



## Frequent Questions: EPCRA 313

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This is the third and final installment of Frequent Questions related to Form R Reports due July 1. The Frequent Questions are published by EPA or researched to aid compliance with this complicated regulatory program.

**QUESTION:** In the previous year's Form R, a facility mistakenly reports a Toxic Chemical is otherwise used at its plant, rather than processed. As a result, the facility mistakenly files a Form R for the chemical, of which it only used 15,000 pounds the previous year. Must the facility retract the erroneous Form R since it will not be filing a Form R for this reporting year?

**ANSWER:** A facility may request to retract an erroneous Form R if submitted unnecessarily. However, EPA will not accept requests for retraction later than one year after the due date for that Form R.

**QUESTION:** Do Form R reporting requirements allow for the possibility a Toxic Chemical can lose its identity as a side product in a reaction, and, therefore, the difference between input and output volumes may not always be due to a release?

**ANSWER:** Yes. When calculating the amount of Toxic Chemical released under Form R, the facility has to account for the amount of the Toxic Chemical the facility either manufactures or processes regardless whether the chemical is converted to another chemical in process. Releases required to be reported on the Form R are to be calculated for any part of the process involving the listed Toxic Chemical.

**QUESTION:** A facility covered by EPCRA 313 requirements ships a 55 gallon drum containing less than one-inch of Toxic Chemical offsite for discard. Must the facility report the Toxic Chemical contained in the drum as off-site transfer for purposes of disposal under Form R?

**ANSWER:** Yes. While the drum is considered empty under hazardous waste regulations, those definitions do not apply to EPCRA. The content of the drum is still considered a Toxic Chemical for Form R reporting, and the term release for reporting on Form R includes abandonment or discarding of barrels [or] containers. Disposal of any amount of Toxic Chemical is reportable.

**QUESTION:** A wastestream containing hydrochloric acid and sulfuric acid goes up a stack. Before

exiting the stack, the wastestream passes through a scrubber where the acids are neutralized. The mist exiting the stack has a pH of about 8.0, but contains chloride and sulfate ions. Does the facility report the release of hydrochloric and sulfuric acid?

**ANSWER:** No. Since the pH of the resulting wastestream is between 6.0 and 9.0, the facility should report a release of zero for both acids. This interpretation is consistent with EPA's preamble discussion regarding reporting zero releases for neutralized wastewater streams at 53 Fed. Reg. 4517.

## Related People

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