise use” exemptions
  - Motor vehicle maintenance
  - Routine janitorial or facility grounds maintenance
  - Structural components
  - Personal use
  - Intake water and air

De Minimis Exemption

The quantity of a non-PBT Section 313 chemical in a mixture or other trade name product is eligible for the de minimis exemption (40 CFR § 372.38(a)) if the chemical is:
- An OSHA-defined carcinogen present at a concentration of less than 0.1% (See 29 CFR § 1910.1200(d)(4)) OR
- Any other non-PBT TRI chemical present at a concentration of less than 1%

The TRI de minimis level appears next to each chemical on the chemical list in Table II of the TRI Reporting Forms and Instructions (1.0, 0.1 or * for PBT chemicals where de minimis is not allowed (See 40 CFR § 372.38(a)))
**De Minimis Exemption**

**HOW IT WORKS...**

- *De minimis* exemption generally applies to non-PBT chemicals:
  - In mixtures or trade name products received from off-site, including imported
  - Coincidentally manufactured as impurities that remain in products distributed in commerce

- *De minimis* exemption does not apply to:
  - Manufactured chemicals (in most cases): this includes by-products produced from manufacturing, processing, otherwise use, or any waste management
  - Wastes received from off-site
  - PBT chemicals (except for supplier notification)

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**PBT Chemicals and the *De Minimis* Exemption**

- The *de minimis* exemption cannot be applied to PBT chemicals.
  - For supplier notification requirements, suppliers of mixtures containing PBT chemicals at *de minimis* concentrations do not need to supply notification
  - Even though it may not receive a supplier notification, a facility that receives a mixture and knows that PBT chemicals are present must consider the PBT chemical in threshold and release calculations

- No other EPCRA section 313 exemptions were modified by the PBT rule.

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**De Minimis Exemption: How It Works... (cont.)**

- Processing a non-PBT Section 313 chemical in a mixture to below the *de minimis* concentration does NOT exempt the chemical from threshold determinations and release calculations
  - Raw Material Primer Mixture
    - Products (90% Toluene)
      - Toluene > 1%
        - *De minimis* exemption does NOT apply
        - Release calculations required
  - Paint (<1% Toluene
    - Acme Industries
      - Toluene < 1%
        - *De minimis* exemption does NOT apply
        - Release calculations still required

- Processing a non-PBT Section 313 chemical in a mixture to above the *de minimis* concentration triggers threshold determinations and, if thresholds are met, release calculation requirements
  - Solvent Raw Material containing trace amounts of toluene containing
    - 1%
      - Paint Stripper
        - Toluene > 1%
        - *De minimis* exemption does NOT apply
        - Release calculations still required
     - Concentrated Toluene > 1%
        - *De minimis* exemption does NOT apply
        - Release calculations still required
Article Exemption Applicability

- To qualify for the article exemption, the article must meet 3 criteria:
  1. Is formed into a specific shape or design during manufacture; and
  2. Has end-use functions dependent in whole or in part on its shape or design during end-use; and
  3. Does NOT release a Section 313 chemical under normal processing or use conditions at a facility.

Article Exemption: How it Works

- Releases of a Section 313 chemical from an article may negate the exemption. To maintain the article status, total releases from all like items must be:
  - In a form having a specific shape or design; or
  - Recycled, directly reused; or
  - 0.5 pound or less released per year (may be rounded down to zero).
- If more than 0.5 pound per year of a Section 313 chemical is released from all like items in a form not having a specific shape or design and is not recycled or directly reused, none of the items meet the articles exemption.
- End use must be dependent upon the item’s initial shape or design.
  (For example, sheet metal must maintain its initial thickness, and wire and pipe must maintain their initial diameter.)
- See TRI Reporting Forms and Instructions for more on the article exemption.

Article Exemption: Examples

- Wire is cut to specified lengths. Wastes include off-spec cuts and dust.
  - Generation of off-spec cuts that are recognizable as articles will not, by themselves, negate the article status.
  - Dust and off-spec cuts not recognizable as articles, with greater than 0.5 pound of ANY Section 313 chemical released annually, and not recycled or directly reused, negate the article status.
- Fluorescent light bulbs containing mercury are installed and used. Following use, the bulbs are crushed for recycling at the facility and mercury is released.
  - Crushing bulbs for recycling after use for lighting at the facility is not considered release under normal conditions of processing or use at this facility; the article exemption may apply.

Article Exemption

- Article Exemption is often inappropriately used!
  - In many instances when metals are machined, cut, or ground, in any manner, the article exemption may not be applicable.
- Generally, the articles exemption does not apply to the actual manufacturing of articles.
**Laboratory Activity Exemptions**

**HOW IT WORKS...**
- Section 313 chemicals used in these laboratory activities under the direct supervision of a technically qualified individual ARE exempt from threshold and release (40 CFR § 372.38(d) and 1998 Q&A #311):
  - Sampling and analysis
  - Research and development
  - Quality assurance
  - Quality control
- Section 313 chemicals used in these laboratory activities are NOT exempt:
  - Specialty chemical production
  - Pilot-scale plant operations
  - Activities not conducted in lab
  - Support services
    - Photo processing
    - Equipment maintenance/cleaning

**Motor Vehicle Maintenance Exemptions**
- Section 313 chemicals used to maintain vehicles operated by the facility are eligible for the exemption from threshold determinations (40 CFR § 372.38(c)(4))
  - "Otherwise use" exemption
- Motor vehicles include cars, trucks, tanks, and forklifts
- Motor vehicle maintenance includes:
  - Body repairs
  - Parts washing
  - Fueling and adding other fluids (e.g., ethylene glycol)

*Note: This exemption does NOT apply to "manufacture" of Section 313 chemicals from combustion of fuels.*

**Routine Janitorial or Facility Grounds Maintenance Exemptions**
- Section 313 chemicals contained in products used for non-process related routine janitorial or facility grounds maintenance ARE eligible for exemption (40 CFR § 372.38(c)(2)):
  - Phenol in bathroom disinfectants
  - Pesticides or fertilizers used on lawns
  - "Otherwise use" exemption
- Section 313 chemicals used in the following activities are NOT exempt:
  - Facility equipment maintenance
  - Cleaning or maintenance activities that are directly associated with or integral to the production process at the facility

*Note: Chemicals otherwise used in janitorial or grounds maintenance activities may not be exempt if part of your facility’s “process” is to provide these services (e.g., federal hospitals, prisons, parks). Also, chemicals manufactured during routine janitorial or facility ground maintenance are not exempt.*

**Structural Component Exemptions**
- Section 313 chemicals used as structural components are eligible for exemption (See 40 CFR § 372.38(c)(1)) if they:
  1. Are part of the facility structure; and
  2. Are NOT process related.
- Non-process-related structural items/uses eligible for the exemption:
  - Potable water pipes and other non-process-related pipes and structures
- Processed-related items/uses NOT eligible for the exemption:
  - Refractory brick, boiler tubes, process-related pipes, anodes used in electroplating, grinding wheels, & metal working tools
  - Structural components that are integral to a non-industrial facility’s “process” (e.g., federal prisons, hospitals, parks)
Other Section 313 “Otherwise Use” Exemptions

- Section 313 chemicals contained in non-process related items for employee personal use (40 CFR § 372.38(c)(3))
  
  Non-federal Facilities:
  - HCFC 22 in air conditioners used solely for employee comfort (exemption does NOT cover process cooling using chemical-based cooling systems)
  - Chlorine used to treat on-site potable water
  - Phenol used in a facility medical dispensary
  
  Federal Facilities:
  - Does not include TRI chemicals used for providing services to non-employees (e.g., patients in federal hospitals, prisoners, park visitors)
  
- Section 313 chemicals found in intake water and air

Sector Specific Exemptions

- Coal mining extraction activities are exempt from threshold determinations and release reporting (40 CFR § 372.38(g)) (applies to NAICS Codes 212111-212113):
  - Coal extraction: physical removal or exposure of ore, coal, minerals, waste rock, or overburden prior to beneficiation, and encompasses all extraction-related activities prior to beneficiation (40 CFR § 372.3)
  
- Chemicals in metal mining overburden that are processed or otherwise used are specifically exempt from TRI reporting (40 CFR § 372.38(h)) (applies to NAICS Codes 212221, 212222, 212231, 212234, 212299):
  - Overburden: unconsolidated material that overlies a deposit of useful materials or ores (40 CFR § 372.3)

Chemical Information Management

- Consider all activities and sources
- Tracking toxic chemicals entering facility
  - Purchasing/Inventory
  - Contractors
  - Capital purchases (e.g., chillers, process equipment)
  - Direct purchases (credit card or other emergency purchases)
  - Direct and indirect materials
  - Manufacturing byproducts/intermediates generated
- Need cooperation and support from all functional groups
- Be comprehensive!
Threshold Determinations

• Identify Chemicals and Concentrations:
  • MSDS
  • Product or Specifications
  • Available Supplier/Vendor Product QA/QC data
  • Industry Standards (API, ASTM, etc.)
  • Waste Profiles
  • Process Knowledge
  • Other References (AP-42, WebFIRE, Merck Index)
  • Supplier Notification

• Collect Data to Calculate Thresholds:
  • Inventory or Purchase Records
  • Throughput/Production Data
  • Integrated Supplier Records
  • EPCRA or Other Env. Reports
  • Air Permits / MACT or Similar Standards / Emission Inventories
  • Water Permits / DMR’s / Discharge Reports
  • Annual/Biennial Waste Reports
  • User Records
  • Other Vendor Records (can call vendor)

Determining Concentrations in Mixtures or Other Trade Name Products

• Determine whether thresholds were exceeded for listed chemicals in a mixture (40 CFR § 372.30(b)(3)):
  • Exact concentration - use concentration provided:
    • MSDS = 25% Use 25%
  • Upper bound - use upper limit
    • MSDS < 25% Use 25%
  • Range - use the midpoint of the range
    • MSDS: 30 – 50% Use 40%
  • Lower bound - subtract out other known constituents, create a range, and use the midpoint of range
    • MSDS: >75% toxic chemical Use 87.5% (top of range = 100%)
    • MSDS: >75% toxic chemical 15% water Use 80% (range = 75% - 85%)

TRI Chemicals Contained in Mixtures

• For the threshold quantity, only include the amount of the TRI chemical in the mixture, not the weight of the entire mixture.

• The de minimis exemption (40 CFR § 372.38(a)) applies to non-PBT chemicals contained in mixtures at less than 1.0% or 0.1% (for carcinogens).
  • The de minimis exemption is related to the concentration of the chemical in a mixture, NOT the quantity of the mixture used.

• A metal alloy can be thought of as solid solution. To determine threshold quantity, multiply the concentration of the TRI chemical in the alloy by the total weight of alloy processed or otherwise used.

Determining Concentrations in Wastes

• If concentration is exact, upper bound, range, or lower bound, use the guidance for mixtures and other trade name products discussed earlier

• If concentration is below detection limit, use engineering judgment:
  • If the Section 313 chemical IS expected to be present, assume 1/2 of full detection limit
  • If the Section 313 chemical is NOT expected to be present, assume 0
Supplier Notification

- Supplier notification - requires suppliers of mixtures or trade name products to covered facilities (See 40 CFR § 372.45(a)) to:
  - Identify Section 313 chemical(s) by name and CAS number
  - Identify Section 313 chemical(s) as being subject to Section 313 requirements
  - Provide concentration (or range) of Section 313 chemicals in mixtures and other trade name products (not wastes)
  - Provide notification at least annually in writing or attached to the MSDS
  - Update notification when changes occur

- The Regulatory Information section of the MSDS should identify any chemicals that are subject to TRI reporting

Watch for Double Counting

- For threshold determinations, Section 313 chemicals recycled from spent or contaminated materials or Section 313 chemicals directly reused:
  - Count original amount used only once
  - Materials in use from previous years, count only the quantity added during current reporting year

- Section 313 chemicals stockpiled or in inventory but not manufactured, processed, or otherwise used during reporting year are NOT counted for threshold determinations

Example: If a chemical is blended into a product mixture, and then this mixture is packaged for sale into 55 gallon drums, these are both processing activities, the chemical is "processed" twice. Only count this quantity once towards the processing threshold.
- During Reporting Year, 20,000 lbs. of toluene were blended with other chemicals to create a paint product.
- The paint product (containing the 20,000 lbs. of toluene) was then packaged into 55 gallons drums for sale.
- The processing threshold quantity for this facility for Reporting Year = 20,000 lbs.

Multi-Establishment Facility

- Reporting as multi-establishment facility (40 CFR § 372.30(c))
  - Apply threshold determinations on aggregate amount of chemicals used at facility
  - Able to file separate Form R reports for each part of the facility (e.g., establishment or grouping of establishments) and the Form Rs must be designated as "part of a facility" in Part I, Section 4.2
  - Report all non-exempt releases and other waste management activities of reportable Section 313 chemicals for all parts of a facility
  - Avoid double-counting at the facility of chemicals involved in intra-facility transfers
**Example: EPCRA Section 313 Non-PBT Chemical Reporting Threshold Worksheet**

**Facility Name:** OMNI CHEMICAL  
**Date Worksheet Prepared:** [Date]

**Toxic Chemical or Chemical Category:** Toluene  
**Prepared By:** J.S.P.

**Reporting Year:** [Year]

**Step 1. Identify amounts of the toxic chemical manufactured, processed, or otherwise used.**

<table>
<thead>
<tr>
<th>Mixture Name or Other Identifier Information</th>
<th>Percent by Weight</th>
<th>Total Weight (in lbs)</th>
<th>Amount of the Listed Toxic Chemical by Activity (in lbs):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe's Degreaser</td>
<td>Purchasing</td>
<td>50 10,000</td>
<td>5000</td>
</tr>
<tr>
<td>Bathroom Paint</td>
<td>Vendor</td>
<td>5 30,000</td>
<td>1500</td>
</tr>
<tr>
<td>Parts Washer Fluid</td>
<td>Purchasing</td>
<td>40 10,000</td>
<td>4000</td>
</tr>
</tbody>
</table>

**Step 2. Identify exempt forms of the toxic chemical that have been included in Step 1.**

**Step 3. Calculate the amount subject to threshold.**

Compare to thresholds for section 313 reporting.

(A) ___________ lbs. (B) ___________ lbs. (C) ___________ lbs.

**(A - A) __________ lbs. (B - B) __________ lbs. (C - C) __________ lbs.**

**Lessons Learned**

- **Begin early**
  - Implement a program to gather “real-time” data on usage
  - Searches for historical information can be difficult

- **Team approach**
  - Include all relevant personnel (e.g., engineering, purchasing, environmental, waste management, operations)

- **Recordkeeping & Documentation**
  - Keep good records and document all work

**TRI Process – 2 Part Process**

**Applicability & Threshold Determinations**

- Identify Section 313 chemicals manufactured, processed, or otherwise used at the site
- Determine quantities of Section 313 chemicals and whether they are manufactured, processed, or otherwise used during the reporting year

**Release/Waste Mgmt. Reporting**

- Identify total releases and off-site transfers
- Identify other waste management practices
- Identify pollution prevention activities

**Use TRI-MEweb to Complete Form R or Form A**

- Complete Final QA/QC
- Submit to EPA & State (only EPA if part of State Data Exchange)

**Record Keeping and Documentation**

- Importance of good record keeping
  - Detailed records improve reporting accuracy and data quality
  - Reduces replication of effort from year to year
  - Well-labeled calculations and engineering assumptions serve as standard operating procedures (SOPs) for future years
  - Ensures consistency from year to year, especially if personnel responsible for reporting change

- **EPA Requirements**
  - Records used to complete Form R must be kept for three years from the time the report was submitted (40 CFR § 372.10)
  - EPA may review records during a data quality audit
Section V: Overview of Form R

- Two principal types of information required
  - Facility-specific
  - Chemical-specific
- One form submitted to EPA and to the State/Tribe for each Section 313 chemical or chemical category exceeding applicable thresholds (assuming other reporting criteria are met.)
- Final rule was published in August, 2013 (78 FR 52860) requiring electronic filing (TRI-MEweb). Beginning on January 21, 2014, no paper submissions will be accepted (except for trade secrets), including revisions and withdrawals.

Form R Content

- Part I
  - Section 1: Reporting Year
  - Section 2: Trade Secret Information
  - Section 3: Certification
  - Section 4: Facility Identification
  - Section 5: Parent Company Info
- Part II
  - Section 1: Toxic Chemical ID
  - Section 2: Mixture Component ID
  - Section 3: Activities & Uses
  - Section 4: Max Amt on site for CY
  - Section 5: On-site Releases
  - Section 6: Off-site Transfers
  - Section 7: On-site Waste Treatment, Energy Recovery, Recycling Processes
  - Section 8: Source Reduction and Recycling Activities

Facility Identification

- Select your Facility (TRI-MEweb)
  - TRI-MEweb preloads facility information
  - To view or make changes, select “Edit” after selecting facility
  - Select “entire facility” or “part of a facility”
- Facility Name and Address (Section 4.1)
  - Mailing address required if different from street address
  - TRI facility identification number (if a form was filed in a previous reporting year) or “New Facility” (if reporting for the first time)
  - Even if establishments of one facility are reporting separately, all should use the same TRI facility identification number
  - Federal facilities
    - Enter name of Federal department or agency standard acronym followed by the site name
    - Standard facility names are available through the Facility Registry System (www.epa.gov/enviro/html/fii/ez.html)
Facility Identification (continued)

- Select Facility Type (Sections 4.2)
  - Select Federal facility or “GOCO” or neither
- Enter Parent Company Name and Dun and Bradstreet Number (Section 5)
  - Parent company standardized names:
    - TRI-MEweb is pre-loaded with standardized Parent Company names. (Can change pre-loaded Parent Company names, if necessary)
    - For new TRI reporters, the TRI-MEweb software has a list of standardized Parent Company names. If reporters cannot find correct name from the provided list, enter a new name.
  - To verify the accuracy of facility and parent company D & B number and name, go to: https://www.dnb.com/product/dlw/form_cc4.htm or call 1-888-814-1435.
- Facility Dun and Bradstreet Numbers (Section 4.6)
  - To verify the accuracy of facility and parent company D & B number and name, go to: https://www.dnb.com/product/dlw/form_cc4.htm or call 1-888-814-1435.
- Primary and Secondary NAICS codes (Section 4.5)
  - Enter primary 6-digit NAICS code
  - Enter other covered NAICS codes in decreasing order of significance
  - www.naics.com/search.htm

Part II - Chemical-Specific Information

- TRI-MEweb preloads previous year’s chemicals
- To select new chemical (Part II Sections 1.1-1.3, 2.1)
  - Select CAS number or category code and name of chemical or chemical category - except on trade secret “sanitized” form; or
  - Enter generic name only if claiming chemical name as a trade secret (40 CFR 350); or
  - Report generic name provided by supplier, if supplier claims trade secret
- Contact information (Part I, Section 4.3 and 4.4)
  - List name, phone number, and email
    - Technical contact – should be able to explain data to EPA
    - Facilities should provide an email address for the technical contact (not provided in TRI’s public data release)
    - Public contact – should be able to represent the facility’s data to the public.

Activities and Uses

- Specify use(s) of the Section 313 chemical (Section 3)
  - e.g., manufacture, process, or otherwise use
  - Report only activities taking place at reporting facility
  - Check all applicable boxes
    1.1 Mixes/Blends
       - Yes No
       - Yes, Class I (Determined from process) or other reason
    2.3 Process
       - Yes No
       - Yes, Class I (Determined from process) or other reason
    3.3 Other Use
       - Yes No
       - Yes, Class I (Determined from process) or other reason
Tools and Data Sources for Release Calculations

- Previous year Form R report(s) and documentation
- Process flow diagrams
- Environmental monitoring data
- Permit applications
- EPCRA, CERCLA, RCRA, NPDES, CAA and other env. reports
- Waste management manifests, invoices, and waste profiles
- Engineering calculations and other notes
- EPA guidance (AP-42, WebFIRE, TANKS, WATER9)

Estimating Quantities Released

- Consider all sources (routine and non-routine)
- Reasonable estimates are required by law
- Best approach by facility may need to be determined

Data and approach must be documented, and should be consistent!

Data Precision

- Amounts of non-PBT Section 313 chemicals must be entered in whole numbers
  - EPA allows using two significant figures when reporting releases and other waste management estimates
    - The number of significant figures is typically the number of non-zero digits
  - If estimate is more precise, additional significant figures may be used based on precision of data used to calculate estimate
  - For estimates of non-PBT Section 313 chemicals under 1,000 pounds, a range code can be used:
    - A = 1-10 pounds; B = 11-499 pounds; C = 500-999 pounds
    - Note: If you enter a range code, TRI data tools used by the public will display the midpoint of the range (e.g., 5, 250, or 750 lbs).

Data Precision (continued)

- For PBT chemicals, report releases and other waste management quantities at a level of precision supported by the data and estimation techniques used
  - Estimates < 0.05 pounds (< 50 micrograms for dioxins) can be rounded down to zero pounds
- TRI-MEweb will allow for decimal reporting for PBT chemicals (e.g., 9.3 pounds)
“NA” vs. “0”

- All data elements in Sections 5 and 6 must be completed. If you determine that there was no release or transfer quantity:
  - Use “NA” (not applicable) when no possibility of the Section 313 chemical being released to or otherwise managed as waste in that media (e.g., facility has no on-site landfill) or has not transferred any waste to an off-site location
  - OR
  - Use “0” when no release occurs or < 0.5 pound of a non-PBT Section 313 chemical from a waste stream is directed towards that medium
    - Example: Discharge to water is zero; however, release possible if control equipment fails
    - Must indicate a Basis of Estimate code (i.e., M1, M2, C, E1, E2, O) for all numerical estimates, including “0”

Maximum On-Site Amount

- Select appropriate code indicating the maximum quantity on-site during the reporting year (Section 4).
  - Use maximum total (non-exempt) amount present at one time during reporting year, even if the Section 313 chemical is present at more than one location at the facility
    - Based on amount in storage, process, and wastes
    - May not be the same as Tier II maximum amount on site
      - Tier II is usually by mixtures, Form R is chemical-specific
      - Tier II excludes hazardous wastes, Form R does not

Quantity Entering Each Medium

- Report total releases of the Section 313 chemical to each environmental medium on-site - air, water, land (Section 5).

- Enter Total Release, report total quantity
  - Range codes can be used in Sections 5 and 6 for non-PBT Section 313 chemical quantities less than 1,000 pounds*
    - A = 1 - 10 pounds
    - B = 11 - 499 pounds
    - C = 500 - 999 pounds

Basis of Estimate Codes

- One of the following “Basis of Estimate” codes must be listed on the Form R for each release and waste management quantity reported:
  - Continuous monitoring (M1)
  - Periodic or random monitoring (M2)
  - Mass balance calculation (C)
  - Published emissions factors (E1)
  - Site-specific emissions factors (E2)
  - Engineering calculations (O)
    - Everything NOT M1, M2, C, E1 or E2 above, such as:
      - Best engineering judgment
      - Estimated removal efficiencies
      - Non-chemical-specific and non-published emission factors
  - Use the code on the Form R for the method used to estimate the largest portion of the release

* Note that similar quantities reported in Section 8 of Form R must be actual values and not ranges. The Section II Calculator in TRI-MEweb will assume the midpoint of any ranges reported in Sections 5 and 6 when calculating quantities for Section 8.
Fugitive or Non-Point Air Emissions

- Enter total fugitive releases of the Section 313 chemical, including leaks, evaporative losses, building ventilation, or other non-point air emissions (Section 5.1).

- Example Using a Mass Balance Basis of Estimate (C):
  - 5,000 lbs of a volatile solvent are added during the year as part of the manufacture of a liquid adhesive. 4,950 lbs of the solvent are contained in the final liquid adhesive product.
  - Input (5,000 lbs) = Output (4,950 lbs) + Air Loss (50 lbs)
  - Fugitive air emissions from this process = 50 lbs

Law of Mass Balance: What Goes In = What Comes Out

Estimating Releases When No Data Available (Fugitive)

- Example: Metal dust observed on floor near or within metalworking operation - indicates fugitive air emission occurring and possible transfer off-site; no additional data are available:
  - Work with operations personnel familiar with the operation
  - Use best engineering judgment to estimate quantity released – document the basis of the judgment

Stack or Point-Source Air Emissions

- Enter total releases to air from point sources, including stacks, vents, pipes, ducts, storage tanks, or other confined air streams (Section 5.2).

- Data sources/tools:
  - Air permit applications
  - CAA Title V air inventories
  - Process and production data
  - Published emission factors
  - Facility-specific monitoring data and emissions factors

- Example using an Emission Factor basis of estimate (E1):
  - 500,000 tons of coal are combusted in a fluidized bed combustor
  - EPA emission factor: 0.11 lb mercury emitted / 1,000,000 lb coal combusted
  - 500,000 tons x 2,000 pounds / ton x (0.11 lb mercury / 1,000,000 lb coal) = 110 lbs. mercury
  - 110 pounds of mercury are released through the stack
  - Note: A portion of mercury may be present in resulting ash and would need to be reported as such

On-Site Wastewater Discharges

- Releases to streams or water bodies (Section 5.3):
  - Enter the stream or water body to which your facility directly discharges the chemical
    - Check “NA” Box if the facility does not discharge to receiving streams or water bodies.
  - Enter the total amount of releases to each receiving stream or water body, including amounts from stormwater runoff, if available
  - Indicate the percentage of the total quantity (by weight) contributed by stormwater

<table>
<thead>
<tr>
<th>Stream or Water Body Name</th>
<th>Quantity lbs</th>
<th>Range Code</th>
<th>Basis of Estimate Code</th>
<th>% from Stormwater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source</td>
<td>04</td>
<td>03</td>
<td>1A: Mercury</td>
<td>100%</td>
</tr>
</tbody>
</table>
Calculating Wastewater Discharges

- Release to stream or water body (Section 5.3) and Discharges to POTW (Section 6.1) are not the same
  - Direct AND Indirect Discharges
  - Don't forget storm water!
- If no monitoring data exists, estimate based on process knowledge and/or mass balance calculation

Data Sources
- DMRs (or related wastewater monitoring reports)
- Other monitoring data such as permit applications

Calculating Wastewater Discharges

- Calculate the yearly pounds of methanol discharged using the following data concerning wastewater discharges of methanol:

<table>
<thead>
<tr>
<th>Date</th>
<th>Conc. (mg/l)</th>
<th>Flow (MGD)</th>
<th>Amt. (lbs/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/1</td>
<td>1.0</td>
<td>1.0</td>
<td>8.33</td>
</tr>
<tr>
<td>9/8</td>
<td>0.2</td>
<td>0.2</td>
<td>0.33</td>
</tr>
</tbody>
</table>

Correct way

\[
\text{Average} = \frac{8.33 + 0.33}{2} = 4.33
\]

Incorrect way

\[
0.6 \text{ mg/l} \times 0.6 \text{ MGD} \times 8.33 = 3.00
\]

- Basis of Estimate Code: M2

On-Site Injection Wells

- Underground injection to Class I wells (Section 5.4.1)
  - Enter total amount of Section 313 chemical injected into Class I wells at facility and basis of estimate code

- Underground injection to Class II - V wells (Section 5.4.2)
  - Enter total amount of Section 313 chemical injected into Class II - V wells at facility and basis of estimate code

Disposal to Land On-Site

- Enter quantity of toxic chemical entering each on-site land disposal option (Section 5.5)
  - On-site landfills: RCRA Subtitle C (Section 5.5.1A)
  - On-site landfills: other (Section 5.5.1B)
  - On-site land treatment and application farming (Section 5.5.2)
  - On-site surface impoundments: RCRA Subtitle C (Section 5.5.3A)
  - Other disposal (includes spills or leaks to land)

- Quantities released to air or water during the reporting year of the initial release to land (e.g., volatilization from surface impoundments) are not included here
On-Site Waste Management

• Examples of on-site waste management
  • Air pollution control devices
  • Wastewater treatment processes
  • Energy recovery devices
  • Recycling devices

Waste Treatment Methods and Efficiency

• Report each waste treatment method that the Section 313 chemical undergoes (Section 7A)
  • Include even if method has no effect on the chemical
  • Focuses on the entire waste stream and the waste treatment efficiency applies to the Section 313 chemical within the waste stream

Waste Treatment Methods and Quantity

• Enter quantity and methods used for on-site recycling of the Section 313 chemical (Sections 7C and 8.4 current year)
  • Codes for recycling methods used are found in EPA's TRI Reporting Forms and Instructions document
  • Do not include energy recovery processes
  • Enter codes in descending order by quantities recycled

Energy Recovery Methods and Quantity

• Enter on-site energy recovery quantity and methods for Section 313 chemical
  • Section 313 chemical must be combustible and have a significant heating value (>5,000 BTU/lb)
  • Combustion unit is integrated into an energy recovery system (e.g., industrial furnace, industrial kiln, or boiler)
• Enter codes in descending order by quantities combusted

Recycling Methods and Quantity

• Enter quantity and methods used for on-site recycling of the Section 313 chemical (Sections 7C and 8.4 current year)
  • Codes for recycling methods used are found in EPA's TRI Reporting Forms and Instructions document
  • Do not include energy recovery processes
  • Enter codes in descending order by quantities recycled
Off-Site Transfers

- Includes both off-site location information and quantities of Section 313 chemicals transferred to off-site locations
- Report quantities of chemical sent off-site to each POTW or other location for recycling, energy recovery, waste treatment, or disposal
- Report only total quantity of chemical transferred off-site, not the quantity of entire waste stream mixture
- In Sections 6.1 and 6.2, Total Transfers, report total quantity
  - Range codes can be used in Sections 5 and 6 for non-PBT Section 313 chemical quantities less than 1,000 pounds*
    - A = 1 - 10 pounds
    - B = 11 - 499 pounds
    - C = 500 - 999 pounds

* Note that similar quantities reported in Section 8 of Form R must be actual values and not ranges. The Section 8 Calculator in TRI-MEweb will assume the midpoint of any ranges reported in Sections 5 and 6 when calculating quantities for Section 8.

Transfers to POTWs

- Discharges to publicly owned treatment works
  - Enter total quantity of the Section 313 chemical transferred to all POTWs and basis of estimate
  - Select POTW name and location for each POTW
  - May be able to find official name of POTW:
    - Using TRI-MEweb search tool
    - Enforcement & Compliance History Online (ECHO): www.epa-echo.gov/echo/ OR
    - Facility Registry System: www.epa.gov/enviro/html/fii/ez.html
  - Example using an Engineering Calculations basis of estimate (O):
    - A wet grinding process generates wastewater with 300 lbs of lead (contained in particulates) during the year. This wastewater undergoes on-site filtration prior to being sent to the POTW. Manuals from the filter equipment vendor indicate a 95% removal efficiency for particulates of this size.
    - 300 x 0.95 = 285 lbs removed from the wastewater
    - 300 – 285 = 15 pounds remaining in the wastewater after filtration
    - 15 pounds of lead are transferred off-site to the POTW

Other Off-site Transfers

- Enter transfers to other off-site locations (Section 6.2)
  - Include name, address, and EPA identification (RCRA ID) number of the receiving facility
  - Enter quantity, basis of estimate, and M code for each different waste management activity (waste treatment, disposal, recycling, and energy recovery)
  - Check “NA” box to indicate no transfers to off-site locations
- Data/tools
  - Waste manifests and vendor receipts
  - RCRA reports
  - Waste characterization - analyses, profiles

Off-Site Waste Transfers

- Approach: ID potential sources ► ID data/tools ► estimate
- Potential off-site waste transfers of reportable chemicals
  - Hazardous waste
  - Non-hazardous waste (e.g., waste oil and coolant)
  - Trash
  - Scrap metal (reuse versus recycle)
  - Container residue: RCRA empty is NOT EPCRA empty
  - BE COMPREHENSIVE!
- Also need to be sure to identify ALL possible sources of waste composition data
- Identify final disposition of each Section 313 chemical:
  - Disposal, waste treatment, energy recovery, recycling
Release and Waste Management Estimates

- Helpful hints for accurate release estimates
  - Always use your best available information
  - Estimate the quantity of Section 313 chemical, not the entire waste stream
  - Differentiate fugitive from stack air emissions
  - Zero air emissions for volatile organic compounds (VOCs) are unlikely
  - Watch out for releases of Section 313 chemicals with qualifiers
  - Check your math and document your work!

- Result of release estimation errors
  - Incorrect release estimates and inconsistencies could carry over from year to year

Source Reduction and Recycling (Section 8)

- The sum of sections 8.1 through 8.7 represents the total quantity of waste generated through regular production activities at your facility for the reporting year.

<table>
<thead>
<tr>
<th>Section 8.1 Total on-site disposal</th>
<th>Section 8.1b Total off-site disposal</th>
<th>Section 8.1c Total off-site treatment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 8.2 Total other on-site disposal</td>
<td>Section 8.2b Total other off-site disposal</td>
<td>Section 8.2c Total other off-site treatment</td>
</tr>
<tr>
<td>Section 8.3 Off-site energy recovery</td>
<td>Section 8.3b Off-site energy recovery</td>
<td>Section 8.3c Off-site treatment</td>
</tr>
<tr>
<td>Section 8.4 Off-site recycling</td>
<td>Section 8.4b Off-site recycling</td>
<td>Section 8.4c Off-site recycling</td>
</tr>
<tr>
<td>Section 8.5 Off-site treatment</td>
<td>Section 8.5b Off-site treatment</td>
<td>Section 8.5c Off-site treatment</td>
</tr>
</tbody>
</table>

Note: TRI-MEW provides default percentages for making this distribution. Metals and metal category compounds should not be reported in 8.7.
Section 8: Relationship to Section 7

Part II. Sections 8.1 - 8.7

8.2 On-Site Energy Recovery
- Determine quantity for activities described in 7B
- Report quantity actually combusted in energy recovery unit (i.e., consider efficiency)

8.4 On-Site Recycling
- Determine quantity for activities described in 7C
- Report quantity actually recycled (i.e., consider efficiency)

8.6 On-Site Treatment
- Determine quantity of the chemical for activities on waste stream described in 7A
- Report quantity actually destroyed (i.e., consider efficiency)
- Metals and metal category compounds cannot be reported here

Remedial, Catastrophic, or One-Time Amounts
- Enter the quantity of Section 313 chemical released into the environment or transferred off-site (Section 8.8) as a result of:
  - Remediation
  - Catastrophic events (e.g., earthquake, hurricane, fire, floods)
  - One-time events not associated with production processes (e.g., pipe rupture due to unexpected weather)
- Does not include Section 313 chemicals treated, recovered for energy, or recycled ON-SITE
- Quantities in Sections 8.1 through 8.7 should not include amounts reported in Section 8.8

Production Ratio or Activity Index
- Production ratio or activity index (Section 8.9)
  - A ratio of production or activity involving the Section 313 chemical in the reporting year to production or activity in the previous year
  - Puts year-to-year changes in chemical quantities released and managed as waste into the context of production

Tips:
- Consider using a production ratio when production is directly related to the amount of chemical used or produced
- Consider using an activity index when the chemical is "otherwise used" and the amount is determined by a variable other than production
- The Production Ratio/Activity Index is a ratio, not a percent change
- You can provide information on the variable you used in your ratio in the "Optional Miscellaneous Info" section using the button in TRI-MEweb

A Production Ratio Wizard is now available in TRI-MEweb to help you calculate your Production Ratio or Activity Index

Production Ratio or Activity Index Examples
- Example (Production Ratio): Oven manufacturing
  - 40,000 ovens assembled (Current RY) = 1.14
  - 35,000 ovens assembled (Prior RY)
- Example (Activity Index): Tank washouts
  - 50 Washouts (Current RY) = 0.83
  - 60 Washouts (Prior RY)
- Additional Production / Activity Variable Examples, by Industry
  - Refractory Manufacturing: Tons of brick manufactured
  - Chemical Wholesalers: Gallons of glycol ethers packaged
  - Electric Power Generation: Megawatt-hours of electricity produced
  - National Security: Man-days of training per year
  - Synthetic Dye Manufacturing: Number of color changeovers
  - Waste Treatment and Disposal: Tons of waste landfilled on-site
Source Reduction Activities

• Report Source Reduction activities implemented for the chemical, and the methods used to identify those activities (Section 8.10)
  • Include only those source reduction activities implemented for the first time during the reporting year
    • Include activities that reduce the total quantity of chemical waste released (including disposal), recycled, combusted for energy recovery, or treated
  • Examples of Source Reduction Activities
    • Process or equipment changes (e.g., replacements, adjustments)
    • Product redesign
    • Changed production schedule to minimize equipment changeovers
  • New source reduction codes were added in Reporting Year 2012 for green chemistry practices. Examples:
    • Optimized reaction conditions or otherwise increased efficiency of synthesis
    • Reduced or eliminated use of an organic solvent
    • Used biotechnology in manufacturing process

Optional Pollution Prevention Information

• Report additional information in the open-ended Pollution Prevention Information text field (Section 8.11)
  • This optional section provides an opportunity to publicly highlight any steps your facility took to reduce the amount of toxic chemicals entering the environment
  • Information about recycling, energy recovery, and treatment is welcome in addition to details about source reduction activities
  • Facility can provide information on previous years’ activities

Tips
• Be specific
• Enter useful URLs
• Note any barriers inhibiting implementation of source reduction
• Put information unrelated to Pollution Prevention in Section 9.1

• TRI’s P2 website features P2 information reported by facilities and includes a P2 reporting tip-sheet
  www.epa.gov/TRI/P2

Optional Miscellaneous Information

• Optional Miscellaneous Information (Section 9.1)
  • Facility can provide any useful additional information related to any portion of the Form R submission in this new data field
  • Examples of information to include:
    • Changes in production
    • Facility closures
    • Staffing changes
    • Calculation methods, e.g., emission factors
    • Explanation of data quality alerts

Section VI: Alternate Threshold Rule
Form A Eligibility

- If alternate threshold criteria met:
  - Have the option to file a Form A in lieu of a Form R
  - No detailed release, other waste management, or source reduction reporting
  - Maintain records and calculations used to determine Form A eligibility
- Facilities can submit a combination of Forms R and Forms A. Some chemicals may meet Form A criteria, others may not.
- If a facility submits a Form A and does not meet the qualifying criteria, it may result in an enforcement action.

Criteria for Submitting Form A

- Must NOT be a PBT chemical
- Do not exceed 1,000,000 pounds of the toxic chemical manufactured, processed, or otherwise used.
- Do not exceed 500 pounds for the total annual waste management (i.e., releases including disposal, recycling, energy recovery, and treatment) of the Section 313 chemical.
  - Equivalent to the sum of the quantities calculated for Sections 8.1 – 8.7 of the Form R

Quiz #3 Question 1

1. A facility manufactures 100,000 lbs. of a non-PBT Section 313 chemical. They sell 99,950 lbs. as a product. They emit 25 lbs. to the air out of a stack, and send 25 lbs. off-site for treatment.

Do they meet the criteria for submitting a Form A? Select Yes or No.

YES NO

Quiz #3 Question 2

2. A facility uses 50,000 lbs. of nitric acid as a cleaner. The entire amount is neutralized in their on-site wastewater treatment operation and there are no air or water releases.

Do they meet the criteria for submitting a Form A? Select Yes or No.

YES NO
TRI-MEweb and Submitting Via CDX

- Electronic filing via TRI-MEweb is required
  - Beginning on January 21, 2014, no paper submissions will be accepted (except for trade secrets), including revisions and withdrawal
  - TRI-MEweb supports new reporting, revisions & withdrawals for RY 1991 – 2013
  - TRI-MEweb pre-populates reporting forms with data submitted for the prior reporting year and assists users in finding reporting errors
  - EPA provides instant email confirmation of transmitted and certified submissions
  - TRI-MEweb resources including tutorials are available to help users at: www2.epa.gov/toxics-release-inventory-tri-program/tri-meweb-resources

- Use hard-copy form only for trade secret reporting
  - Information about trade secret reporting at: www2.epa.gov/toxics-release-inventory-tri-program/tri-reporting-forms-and-instructions

Accessing TRI-MEweb

- TRI-MEweb is accessed through EPA’s Central Data Exchange (CDX)
  - CDX is accessed through: https://cdx.epa.gov
  - TRI-MEweb users must have a CDX account
  - Select TRI-MEweb user role: preparer or certifying official

- Within TRI-MEweb, new users must gain access to their facility
  - Option 1: Enter TRIFID and Technical Contact Name
  - Option 2: Enter six-digit facility access code
  - Option 3: New facility, never reported to TRI

- Certifying officials must submit an electronic signature agreement (ESA)
  - Must be completed only once, not annually
  - Option 1: Real-time ESA approval – verify user’s identity electronically
  - Option 2: Mail in signature form – minimum of 5 business days to process

- For help accessing CDX accounts, password resets, accessing a facility, or completing an ESA, contact the CDX helpdesk: https://cdx.epa.gov/Contact

For More Information and Assistance

- For more information on TRI requirements, see the second part of this training course on TRI Advanced Concepts.

- For TRI reporting guidance, information and tutorials on the TRI-MEweb reporting software, and the latest changes to the TRI Program please visit: www.epa.gov/tri

- Industry-specific and chemical-specific guidance can be found at: www.epa.gov/tri/guide_docs/index.htm
Quiz #1 Question 1

1. Would the facility described below be covered by TRI and, therefore, need to consider its chemical use for possible reporting? Select Yes or No.

A manufacturing facility, owned by ABC Corporation, with 100 full-time employees

YES  NO

Answer: Yes.
As a manufacturing facility, its primary NAICS code will be among those covered by EPCRA Section 313 (TRI). In addition, the facility employs more than 10 full-time employees. This facility would need to consider whether it has exceeded any activity thresholds for TRI chemicals or chemical categories, to determine if it needed to report.

Quiz #1 Question 2

2. Would the facility described below be covered by TRI and, therefore, need to consider its chemical use for possible reporting? Select Yes or No.

A maintenance and warehouse facility, owned by ABC Corporation, with 5 full-time employees, a few blocks away from the manufacturing facility described in Question 1

YES  NO

Answer: No.
The facility’s maintenance and warehouse activities are represented by a primary NAICS code that will not be among those covered by EPCRA 313 (TRI). In addition, the facility has fewer than 10 full-time employees. This facility would not need to report.

Quiz #1 Question 3

3. Would the facility described below be covered by TRI and, therefore, need to consider its chemical use for possible reporting? Select Yes or No.

A maintenance and warehouse facility, owned by ABC Corporation, with 5 full-time employees, next door to the manufacturing facility described in Question 1

YES  NO

Answer: Yes.
The maintenance and warehouse activities are considered part of the manufacturing facility because they are on adjacent properties. Since the employee threshold is exceeded, this facility would need to consider any chemical use at the warehouse and maintenance establishment along with that of the manufacturing facility, to determine if the facility needed to report.
Quiz #2 Question 1

1. A plant uses benzene as a raw material to manufacture liquid industrial adhesive for sale. The plant adds 27,000 lbs. of benzene to its liquid adhesive-making operation during the reporting year, but 3,000 lbs. are volatilized during the operation. How much of the benzene should be applied toward the processing activity threshold? Select your choice.

A. 27,000 lbs.
B. 24,000 lbs.
C. 3,000 lbs.

Answer: A is correct.

27,000 total lbs. of benzene is processed. Always apply the total amount that enters a process toward the activity threshold. The quantity of benzene processed exceeds the 25,000 lbs. processing threshold for non-PBT chemicals, therefore, the facility would need to complete a TRI form for benzene. The quantity released to the environment would be reported on the TRI Form R.

Quiz #2 Question 2

2. If a facility processes 20,000 lbs. of 2-Butoxyethanol in one operation and 10,000 lbs. of 2-(2-Butoxyethoxy)ethanol in another operation during the reporting year, what should it apply towards its processing threshold for glycol ethers? Select your choice.

A. 10,000 lbs.
B. 20,000 lbs.
C. 30,000 lbs.

Answer: C is correct.

2-Butoxyethanol and 2-(2-Butoxyethoxy)ethanol are both chemicals within the glycol ethers chemical category; therefore, the quantities of each chemical processed during the reporting year should be summed. The facility has exceeded the reporting threshold for processing (25,000 lbs.) and would need to report for the glycol ethers chemical category.

Quiz #2 Question 3

3. A facility processes 18,000 lbs. copper sulfate, 10,000 lbs. of cuprous oxide, and otherwise uses 12,000 lbs. of aqueous sulfuric acid solution in a closed system. For which TRI chemicals or chemical categories would the facility need to submit a TRI form?

Select your choice.

A. copper compounds and sulfuric acid
B. only copper compounds
C. only sulfuric acid

Answer: B is correct.

The facility has exceeded the 25,000 lbs. processing threshold for copper compounds (18,000 + 10,000 = 28,000) and would need to submit a TRI form for copper compounds. The qualifier for sulfuric acid (see Section 313 Chemicals) indicates that it is only reportable in an aerosol form. Because the facility only used the sulfuric acid in an aqueous form (and does not generate acid aerosols), it does not need to consider it towards the otherwise use threshold, and no report for sulfuric acid is required.

Quiz #3 Question 1

1. A facility manufactures 100,000 lbs. of a non-PBT Section 313 chemical. They sell 99,950 lbs. as a product. They emit 25 lbs. to the air out of a stack, and send 25 lbs. off-site for treatment. Do they meet the criteria for submitting a Form A? Select Yes or No.

YES    NO

Answer: Yes.

The total amount of the chemical manufactured (100,000 lbs.) is below the 1,000,000 lbs. threshold for using Form A. The total annual reportable amount* (50 lbs.) is below the 500 lbs. threshold.
2. A facility uses 50,000 lbs. of nitric acid as a cleaner. The entire amount is neutralized in their on-site wastewater treatment operation and there are no air or water releases. Do they meet the criteria for submitting a Form A? Select Yes or No.

Answer: No.
The total amount of the chemical manufactured, processed, or otherwise used (50,000 lbs.) is below the 1,000,000 lbs. threshold for using Form A. However, the annual reportable amount (50,000 lbs.) is greater than the 500 lbs. threshold, because all 50,000 lbs. of nitric acid are treated onsite. The facility would file a Form R for nitric acid.