

§ 372.27

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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; 85 FR 37357, June 22, 2020]

§ 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 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 chem-

ical, 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.

TABLE 1 TO PARAGRAPH (a)(1)

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

TABLE 1 TO PARAGRAPH (a)(1)—Continued

Chemical name	CAS No.	Reporting threshold
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.

TABLE 2 TO PARAGRAPH (a)(2)

Category name	Reporting threshold (in pounds unless otherwise noted)
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) (see § 372.65(c) for a list of chemicals covered by this category).	0.1 grams.
Hexabromocyclododecane (see § 372.65(c) for a list of chemicals covered by this category)	100
Lead Compounds	100
Mercury compounds	10
Polycyclic aromatic compounds (PACs) (see § 372.65(c) for a list of chemicals covered by this category).	100

(b) The threshold determination provisions under § 372.25(c) through (h) and the exemptions under § 372.38(b) through (h) are applicable to the toxic chemicals listed in paragraph (a) of this section.

[64 FR 58750, Oct. 29, 1999, as amended at 66 FR 4527, Jan. 17, 2001; 75 FR 72733, Nov. 26, 2010; 81 FR 85444, Nov. 28, 2016; 85 FR 42314, July 14, 2020]

§ 372.29 Thresholds for per- and polyfluoroalkyl substances.

Notwithstanding § 372.25, for the chemicals set forth in § 372.65(d) and (e) the manufacturing, processing, and otherwise use thresholds are 100 pounds.

[85 FR 37357, June 22, 2020]

§ 372.30 Reporting requirements and schedule for reporting.

(a) For each toxic chemical known by the owner or operator to be manufactured (including imported), processed, or otherwise used in excess of an applicable threshold quantity in § 372.25, § 372.27, § 372.28, or § 372.29 at its covered facility described in § 372.22 for a cal-

endar year, the owner or operator must submit to EPA and to the State in which the facility is located a completed EPA Form R (EPA Form 9350–1), EPA Form A (EPA Form 9350–2), and, for the dioxin and dioxin-like compounds category, EPA Form R Schedule 1 (EPA Form 9350–3) in accordance with the instructions referred to in subpart E of this part. If the covered facility is located in Indian country, the facility shall submit (to the extent applicable) a completed EPA Form R, Form A, and Form R Schedule 1 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.

(b)(1) The owner or operator of a covered facility is required to report as described in paragraph (a) of this section on a toxic chemical that the owner or operator knows is present as a component of a mixture or trade name product which the owner or operator receives from another person, if that chemical is imported, processed, or