

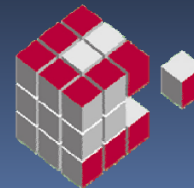
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AIR EMISSIONS
PERMITTING AND
REPORTING
REQUIREMENTS UNDER
ENVIRONMENTAL LAWS



Permitting Under the Clean Air Act (CAA)

- Clean Air Act Permitting Programs
 - New Source Review Construction Permits
 - Preconstruction Permitting Program for NAAQS
 - Major Sources
 - Attainment Areas – PSD Permits
 - Required to Install Pollution Control Equipment Representing Best Available Control Technology (BACT)
 - Non-Attainment Areas– NAA Permits
 - Required to Install Pollution Control Equipment Representing Lowest Achievable Emissions Rate (LAER)
 - Minor Sources



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Air Emissions Permitting

- Title V Operating Permits

- Applicability:

- Only sources that fall within the categories listed in CAA § 502(a) need to obtain operating permits under Title V. These sources include:

- Major sources;

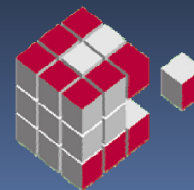
- Any source that emits or has the potential to emit (PTE) 100 tons per year (tpy) of any air pollutant.

- Any source subject to New Source Performance Standards;

- Sources subject to National Emission Standards for Hazardous Air Pollutants (NESHAPs);

- Capable of emitting 10 tons or more per year of any single HAP or 25 tpy of two or more HAPs.

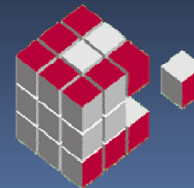
- Examples of HAPs: Benzene (found in gasoline), Perchloroethylene (emitted from some dry cleaning facilities), Methylene chloride (used as a solvent and paint stripper), Dioxin, Asbestos, Toluene, and Metals such as cadmium, mercury, chromium, and lead compounds.



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Title V Operating Permits, Continued

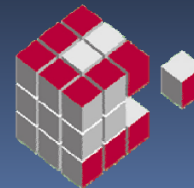
- Sources subject to the PSD or nonattainment NSR requirements of the CAA;
- Any affected source required to have a permit under the Title IV acid rain program;
- Any other stationary source, such as a small business stationary source, contained in a category designated by regulation



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SMALL BUSINESS STATIONARY SOURCES

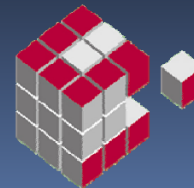
- Small Business Stationary Source Technical and Environmental Compliance Assistance Program:
 - Assists small businesses in determining applicable requirements, obtaining permits, and informing them of compliance methods and technologies.
 - To qualify for the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, a source must be a small business that:
 - is owned or operated by a person that employs 100 or fewer individuals;
 - is a small business concern as defined in the Small Business Act;
 - is not a major stationary source;
 - does not emit five tons or more per year of any regulated pollutant; and
 - emits less than seventy-five tons per year of all regulated pollutants.



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Three General Approaches to Requiring Industry Reporting of Environmental Information

- Requirements for Collection, Submission and Disclosure of Environmental Information under Federal Environmental Law or Permits Aimed at Monitoring Compliance with Environmental Laws
- Requirements Aimed at Preparing For, and Responding To, Emergencies
- Right-to-Know Laws



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Reporting Requirements under the Clean Air Act (CAA)

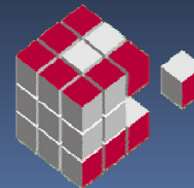
- Sources Subject to New Source Performance Standards (NSPS)
 - Owners/Operators required to have continuous emissions system (CEMS) must meet specific reporting requirements:
 - Maintain Continuous Emissions System (CEMS) records
 - Maintain records of CEMS startup, shutdown, or malfunction of an affected facility's air pollution control equipment
 - Provide written notification:
 - Within 30 days of date of construction or reconstruction commenced;
 - Within 60 days of the anticipated initial start date;
 - Within 15 days of the actual startup date;
 - Within 60 days of any physical or operation change to an existing facility that may increase the emission rate of a regulated pollutant, or as soon as possible, before the change is commenced.



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Reporting Requirements Under the CAA

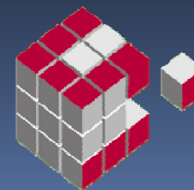
- Within 30 days prior to a continuous emission monitoring performance demonstration;
- 30 days prior to the anticipated date of opacity observations.
- Every source required to install CEMS must submit written report of excess emissions.
 - Reports must be submitted every calendar quarter and be postmarked by the 30th day of the end of each calendar quarter.
- Sources Subject to National Emissions Standards for Hazardous Air Pollutants
 - Very complex reporting requirements
 - Reporting requirements dependent on the specific regulated pollutant
 - Other reporting requirements for individual HAP categories



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Reporting Requirements Under CAA

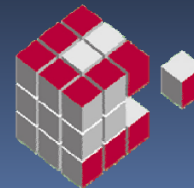
- Sources Subject to Prevention of Significant Deterioration (PSD)
 - Ambient air monitoring required prior to facility construction
 - PSD permit may impose additional requirements
- Sources Subject to New Source Review (NSR)
 - NSR pre-construction monitoring requirements vary from state to state
 - NSR permit may impose additional requirements



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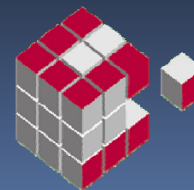
- Greenhouse Gases (GHGs)
 - Final GHG Mandatory Reporting Rule
 - Published September 22, 2009
 - GHGs subject to reporting requirements include: CO₂; methane; NO_x; hydrofluorocarbons; perfluorocarbons; sulfur hexafluoride; and other fluorinated gases.
 - Mandates reporting of GHG emissions for 31 different emission sources (i.e. All-In Sources)
 - Mandates reporting for sources emitting 25,000 metric tons or more of carbon dioxide (CO₂) equivalent per year (i.e. Threshold Sources)
 - EPA has reserved when it will finalize remaining contemplated source categories of emissions
 - On March 23, 2010, EPA Proposed including 16 Additional Emissions Sources in its National Mandatory GHG Reporting System
 - For Facilities Required to Report, Monitoring Plan Must be in Place by April 1, 2010.



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Reporting Requirements Under CAA

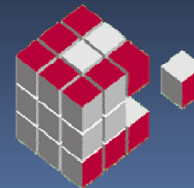
- March 31, 2011: GHG report due for 2010
- March 31, 2012: GHG report due for 2011
- Penalties (under the CAA) of up to \$32,500 per day for Failure to Report.



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Reporting Requirements Under the Emergency Planning and Community Right to Know Act (EPCRA)

- Emergency Planning for Facility Owners/Operators
 - Within 60 days of an EPA Extremely Hazardous Substance (EHS) becoming present at your facility in a quantity equal to or above the threshold planning quantity (TPQ), you must notify the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC).
 - A list of EHSs and their TPQs is located in Appendix A and B of 40 CFR 355
 - Notify the LEPC of your facility's representative who will participate as the emergency coordinator in the emergency planning process.
 - You must provide the LEPC with additional information if requested and notify them of any changes at the facility that may be relevant to emergency planning.

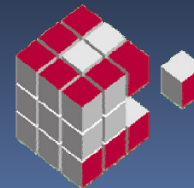


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Reporting Requirements Under EPCRA

- Emergency Release Notification Facility
Owners/Operators

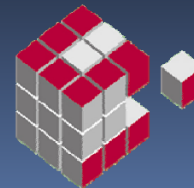
- Provide immediate notice to appropriate SERCs and LEPCs of a release of a listed hazardous substance (either an EHS or a hazardous substance subject to emergency notification requirements under CERCLA) not federally permitted, and which exceeds the reportable quantity (RQ) established for the substance, and results in exposure to persons off-site.
 - Transportation-related releases may be reported to 911 operator)
 - List of CERCLA hazardous substances and EHSs and the RQ is located in Appendix A and B of 40 CFR 355.



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Reporting Requirements Under EPCRA

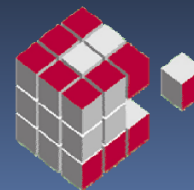
- Continuous Release Notification
 - Provide initial telephone notification to appropriate SERCs and LEPCs and National Response Center (NRC) for a continuous release above the RQ.
 - Within 30 days of initial telephone notification, provide initial written notification to appropriate EPA Regional Office, and appropriate SERCs and LEPCs.
 - Within 30 days of the first anniversary date of the initial written notification, submit one-time follow-up report to appropriate EPA Regional Office to verify or update the information submitted in the initial written report.
 - You may submit a copy of the relevant Toxic Chemical Release Inventory Reporting Form from the previous July 1, with additional information as listed under EPCRA, in lieu of the initial written or follow-up report.
 - After submittal of the follow-up report, submit annual re-evaluation of each reported hazardous substance release within 30 days of the anniversary date of the initial written notification, and document. (Notify appropriate EPA Regional Office only if change in any information submitted previously.)



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Environmental Reporting Requirements Under EPCRA

- Provide initial telephone notification of "new" release if there is change in composition or source of release, immediately as there is sufficient basis to assert the "new" release is continuous and stable in quantity and rate.
- Provide immediate telephone notification of statistically significant increase in release to NRC, and appropriate SERCs and LEPCs. (Written follow-up emergency notification under EPCRA also required.)
- Within 30 days of determination previously submitted information in initial or follow-up written notification is no longer valid, provide written notification of change to appropriate EPA Regional Office.



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Environmental Reporting Requirements Under EPCRA

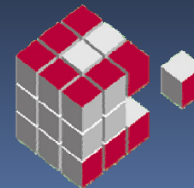
- Community Right-to-Know Reporting for Facility Owners/Operators
 - Within three months after first becoming subject to regulations under the Occupational Safety and Health Administration (OSHA), submit copies of material safety data sheets (MSDSs), or a list of hazardous chemicals to the SERC, the LEPC, and the local fire department (LFD). The thresholds for reporting hazardous chemicals are: hazardous chemicals (pose a physical or health hazard) in amounts greater than 10,000 lbs; and, extremely hazardous substances (EHS) present in amounts greater than or equal to 500 lbs or the TPQ, whichever is lower. Most SERCs require or encourage facilities to submit a "list" of hazardous chemicals grouped by health and physical hazard categories as defined by EPA in lieu of submitting the MSDS on each hazardous chemical.
 - Provide a copy of the MSDS for any chemical on the list submitted within 30 days of the receipt of a request from the SERC or LEPC.
 - Within 3 months of new hazardous chemicals becoming present at the facility in quantities above established threshold levels, provide either MSDSs or a revised list of MSDS chemicals.



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Environmental Reporting Requirements Under EPCRA

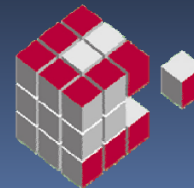
- Within 3 months of discovery of significant new information concerning a hazardous chemical, provide a revised MSDS.
- Tier One/Tier Two Reporting for Covered Facility Owners/Operators
 - If your facility is required to prepare/have an MSDS under OSHA, you must prepare and submit to the SERC, LEPC and LFD, an emergency and hazardous chemical inventory form (Tier I or Tier II). Chemicals and threshold levels for reporting are the same as specified above under Community Right-to-Know Reporting for Facility Owners/Operators. The inventory form incorporates a two-tier approach.
 - Tier I must be submitted annually by March 1. If requested by the SERC, LEPC or LFD, submit a Tier II, which includes more detailed information. You may submit a Tier Two instead of a Tier I. SERCs, LEPCs and LFDs usually prefer the Tier II.



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Environmental Reporting Requirements Under EPCRA

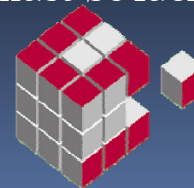
- Toxic Chemical Release Inventory Reporting for Owners/Operators of Certain Manufacturing Facilities
 - Annually, on or before July 1, submit reports on the amounts of listed "toxic chemicals" released into the environment, either routinely or as a result of an accident, and information on source reduction and recycling activities. The report must reflect the preceding calendar year's releases to air, water, land, and/or POTWs, and transfers to off-site locations for proper treatment, storage, or disposal. The Toxic Chemical Release Inventory Reporting Form ("Form R") is used to report specific information. Chemicals and their threshold quantities are listed in 40 CFR 372.65(a).
 - Maintain records at the facility for 3 years from the date each report was submitted and have them readily available for inspection by EPA officials.



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Environmental Reporting Requirements Under EPCRA

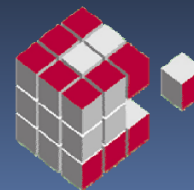
- Toxic Chemical Release Inventory Reporting for Suppliers of Mixtures and Trade Name Products Containing One or More Listed Toxic Chemicals
 - Supplier notification (MSDSs) must be provided to each customer annually in writing and with the first shipment of each calendar year. If the MSDS is still current, the annual notice in years subsequent to the first year may refer to the MSDS by written letter.
 - Whenever suppliers' products contain newly listed toxic chemicals, suppliers must notify customers with the first shipment made during the next calendar year following EPA's final decision to add the chemical to the list.
 - Suppliers must send a new notice to customers within 30 days when they discover that their previous notification did not properly identify the listed toxic chemical(s) in the mixture, or correctly indicate their percentage by weight. Prior shipments to which the new notice applies must be identified.



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Environmental Reporting Requirements Under EPCRA

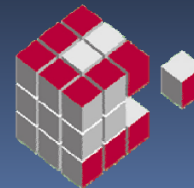
- Suppliers must send a revised notice to their customers when they change a mixture or trade name product by adding, removing, or changing the percentage by weight of a listed chemical. The notice must be sent with the first shipment of changed mixture or trade name product.
- For 3 years, retain the following records: copies of notifications sent to customers, all supporting materials and documentation used to determine whether a notice was required, all supporting materials and documentation used to develop the notice, all supporting materials and documentation which explain why a specific chemical identity is considered a trade secret and why the generic chemical names provided in the notification are appropriate, and all supporting materials and documentation which explain why a specific concentration is considered a trade secret and the basis for the upper bound concentration limit.



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Reporting Requirements under the Toxic Substances Control Act (TSCA)

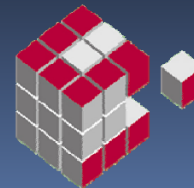
- Pre-manufacture Notices
 - At least 90 days prior to manufacture or importation of a "new chemical substance" (not included on the TSCA Chemical Substance Inventory), submit pre-manufacture notice (PMN) to EPA. (EPA can be requested to determine whether the substance is already on the TSCA Chemical Substance Inventory - 1985 Edition and 1990 Supplement - which includes 68,000 chemicals, the identity of which nearly 5,500 are confidential.) Certain substances (e.g., pesticides, food) and activities (e.g., research and development, test market, low volume, polymer) are exempt from pre-manufacture notices. Specific contents required in PMN are indicated by TSCA.
 - Within 30 days of manufacture or importation, submit notice of commencement of manufacture or import (NOC) to EPA.
 - At least 90 days prior to manufacture or process of a chemical substance for a "significant new use" (per EPA significant new use rule - SNUR), submit significant new use notice.



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Reporting Requirements Under TSCA

- PCBs
 - PCB Transformers
 - Register all PCB transformers, including those in storage for reuse, with EPA, National Program Chemicals Division, by December 28, 1998, or within 30 days of discovering a PCB transformer.
 - Register all PCB transformers located in a commercial building or within 30 meters of a commercial building, with the building owner by December 1, 1985.
 - Notify the National Response Center (1-800-424-8802) immediately when a PCB transformer is involved in a fire-related incident.
 - Retain inspection and maintenance records for at least 3 years after disposing of the PCB transformer.



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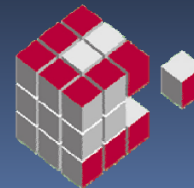
Reporting Requirements Under TSCA

■ PCB Spills

- Within 24 hours of discovery of a PCB spill (with a concentration >50 ppm) contaminating surface waters, sewers, drinking water supplies, animal grazing lands, or vegetable gardens, report to appropriate EPA Regional Office (Pesticides and Toxic Substances Branch).
- Within 24 hours, report to the appropriate EPA Regional Office spills of more than 1 pound of PCBs by weight contaminating areas other than those described above.
- Maintain records of decontamination for PCB spill cleanup for 5 years from the date of the spill. Specific content required is dependent upon whether amount of PCB spilled was less than one pound, or equal to or greater than one pound.

■ PCB Waste Disposal for Commercial Storers, Transporters and Disposers of PCB Waste

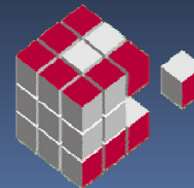
- Before engaging in PCB waste handling activities, notify EPA of your PCB waste activities by filing EPA Form 7710-53 "Notification of PCB Waste Activity Form" with EPA.



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Reporting Requirements Under TSCA

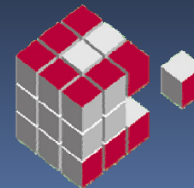
- If you own/operate a PCB commercial storage or disposal facility, prepare a Certificate of Disposal for each shipment of manifested PCB waste accepted by the facility for disposal. The Certificate of Disposal must be sent to the generator of the PCB waste within 30 days of the date that the PCB waste was disposed by the facility. A disposal facility must retain a copy of the Certificate of Disposal for at least 3 years after the facility is no longer used for disposal. A generator must retain a copy of the Certificate of Disposal for at least 3 years after the generator ceases using or storing PCBs and PCB Items.
- Commercial storers and disposers of PCB waste must submit an annual PCB report to the Regional Administrator of the EPA Region in which the facility is located by July 15 each year.



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Reporting Requirements Under TSCA

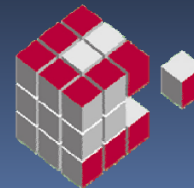
- Generators of PCB Waste
 - Notify EPA only if you own or operate facilities which: (1) are used for storage of PCB or PCB Items designated for disposal, or (2) use storage containers for liquid PCBs which are larger than shipping containers required by the U.S. Department of Transportation for liquid PCB transportation. Submit a separate notification to EPA for each storage facility, and EPA in return, will assign a unique EPA identification number to each facility.
 - Before sending PCB waste to a commercial off-site storage or disposal facility, prepare a Uniform Hazardous Waste Manifest (EPA Form 8700-22) and a continuation sheet if necessary. Each manifest signed by the commercial storer or disposer must be kept for a minimum of three years from the date the PCB waste was accepted by the initial transporter. The owner or operator of a PCB commercial storage or disposal facility must keep a copy of each signed manifest for a minimum of three years from the date the facility received the off-site shipment of PCB waste.



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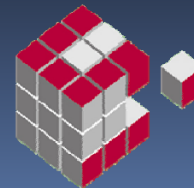
- If your facility does not receive a signed manifest from the storage or disposal facility within 35 days after the transporter accepted the PCB waste, contact the disposer or commercial storer to determine whether the waste has been received. If the waste has not been received, contact the transporter to determine the disposition of the PCB waste. If you have not received a manifest within 10 days from the date of contact, submit an exception report to the EPA Regional Administrator for the Region in which the generator is located.
- Prepare an annual document log and maintain it at the facility for a minimum of 3 years after the facility ceases to use or store PCBs or PCB Items.



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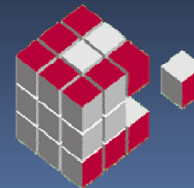
- Manufacturers, Importers, and Processors of Chemical Substances
 - Under the Preliminary Assessment Information Rule (PAIR), report on each chemical substance (using the PAIR form, EPA Form 7710-35, "Manufacturer's Report-Preliminary Assessment Information") that is manufactured or imported for commercial purposes during the reporting period established for that substance. Processors are exempt from reporting under PAIR, as are certain manufacturers and importers if specifically exempted. Chemicals subject to reporting are listed in 40 CFR 712.30.



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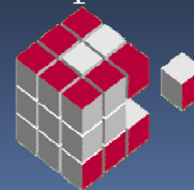
- Under the Inventory Update Rule, if you manufactured or imported 10,000 pounds or more of any chemical substance listed on the TSCA Chemical Substance Inventory at any single site during the latest corporate fiscal year prior to August 25, 1990, submit TSCA inventory update information to EPA every four years (after the reporting periods from August 25 to December 23, 1990). The update information may be provided in writing on EPA Form 7740-8 "Partial Updating of TSCA Inventory Database Production and Site Report", or it may be provided on computer tape. Certain manufacturers or importers are specifically exempted from this requirement. Respondents must retain relevant records for four years from the effective date of the reporting period. Also, volume records must be maintained for four years on substances manufactured or imported in amounts less than 10,000 pounds annually, as evidence to support a decision not to report.



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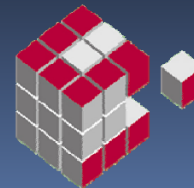
- Manufacturers, Processors, and Distributors Receiving Allegations of Significant Adverse Reactions from Chemical Substances (Records of Significant Reactions)
 - Maintain records of "significant adverse reactions to health or the environment" alleged to have been caused by a chemical substance or mixture (unless the alleged cause can be directly attributed to an accidental spill or discharge), if the allegation is received on or after November 21, 1983. A "significant adverse reaction" is a reaction that may indicate a substantial impairment of normal activities, or long-lasting or irreversible damage to health or the environment.
 - Retain records of significant adverse reactions related to the health of employees, or arising from any employment related exposure for 30 years from the date such reactions were first reported, even if submitted by an organization on behalf of the employee. All other records of significant adverse reactions must be maintained for 5 years from the date such reactions were first reported.



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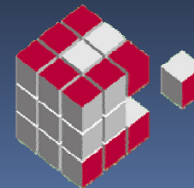
- For Manufacturers (Including Importers) who fall within NAICS (North American Industry Classification System) Subsector 325 (Chemical Manufacturing and Allied Products) or Industry Group 32411 (Petroleum Refineries)
 - Under the Health and Safety Data Reporting Rule, provide unpublished health and safety lists or study submissions (dated since November 1, 1977) to EPA on or before the 60th day after the effective date of the listing of subject chemicals (40 CFR 76.20), or within 60 days of proposing to manufacture, import, or process a listed substance or mixture if the proposal is made after the effective date of the listing. Submit copies of any additional ongoing studies to EPA within 30 days of completion if the study was initiated during the initial 60-day reporting period.



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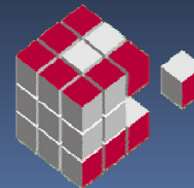
- For Manufacturers, Importers, Processors, or Distributors of Chemical Substances/Mixtures in Commerce (Substantial Risk and Emergency Incidents of Environmental Contamination Notification)
 - Immediately inform EPA if you obtain information which reasonably supports the conclusion that a substance or mixture presents a substantial risk of injury to health or the environment, unless you know that the EPA Administrator has been adequately informed of such information. You must report in writing to EPA within 15 working days after obtaining substantial risk information, and within 15 working days after obtaining relevant or significant supplemental data after an initial submission of substantial risk information.



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- Immediately report by telephone to the appropriate EPA Regional Office of "Emergency Incidents of Environmental Contamination," an environmental contamination (accidental or intentional) involving a chemical known to be a serious human or environmental toxicant and which because of the extent, pattern, and amount of contamination (1) seriously threatens humans with cancer, birth defects, mutation, death, or serious or prolonged incapacitation (e.g., neurotoxicologic effects, serious reproductive system effects), or (2) seriously threatens non-human organisms with large-scale or ecologically significant population destruction. If the EPA Regional Office can not be notified, the National Response Center in Washington, D.C. at (800) 424-8802 or (202) 426-2675 should be notified. Within 15 working days of the date of the telephone reporting, a written follow-up report must be sent to EPA Headquarters.
- **Chemical Importers**
 - Certify at the port of entry for shipments entering commerce in the U.S. that either: (1) the shipment is subject to TSCA and complies with all applicable rules and orders thereunder, or (2) it is not subject to TSCA. Keep a copy of the certification, along with the other Customs entry documentation, for five years from the date of entry of the shipment.

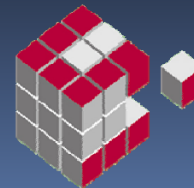


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Reporting Requirements Under TSCA

■ Chemical Exporters

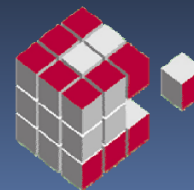
- Follow reporting and recordkeeping requirements of Section 8 of TSCA, as described above. Provide a stamp or label stating that the substance, mixture, or article is intended for export to qualify for exemption from other certain TSCA requirements.
- Notify EPA before making a shipment to a foreign country of any substance or mixture for which: (1) test data is required under Section 4 or 5(b); (2) an order has been issued under Section 5; (3) a rule has been proposed or issued under Section 5 or 6; or (4) an action is pending or relief has been granted under Section 5 or 7. EPA must then notify the government of the importing nation of such test data, rule, order, action, or relief.
- Provide written notice for the first export or intended export to a foreign country in a calendar year to EPA for each regulated substance or mixture, under the original Export Notification Rule. Postmark the notice within 7 days of forming the intent to export or on the date of export, whichever is earlier. If the notice is prompted by the issuance of a proposed rule, you have 30 days after publication of the rule to submit the notice to EPA.



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Reporting Requirements Under TSCA

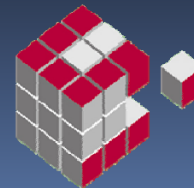
- Submit a one-time notice to EPA for export of a Section 4 chemical substance or mixture to a foreign country by the exporter, instead of an annual notice, under the amended Export Notification Rule.



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Reporting Requirements Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)

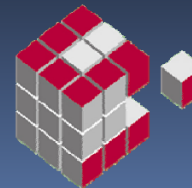
- Pesticide Reports for Pesticide-Producing Establishments
 - Each pesticide “producer operating at an establishment” must submit annual reports.
 - Made on form prepared by EPA (EPA Form 3540-16), available at: <http://www.epa.gov/compliance/resources/publications/monitoring/fifra/estabregform.pdf>
 - Must include the following:
 - Name and Address of Establishment;
 - For each pesticide product, the amount:
 - Produced during the Past Year;
 - Sold or Distributed During the Past Year;
 - Estimated to be Produced During the Current Year.



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Reporting Requirements Under FIFRA

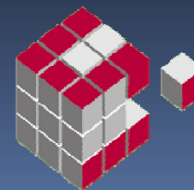
- Due on or before March 1st of each year (even if the establishment has produced no pesticidal product for that reporting year)
- Annual Maintenance Fee
 - Based on number of registrations held by registrant
 - \$950 for First Registration;
 - \$1900 For Each Additional Product
- Failure to Submit a Required Report
 - Establishment Registration may be Terminated; or
 - Subject to Civil and/or Criminal Penalties
- Adverse Effects Reporting
 - Required by Section 6(a)(2) of FIFRA
 - If at any time after the registration of a pesticide, the registrant has additional factual information regarding unreasonable adverse effects of the pesticide on the environment, the registrant shall submit such information to the Administrator.



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Reporting Requirements Under FIFRA

- Unreasonable adverse effects defined as:
 - ...any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide” or “a human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with” certain set standards.



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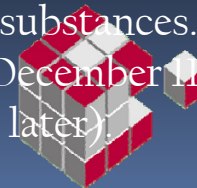
Environmental Reporting Requirements Under CERCLA

■ Emergency Notification Requirements

- Immediately notify the National Response Center at 800-424-8802 (202-267-2675 in the Washington, DC area) of a release of a hazardous substance into the environment in a quantity equal to or exceeding its reportable quantity. Hazardous substances and their reportable quantities are listed in 40 CFR 302.4. Additional reporting and notifications are required for continuous releases under CERCLA (40 CFR 302.8). A written notification must be made to the appropriate EPA Regional Office within 30 days of the initial telephone notification.

■ One-Time Notice

- Any owner/operator of a facility where hazardous substances were stored, treated, or disposed of, and such a facility had not been issued a permit or interim status under RCRA, must have notified EPA by June 9, 1981, of the existence of the facility, as well as amount and type of any hazardous substance found, and any known, suspected, or likely releases of such substances. Records must be kept on these facilities for 50 years, beginning with December 11, 1980, or the date of establishment of such records (whichever is later).



Reporting Requirements Under the Resource Conservation and Recovery Act

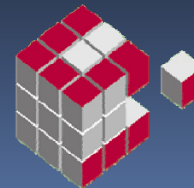
- For RCRA Facilities Required to have Groundwater Monitoring Programs
 - Submit annually, by March 1, Annual Groundwater Monitoring Summary
- For Generators Shipping Hazardous Waste Off-Site to a Treatment, Storage, or Disposal (TSD) Facility
 - Submit biennial hazardous waste generators report by March 1 of each even-numbered year to EPA (or state), or annually if required by state.
 - Provide accurate and complete information to transporters and TSD facilities on the chemical composition of hazardous wastes generated.
 - Use hazardous waste manifests to track each shipment of hazardous waste to ensure that all wastes arrive safely to the permitted TSD facility. If you do not receive a signed manifest from the TSD in 35 days, or a manifest that was not properly executed, contact the transporter and TSD to determine the status of the manifest and waste shipment. If a manifest is not received within 45 days, an exception report must be filed to EPA (or state). Small quantity generators have 60 days to receive a manifest before an exception report must be filed.



Reporting Requirements Under RCRA

■ For Generators

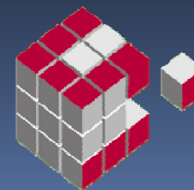
- Within 90 days of determining you are a RCRA hazardous waste generator, obtain EPA identification number and notify EPA of location and description of waste generating activities.
- Record quantities and constituents of the hazardous wastes generated and disposition of wastes.
- Provide a one-time notice to each treatment or storage facility receiving waste restricted from land disposal under 40 CFR 268 (Land Disposal Restrictions) and that does or does not meet treatment standards. Submit a new notification when there is a change in the waste or facility. Submit a one-time notice to the receiving facility if the waste is not prohibited from land disposal because of an extension, exception or variance.
- The facility should prepare an inspection plan to establish the schedule and scope of inspections of hazardous waste tanks and other container storage areas. Inspections must be performed and documented.



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Reporting Requirements Under RCRA

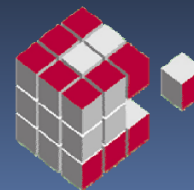
- Maintain contents of training program and participation records for required training of employees in proper management and handling of hazardous wastes (including Contingency Plan in event of hazardous waste release).
- Check additional reporting as required for activities under RCRA permits, such as RCRA Facility Investigation/Corrective Measure Study activities and associated monitoring, or interim status monitoring.
- Report releases of hazardous waste from a tank in an amount greater than one pound to the EPA Region Administrator within 24 hours of detection.
- For Treatment, Storage, and Disposal Units
 - If there is a release, fire or explosion that could threaten human health, or the environment outside the facility, notify either the government official designated as the on-scene coordinator for the geographic area or the National Response Center (800-424-8802). If evacuation from the local area is advisable, notify the appropriate local authorities.



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Reporting Requirements Under RCRA

- For Generators Who Store Hazardous Waste for Up to 90 Days
 - Maintain the following records at the facility: written description of procedures to ensure that waste remains in the unit for no more than 90 days, written description of the waste generation and management practices for the facility showing that they are consistent with the 90-day storage limit, and documentation that the procedures are complied with; OR, documentation that the unit is emptied every 90 days.
- For Owners and Operators of Underground Storage Tanks (USTs)
 - Within 30 days of bringing a UST into service, owners must submit a Notification for Underground Storage Tanks Form (EPA Form 7530-1) to EPA or designated department. Individual states may require individuals to use forms differing from the EPA form.



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Reporting Requirements Under RCRA

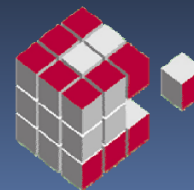
- Within 24 hours, or other reasonable time period specified by the implementing agency, owners and operators of UST systems must report any suspected release to the appropriate agency. Conditions which require reporting include discovery of regulated substances released at the UST site, or surrounding area; unusual operating conditions, such as erratic behavior of dispensing equipment, sudden loss of product, or presence of waste in the UST; and/or monitoring results indicate a release may have occurred.
- Within 24 hours, or other reasonable time period specified by the implementing agency, owners and operators of UST systems must report certain spills and overflows to the implementing agency. The cases requiring reporting include spills or overflows of petroleum resulting in a release in excess of 25 gallons, or amount specified by implementing agency, or that causes a sheen on nearby surface water; spills or overflows of a hazardous substance resulting in a release that equals or exceeds its reportable quantity under CERCLA; and/or spills and overflows less than 25 gallons of petroleum, and less than the reportable quantity of a hazardous substance when cleanup cannot be accomplished within 24 hours or other time period specified by the implementing agency, in which case the implementing agency must be notified immediately. (Under CERCLA, releases of hazardous substances in excess of their reportable quantities must be reported immediately, rather than 24 hours, to the National Response Center and appropriate state and local agencies.)



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Reporting Requirements Under RCRA

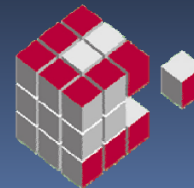
- Within 24 hours, or other time period specified by the implementing agency, owners and operators of UST systems must report the confirmation of a suspected release, or a release identified by other means, to the implementing agency.
- Within 20 days of release confirmation, or other reasonable time period specified by the implementing agency, owners and operators of UST systems must submit a report summarizing the initial abatement steps taken, and any resulting information or data to the implementing agency.
- Within 45 days of release confirmation, or other reasonable time period specified by the implementing agency, owners of UST systems must submit initial site characterization information to the implementing agency. This must include data on the nature and estimated quantity of the release; data from available sources or site investigations on surrounding populations, water quality, use and approximate locations of wells potentially affected by the release, subsurface soil conditions, locations of subsurface sewers, climatological conditions, and land use; results of the site check to measure the presence of the release where contamination was most likely to occur; and results of free product investigations to determine what free product must be recovered.



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Reporting Requirements Under RCRA

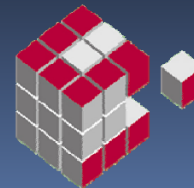
- Within 45 days of release confirmation, or other time period specified by the implementing agency, owners and operators of UST systems where releases, spills, or overflows have resulted in free product, must submit a report to the implementing agency. The report must include the name of the person responsible for implementing the free product removal measures; the estimated quantity, type, and thickness of free product observed or measured in wells, boreholes and excavations; the type of free product recovery system used; whether any discharge will take place on or off site during the recovery operations, and if so, where the discharge will be located; the type of treatment applied to and the effluent quality expected from any discharge; the steps that have been or are being taken to obtain necessary permits for any discharge; and the disposition of the recovered free product.
- As soon as practical, or in accordance with a schedule established by the implementing agency, owners and operators of UST systems where releases have occurred must submit information collected from soil and groundwater investigations in the area of the release, the release site, and the surrounding area possibly affected by the site to determine the extent of contamination, to the implementing agency.



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Reporting Requirements under the Clean Water Act

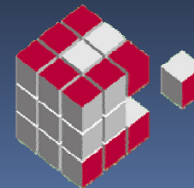
- Spill Prevention, Control and Countermeasure (SPCC) Requirements
 - Immediately notify the National Response Center (NRC) (800-424-8802) of a discharge of oil from the facility.
 - Prepare a Spill Prevention, Control and Countermeasure (SPCC) Plan if the facility is located onshore/offshore and has discharged or could reasonably be expected to discharge oil in harmful quantities into navigable waters
 - Integrated Contingency Plan (ICP) or State SPCC may also be used
 - SPCC Plan not required for facilities that have completely buried tanks subject to Underground Storage Tank Rules (40 CFR 280 or 281)
 - SPCC Plan not required for facilities with above ground storage capacity of less than 1,320 gallons of oil or containers under 55 gallons
 - Regional Administrators also may require otherwise exempt facilities to prepare an SPCC Plan on a case-by-case basis.



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Reporting Requirements Under the CWA

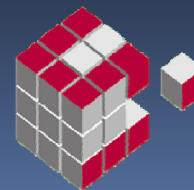
- Amend the SPCC Plan every 5 years
- Amend SPCC Plan if there has been a discharge of greater than 1000 gallons of oil into navigable waters, or more than 42 gallons in two spill events in any twelve month period
- Amend SPCC Plan if there have been changes in the facility design, construction, operation and/or maintenance that affects the facility's probability to discharge oil.
- Submit a spill report within 60 days if there has been a discharge of greater than 1000 gallons of oil into navigable waters, or more than 42 gallons in two spill events in any twelve month period
- Prepare a Facility Response Plan if your facility is a non-transportation-related onshore facility that, because of its location, could reasonably be expected to cause *Substantial Harm* to the environment by discharging oil into navigable waters or adjoining shorelines
 - Facility can be expected to cause “*substantial harm*” if the facility transfers oil over water to or from vessels and has a total oil storage capacity greater than or equal to 42,000 gallons; or the facility's total oil storage capacity is greater than or equal to 1,000,000 gallons



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Reporting Requirements Under the CWA

- If your facility could not reasonably be expected to cause “substantial harm” to the environment, but your facility is a non-transportation-related onshore facility, complete and maintain the “Substantial Harm Criteria” form in the SPCC Plan (Form located in Attachment C-II of 40 CFR 112, Appendix C)



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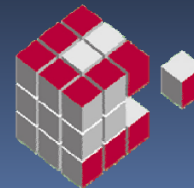
- National Pollutant Discharge Elimination System (NPDES) Permit Dischargers
 - Monitoring information must be submitted monthly (or other permitted frequency) on a discharge monitoring report (DMR)
 - A NPDES (or state equivalent) permit application, modification, or renewal must be submitted for industrial wastewater discharges (including storm water discharges associated with industrial activity) to U.S. waters at least 180 days before the date on which the discharge is to commence. Permit applications must be submitted 90 days in advance for construction activities, including clearing grading, and excavation resulting in disturbance of more than five acres.
 - Orally report within 24 hours of any non-compliance which may endanger human health or the environment. Within 5 days a written report must be submitted.
 - Notification must be provided at least 2 business days prior to a month in which the facility will operate at a level higher than the lowest production level identified in a permit which includes alternate production-based limits
 - Report an *unanticipated* bypass (diversion of waste streams from a part of treatment) within 24 hours of becoming aware of the circumstances. Submit a written follow-up within 5 days.



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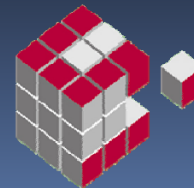
- Submit prior notice, if possible, at least 10 days before an *anticipated* bypass.
- Report other instances of non-compliance non reported in a DMR or 24-hour report at the time monitoring reports are submitted in a non-compliance report, and include the information required by a 24-hour notice reporting
- Promptly submit relevant facts that the facility failed to submit in a NPDES permit application, or incorrect information submitted in a permit application or report.
- Notify as soon as possible of any planned physical changes which may change the nature or quantity of pollutants discharged or result in a change in sludge use or disposal practices, or result in a new source.
- Give advance notice of any planned physical changes in the facility or activity that may result in non-compliance with permit requirements.
- Report an “upset” within 24 hours of becoming aware of the circumstances. Submit a written follow-up report within 5 days.
- Report violations of the maximum daily discharge limitations for any of the pollutants listed in the permit within 24 hours. Submit a written follow up report within 5 days.



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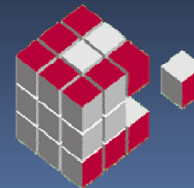
- Manufacturing, commercial, mining and silvicultural dischargers must provide notification as soon as they “know or have reason to believe” that any activity has occurred or will occur that will result in a discharge of any toxic pollutant, not limited in the NPDES permit, above specified notification levels.
- Facilities that use, manufacture, store, handle, or discharge listed toxic or hazardous pollutants under the CWA are subject to the best management practices (BMP) program requirements for all activities that may result in significant amounts of those pollutants reaching U.S. water. A written BMP program must be developed for the facility.
- Facilities that have a NPDES permit for discharge of stormwater associated with industrial activity must maintain a record of the required annual inspection and certification that the facility is in compliance with the plan and permit, and of any instances of non-compliance. Facilities covered under general permits must have developed Stormwater Pollution Prevention Plans.
- Stormwater reporting/recordkeeping is established on a case-by-case basis



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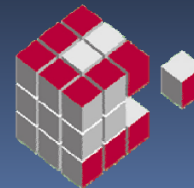
- Indirect Dischargers (Dischargers to POTW) Subject to Categorical Pretreatment Standards
 - Submit Semi-Annual Sampling and Analysis Report in June and December, unless otherwise specified by pretreatment standards or the Control Authority.
 - Within 180 days of promulgation of a new categorical pretreatment standard or EPA determination of applicability of a category to an indirect discharge or 90 days prior to commencement of discharge by a new source, dischargers must submit a Baseline Monitoring Report (BMR)
 - Within 90 days of the final compliance date for Categorical Pretreatment Standards, or for new sources, 90 days following commencement of discharge to POTW, submit a 90-day compliance report containing current monitoring results of the monitoring information submitted in the Baseline Monitoring Report
 - Within 24 hours of becoming aware of violating a Categorical Pretreatment Standard (through upset or bypass), report to the POTW. The initial notification may be oral and must be followed up with a written notification within 5 days.



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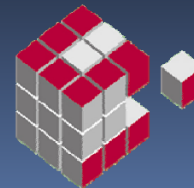
- Check with the local POTW or sewer use ordinances for separate requirements
- Industrial Users (Dischargers to POTW) Not Subject to Categorical Pretreatment Standards
 - Check with local POTW or sewer use ordinances for separate requirements
 - Submit to the Control Authority a semi-annual report including description of nature, concentration, and flow of pollutants on dates specified by the POTW
- All Industrial Users (Dischargers to POTW)
 - Immediately notify the POTW of all discharges that could cause problems to the POTW, including slug loadings as defined by the eight separate prohibitions



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Reporting Requirements Under the CWA

- If your facility discharges any amount of RCRA “acute” hazardous waste or >15 kg of any RCRA hazardous waste per calendar month, report the following to the POTW, EPA and state hazardous waste authorities within 180 days of the initial discharge:
 - Name of the Hazardous Waste Discharged;
 - Type of Discharge (continuous or batch); and
 - EPA Hazardous Waste Identification Number.
- Promptly notify the POTW in advance of any “substantial change” in the volume and character of pollutants in your discharge, including the hazardous wastes discussed above. Only changes expected to occur “on a regular or routine basis over an extended period of time (3 months or more) need to be reported.
- Give advance notice (10 days if possible) to the Control Authority of an *anticipated* bypass
- Within 24 hours of becoming aware of unanticipated bypass that exceeds applicable pretreatment standards, orally report to the Control Authority, and follow up with a written submission within 5 days.



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