

**TRI Form R and Form A ICR Renewal 2014 Response to Comments, including  
3 Anonymous, and 1 from PSEG Services Department**

<i>#</i>	<i>Topic</i>	<i>Author</i>	<i>Comment/Response</i>
1	<b>Finds reporting requirement to be misrepresentative and unnecessary</b>	Anonymous Comment (1)	<p><b>Comment:</b> Our business manufactures large heavy rotating machinery using steel, stainless steel, and bronze metals. The "toxic chemicals" contained in steel, stainless steel, and bronze are chromium, nickel, and copper to name a few. The scrap metal waste has value and is sold as scrap.</p> <p>I do not believe the requirement that we calculate and report the "emissions" of these toxic chemicals was the intention of the rule. The chemicals are all in a solid state and remain so during the manufacturing process.</p> <p>The reported data skews the value of the aggregate data and gives an entirely false impression to those attempting to evaluate the information.</p> <p>The State and local emergency response entities would prefer we not report these chemicals either. Ask them.</p> <p><b>Response:</b> The EPA administers the statutory language that requires facilities to report on a TRI chemical if they trigger reporting thresholds for that chemical. The law calls for facilities to report information on releases and waste management for each reportable chemical. TRI reporting requirements align with these statutory requirements. To reduce burden and avoid potentially misleading reporting, the EPA has provided several burden-reducing exemptions.</p>
2	<b>Not everyone who should report to TRI does report</b>	Anonymous Comment (1)	<p><b>Comment:</b> Finally, I believe the majority of small and medium businesses do not report even though they hit the criteria. Technically they are in violation and subject to immense fines.</p> <p><b>Response:</b> Facilities covered under TRI must submit reports for each chemical manufactured, processed, or otherwise used above threshold amounts. Failing to adhere to the requirements of section 313 of EPCRA and its implementing regulations could result in an EPA enforcement action against a facility.</p>
3	<b>Toxic Chemicals in Stainless Steel</b>	Anonymous Comment (2)	<p><b>Comment:</b> Our business manufactures large heavy rotating machinery using steel, stainless steel, and bronze metals. The "toxic chemicals" contained in steel, stainless steel, and bronze are chromium, nickel, and copper to name a few. The scrap metal waste has value and is sold as scrap.</p> <p>We want to increase our business. This involves using more steel, stainless steel, and bronze.</p>

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			<p>We think it is silly that we are asked what we are doing to ‘reduce’ or ‘eliminate’ our use of these toxic chemicals.</p> <p><b>Response:</b> The Pollution Prevention Act of 1990 requires facilities to report source reduction practices when completing their TRI reports. Source reduction activities, which reduce the amount of a toxic chemical managed as waste, are reported in Section 8.10 of the Form R. A facility that did not implement any source reduction activities for a particular chemical would not report any source reduction activities in this Section. If the facility wishes to indicate the reason(s) it did not implement any source reduction activities, the proposed changes make it easier to provide this information in Section 8.11.</p>
4	<p><b>Request to reduce paperwork for industries with a small number of reportable chemicals</b></p>	<p>Anonymous Comment (3)</p>	<p><b>Comment:</b> SOME CATEGORIES SUCH AS RUBBER PRODUCT MANUFACTURER ONLY HAVE A LIMITED NUMBER OF CHEMICALS TO REPORT BUT ARE STILL REQUIRED TO COMPLETE WHAT APPEARS TO BE A MANUSCRIPT OF PAGES. IS THERE ANY WAY TO REDUCE THE PAPER WORK FOR INDUSTRIES WITH MINIMAL REPORTABLES?</p> <p><b>Response:</b> Facilities that trigger TRI reporting for listed chemicals must submit a TRI reporting form for each chemical manufactured, processed, or otherwise used above threshold amounts. TRI-MEweb, which is the EPA’s online reporting software facilities use to prepare and submit TRI reporting forms, expedites reporting by completing fields common across reporting forms (e.g., facility address and contact information) and can pre-populate forms based on prior-year submissions.</p> <p>Additionally, facilities have the option of preparing and submitting a Form A Certification Statement for reportable TRI chemicals instead of a Form R provided that for each chemical the facilities do not exceed 500 pounds for the total annual reportable amount for that chemical, and that their amounts manufactured or processed or otherwise used do not exceed one-million pounds. Facilities may not report PBT chemicals on a Form A. Guidance on the TRI website provides more information on the Form A.</p>
5	<p><b>Request to incorporate sections 8.11 and 9.1 throughout the form</b></p>	<p>Anonymous Comment (3)</p>	<p><b>Comment:</b> THE CHANGES PROPOSED SEEM HELPFUL. THE CHANGES TO THE ONE SECTION (8.1.1)WHICH ALLOWS THE REPORT PREPARER TO ADD COMMENTS DIRECTLY BELOW THE QUESTION WOULD BE A GOOD FORMAT FOR OTHER SECTIONS WHERE THE COMMENT AREA IS LOCATED BELOW A</p>

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			<p>GROUP OF QUESTIONS.</p> <p><b>Response:</b> EPA has made changes in TRI-MEweb to allow facilities to provide optional section 8.11 and 9.1 data while preparing other portions of the form. For example, a facility may provide information for section 8.11 on the screen for reporting on source reduction methods and activities (section 8.10) and can provide information for section 9.1 when viewing validation messages or providing information on a facility's location. EPA continues to look for ways to connect the optional text fields to other portions of the form to make it easier for facilities to provide useful information on specific elements of the reporting form.</p>
6	<b>Need one sign-in and fewer password update requirements</b>	PSEG	<p><b>Comment:</b> In addition, PSEG recommends that the EPA continue to further unify its reporting structure under a single log-on and password which abides by the Cross-Media Electronic Reporting Regulation (e.g. the CAMD Business System is separate from the CDX structure). Currently, one of the major burdens of PSEG's responsible officials is maintaining a long list of log-ons, passwords and challenge questions up to date for certifying quarterly and annual reporting obligations (e.g., passwords will expire after 90 days when the reporting obligation is annual, thus requiring quarterly log-ons just to update a password).</p> <p><b>Response:</b> EPA continually seeks to consolidate all of its electronic reporting tools into a single log-on. The current sign-on system allows a user to reset passwords automatically prior to expiration or following their expiration by answering a security question. Established security protocols protect the information provided by facilities using the single sign-on CDX system and support them in meeting their annual reporting obligations.</p>
7	<b>Optional Information on RMP Status</b>	PSEG	<p><b>Comment:</b> PSEG recommends either modifying the proposed changes to Sections 8.11 and 9.1 (or adding a new optional section) to specifically take into account a chemical's applicability with the 40 CFR Part 68, the Risk Management Plan (RMP) program...PSEG feels it would be less burdensome on the reporting community and EPA if each facility had the opportunity to provide information regarding its RMP status annually. PSEG recommends that the TRI Form A and R provides the best place to notify EPA regarding the status of a chemical that does not meet RMP thresholds."</p> <p><b>Response:</b> EPA is proposing to add a new category to Section 9.1 to allow facilities to indicate that they are providing optional information on the status of the toxic chemical under other regulatory programs. This category will facilitate the submission of contextual information on</p>

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			other programs that frequently relate to TRI chemicals. It should be noted, however, that providing such information would not relieve facilities of submitting any required information to other regulatory programs, including those administered by EPA.
8	<b>Providing Textual Information About Estimated Annual Reduction (Proposed Section 8.10(d))</b>	Sharon Harriman (NASA)	<p><b>Comment:</b> There should be an option for text rather than just percent because in some cases a percent is not meaningful. For example: What would the percentage be for a bullet capture system implemented in a shooting range? Would it include all the soil that had to be removed from decades of use prior to the new system compared to zero soil contamination with the new system?</p> <p><b>Response:</b> In this scenario, you would report the amount of waste generated after implementation of the new system relative to the amount of waste that would have been generated in the absence of the new system, expressed as a percent decrease. If you wished to provide a text description about remediation of contamination that occurred in prior years, you could do so in Section 8.11. TRI-MEweb already provides a button that allows you to provide Section 8.11 information connected to a specific source reduction activity, so it is not necessary to add a new text field for this purpose.</p>
9	<b>Final Rule Implementing the PPA</b>	Robert Costa (Leidos)	<p><b>Comment:</b> When does EPA plan on issuing a final rule for implementing the PPA? Since the proposed rule was issued in 1991 and a final rule is critical to defining what is a waste stream, recycling, process stream, pollution prevention, etc. All of which is necessary to have all reporters provide consistent data and allow for more meaningful pollution prevention data analyses.</p> <p><b>Response:</b> EPA has no plans to issue a final rule at this time. EPA has provided guidance on these terms in various documents, most notably in <i>Interpretations Of Waste Management Activities: Recycling, Combustion For Energy Recovery, Treatment For Destruction, Waste Stabilization And Release</i> (published in 1999 and available at <a href="http://www.epa.gov/tri/p2">www.epa.gov/tri/p2</a>).</p>
10	<b>Categories for Reporting Barriers to P2 in Section 8.11</b>	Sharon Harriman (NASA)	<p><b>Comment:</b> Comment on: “Providing optional barrier codes that facilities can use in Section 8.11 to indicate why they could not implement any source reduction activities during the reporting year.” There should also be a box for “Other” and a text field to provide information on other barrier.</p>

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			<b>Response:</b> EPA agrees with this comment and is proposing to include a checkbox for “Other” barriers. In all cases, facilities will have the option to provide textual information associated with the selected barrier(s) in Section 8.11.
11	<b>Categories for Reporting Barriers to P2 in Section 8.11</b>	Bobbie Dougherty (Asahi Kasei Plastics)	<p><b>Comment:</b> This is just for a comment to be considered. One additional category for barriers to pollution prevention - Alternate technology not available.</p> <p><b>Response:</b> EPA agrees with this comment and believes this represents a common barrier type based on information submitted in Section 8.11 for Reporting Year 2012. EPA is proposing to add a category, “No known substitutes or alternative technologies”</p>
12	<b>Enforcement for Facilities Not Implementing P2</b>	Jerry Ritter (J Paper Inc)	<p><b>Comment:</b> There will be some concern that EPA would do enforcement based on reasons for not implementing P2. [This] could be seen as a disincentive to complete that section.</p> <p><b>Response:</b> EPA is not aware of any instances where enforcement action was taken based on information provided in Section 8.11, either about P2 activities or about barriers to P2.</p>
13	<b>P2 Considerations Built Into Original Process Design</b>	Steve Leeper and James Rubin (Avago Technologies)	<p><b>Comment 1:</b> Should improvements made prior to actual implementation (original design vs. actual implementation) be reported as reductions, or should improvements only be reported for a process that has actually been run for a period time and then improved?</p> <p><b>Comment 2:</b> Totally agree this last question about designing in pollution prevention with new systems and getting credit for this up-front thinking! Recommend separate check box for this.</p> <p><b>Response:</b> Source reduction includes activities that eliminate or reduce the generation of chemical waste. Only newly implemented resource reduction activities are reported in Section 8.10. Section 8.11 provides facilities a broader opportunity to describe any steps they have taken to reduce releases. EPA agrees that a separate check box would help facilities provide such information and is proposing to include a separate check box to provide information in Section 8.11 on ways P2 was incorporated in the original process design.</p>
14	<b>P2 for Chemicals for Which Form R Is Not Required</b>	James Rubin (Avago Technologies)	<p><b>Comment:</b> Our company does a lot of pollution prevention on chemicals not required to be reported under 313 or have not exceeded the threshold to report. Think about providing a section to list these activities so public looking at a company could see these activities also.</p> <p><b>Response:</b> EPA encourages facilities to report information on pollution prevention and agrees</p>

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			<p>that P2 information is valuable even for chemicals for which a Form R is not required. This information is not well-suited to the Form R, however, because the Form R collects information specific to individual chemicals for which a reporting threshold is exceeded. As mentioned in the supporting statement published with the initial ICR, EPA is looking into ways for facilities to provide optional, TRI-related information outside of the reporting form (collectively called miscellaneous documents). EPA will consider how to incorporate a way for a facility to indicate how its pollution prevention activities have reduced its manufacturing, processing, or otherwise use of a given TRI chemical to below reporting threshold levels.</p>
15	<b>Composite Ratio Based on Both Activity and Production Variables</b>	Robert Costa (Leidos)	<p><b>Comment:</b> 8.9 - what if you used a composite calculation for ratio using production and activities? Will there be a both box?</p> <p><b>Response:</b> Under EPA’s proposed instructions, you would check the box corresponding with the type of variable that was weighted more heavily in calculating the ratio.</p>