

## § 372.27

## 40 CFR Ch. I (7-1-14 Edition)

on all activities at the facility involving the chemical, except as provided in § 372.38.

(d) When a facility manufactures, processes, or otherwise uses more than one member of a chemical category listed in § 372.65(c), the owner or operator of the facility must report if it exceeds any applicable threshold for the total volume of all the members of the category involved in the applicable activity. Any such report must cover all activities at the facility involving members of the category.

(e) A facility may process or otherwise use a toxic chemical in a recycle/reuse operation. To determine whether the facility has processed or used more than an applicable threshold of the chemical, the owner or operator of the facility shall count the amount of the chemical added to the recycle/reuse operation during the calendar year. In particular, if the facility starts up such an operation during a calendar year, or in the event that the contents of the whole recycle/reuse operation are replaced in a calendar year, the owner or operator of the facility shall also count the amount of the chemical placed into the system at these times.

(f) A toxic chemical may be listed in § 372.65 with the notation that only persons who manufacture the chemical, or manufacture it by a certain method, are required to report. In that case, only owners or operators of facilities that manufacture that chemical as described in § 372.65 in excess of the threshold applicable to such manufacture in § 372.25, § 372.27, or § 372.28 are required to report. In completing the reporting form, the owner or operator is only required to account for the quantity of the chemical so manufactured and releases associated with such manufacturing, but not releases associated with subsequent processing or use of the chemical at that facility. Owners and operators of facilities that solely process or use such a chemical are not required to report for that chemical.

(g) A toxic chemical may be listed in § 372.65 with the notation that it is in a specific form (e.g., fume or dust, solution, or friable) or of a specific color (e.g., yellow or white). In that case, only owners or operators of facilities that manufacture, process, or use that

chemical in the form or of the color, specified in § 372.65 in excess of the threshold applicable to such activity in § 372.25, § 372.27, or § 372.28 are required to report. In completing the reporting form, the owner or operator is only required to account for the quantity of the chemical manufactured, processed, or used in the form or color specified in § 372.65 and for releases associated with the chemical in that form or color. Owners or operators of facilities that solely manufacture, process, or use such a chemical in a form or color other than those specified by § 372.65 are not required to report for that chemical.

(h) Metal compound categories are listed in § 372.65(c). For purposes of determining whether any of the thresholds specified in § 372.25, § 372.27, or § 372.28 are met for metal compound category, the owner or operator of a facility must make the threshold determination based on the total amount of all members of the metal compound category manufactured, processed, or used at the facility. In completing the release portion of the reporting form for releases of the metal compounds, the owner or operator is only required to account for the weight of the parent metal released. Any contribution to the mass of the release attributable to other portions of each compound in the category is excluded.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61502, Nov. 30, 1994; 64 FR 58750, Oct. 29, 1999]

### § 372.27 Alternate threshold and certification.

(a) Except as provided in paragraph (e) of this section, with respect to the manufacture, process, or otherwise use of a toxic chemical, the owner or operator of a facility may apply an alternate threshold of 1 million pounds per year to that chemical if the owner or operator calculates that the facility would have an annual reportable amount of that toxic chemical not exceeding 500 pounds for the combined total quantities released at the facility, disposed within the facility, treated at the facility (as represented by amounts destroyed or converted by treatment processes), recovered at the

**Environmental Protection Agency**

**§ 372.28**

facility as a result of recycle operations, combusted for the purpose of energy recovery at the facility, and amounts transferred from the facility to off-site locations for the purpose of recycle, energy recovery, treatment, and/or disposal. These volumes correspond to the sum of amounts reportable for data elements on EPA Form R (EPA Form 9350-1; Rev. 12/4/93) as Part II column B or sections 8.1 (quantity released), 8.2 (quantity used for energy recovery on-site), 8.3 (quantity used for energy recovery off-site), 8.4 (quantity recycled on-site), 8.5 (quantity recycled off-site), 8.6 (quantity treated on-site), and 8.7 (quantity treated off-site).

(b) If an owner or operator of a facility determines that the owner or operator may apply the alternate reporting threshold specified in paragraph (a) of this section for a specific toxic chemical, the owner or operator is not required to submit a report for that chemical under §372.30, but must submit a certification statement that contains the information required in §372.95. The owner or operator of the facility must also keep records as specified in §372.10(d).

(c) Threshold determination provisions of §372.25 and exemptions pertaining to threshold determinations in §372.38 are applicable to the determination of whether the alternate threshold has been met.

(d) Each certification statement under this section for activities involving a toxic chemical that occurred during a calendar year at a facility must be submitted to EPA and to the State in which the facility is located on or before July 1 of the next year. If the covered facility is located in Indian country, the facility shall submit the certification statement as described above to EPA and to the official designated by the Tribal Chairperson or equivalent elected official of the relevant Indian Tribe, instead of to the State.

(e) The provisions of this section do not apply to any chemicals listed in §372.28.

[59 FR 61502, Nov. 30, 1994, as amended at 64 FR 58750, Oct. 29, 1999; 71 FR 76944, Dec. 22, 2006; 74 FR 19005, Apr. 27, 2009; 77 FR 23418, Apr. 19, 2012]

**§ 372.28 Lower thresholds for chemicals of special concern.**

(a) Notwithstanding §372.25 or §372.27, for the toxic chemicals set forth in this section, the threshold amounts for manufacturing (including importing), processing, and otherwise using such toxic chemicals are as set forth in this section.

(1) Chemical listing in alphabetic order.

Chemical name	CAS No.	Reporting threshold
Aldrin .....	00309-00-2	100
Benzo(g,h,i)perylene .....	00191-24-2	10
Chlordane .....	00057-74-9	10
Heptachlor .....	00076-44-8	10
Hexachlorobenzene .....	00118-74-1	10
Isodrin .....	00465-73-6	10
Lead (this lower threshold does not apply to lead when contained in a stainless steel, brass or bronze alloy)	7439-92-1 .....	100
Mercury .....	07439-97-6	10
Methoxychlor .....	00072-43-5	100
Octachlorostyrene .....	29082-74-4	10
Pendimethalin .....	40487-42-1	100
Pentachlorobenzene .....	00608-93-5	10
Polychlorinated biphenyl (PCBs) .....	01336-36-3	10
Tetrabromobisphenol A .....	00079-94-7	100
Toxaphene .....	08001-35-2	10
Trifluralin .....	01582-09-8	100

(2) Chemical categories in alphabetic order.

Category name	Reporting threshold
Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical) (This category includes only those chemicals listed below).	0.1 grams