

## Environmental Protection Agency

## § 372.10

American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction.

*Title III* means Title III of the Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-To-Know Act of 1986.

*Toxic chemical* means a chemical or chemical category listed in § 372.65.

*Trade name product* means a chemical or mixture of chemicals that is distributed to other persons and that incorporates a toxic chemical component that is not identified by the applicable chemical name or Chemical Abstracts Service Registry number listed in § 372.65.

*Treatment for destruction* means the destruction of a toxic chemical in waste such that the substance is no longer the toxic chemical subject to reporting under EPCRA section 313. Treatment for destruction does not include the destruction of a toxic chemical in waste where the toxic chemical has a heat value greater than 5,000 British thermal units and is combusted in any device that is an industrial furnace or boiler.

*Tribal Chairperson or equivalent elected official* means the person who is recognized by the Bureau of Indian Affairs as the chief elected administrative officer of the Tribe.

*Waste stabilization* means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquid as determined by a RCRA approved test method for evaluating solid waste as defined in this section. A waste stabilization process includes mixing the hazardous waste with binders or other materials, and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are “stabilization,” “waste fixation,” or “waste solidification.”

[53 FR 4525, Feb. 16, 1988, as amended at 55 FR 30656, July 26, 1990; 62 FR 23891, May 1, 1997; 71 FR 32474, June 6, 2006; 73 FR 76960, Dec. 18, 2008; 77 FR 23418, Apr. 19, 2012; 87 FR 63955, Oct. 21, 2022]

### § 372.5 Persons subject to this part.

Owners and operators of facilities described in §§ 372.22 and 372.45 are subject to the requirements of this part. If the owner and operator of a facility are different persons, only one need report under § 372.30 or provide a notice under § 372.45 for each toxic chemical in a mixture or trade name product distributed from the facility. However, if no report is submitted or notice provided, EPA will hold both the owner and the operator liable under section 325(c) of Title III, except as provided in §§ 372.38(e) and 372.45(g).

[53 FR 4525, Feb. 16, 1988, as amended at 73 FR 32470, June 9, 2008]

### § 372.10 Recordkeeping.

(a) Each person subject to the reporting requirements of this part must retain the following records for a period of 3 years from the date of the submission of a report under § 372.30:

(1) A copy of each report submitted by the person under § 372.30.

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishments is a covered facility under § 372.22 or § 372.45.

(3) Documentation supporting the report submitted under § 372.30 including:

(i) Documentation supporting any determination that a claimed allowable exemption under § 372.38 applies.

(ii) Data supporting the determination of whether a threshold under § 372.25 applies for each toxic chemical.

(iii) Documentation supporting the calculations of the quantity of each toxic chemical released to the environment or transferred to an off-site location.

(iv) Documentation supporting the use indications and quantity on site reporting for each toxic chemical, including dates of manufacturing, processing, or use.

(v) Documentation supporting the basis of estimate used in developing any release or off-site transfer estimates for each toxic chemical.

(vi) Receipts or manifests associated with the transfer of each toxic chemical in waste to off-site locations.

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(vii) Documentation supporting reported waste treatment methods, estimates of treatment efficiencies, ranges of influent concentration to such treatment, the sequential nature of treatment steps, if applicable, and the actual operating data, if applicable, to support the waste treatment efficiency estimate for each toxic chemical.

(b) Each person subject to the notification requirements of this part must retain the following records for a period of 3 years from the date of the submission of a notification under § 372.45.

(1) All supporting materials and documentation used by the person to determine whether a notice is required under § 372.45.

(2) All supporting materials and documentation used in developing each required notice under § 372.45 and a copy of each notice.

(c) Records retained under this section must be maintained at the facility to which the report applies or from which a notification was provided. Such records must be readily available for purposes of inspection by EPA.

(d) Each owner or operator who determines that the owner operator may apply the alternate threshold as specified under § 372.27(a) must retain the following records for a period of 3 years from the date of the submission of the certification statement as required under § 372.27(b):

(1) A copy of each certification statement submitted by the person under § 372.27(b).

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishment is eligible to apply the alternate threshold as specified in § 372.27.

(3) Documentation supporting the certification statement submitted under § 372.27(b) including:

(i) Data supporting the determination of whether the alternate threshold specified under § 372.27(a) applies for each toxic chemical.

(ii) Documentation supporting the calculation of annual reportable amount, as defined in § 372.27(a), for each toxic chemical, including documentation supporting the calculations and the calculations of each data ele-

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ment combined for the annual reportable amount.

(iii) Receipts or manifests associated with the transfer of each chemical in waste to off-site locations.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994; 71 FR 76944, Dec. 22, 2006; 74 FR 19005, Apr. 27, 2009]

### § 372.18 Compliance and enforcement.

Violators of the requirements of this part shall be liable for a civil penalty in an amount not to exceed \$25,000 each day for each violation as provided in section 325(c) of Title III.

## Subpart B—Reporting Requirements

### § 372.20 Process for modifying covered chemicals and facilities.

(a) Request to add a facility to the TRI list of covered facilities.

(b) The Administrator, on his own motion or at the request of a Governor of a State (with regard to facilities located in that State) or a Tribal Chairperson or equivalent elected official (with regard to facilities located in the Indian country of that Tribe), may apply the requirements of section 313 of Title III to the owners and operators of any particular facility that manufactures, processes, or otherwise uses a toxic chemical listed under subsection (c) of section 313 of Title III if the Administrator determines that such action is warranted on the basis of toxicity of the toxic chemical, proximity to other facilities that release the toxic chemical or to population centers, the history of releases of such chemical at such facility, or such other factors as the Administrator deems appropriate.

(c) Petition to add or delete a chemical from TRI list of covered chemicals.

(d) *In general.* (1) Any person may petition the Administrator to add or delete a chemical to or from the list described in subsection (c) of section 313 of Title III on the basis of the criteria in subparagraph (A) or (B) of subsection (d)(2) and (d)(3) of section 313 of Title III. Within 180 days after receipt of a petition, the Administrator shall take one of the following actions:

(i) Initiate a rulemaking to add or delete the chemical to or from the list,