

June 27, 2023

Via Email

Dr. Michal Freedhoff, Assistant Administrator
U.S. Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Freedhoff.Michal@epa.gov

Denise Keehner, Director
David Widawsky, Director, Data Gathering and Analysis Division
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Keehner.Denise@epa.gov
Widawsky.David@epa.gov

**Re: Closing the Waste Loophole in the Supplier Notification Requirement of the
Toxics Release Inventory**

Dear Assistant Administrator Freedhoff, Director Keehner, and Division Director Widawsky:

The undersigned organizations and individuals submit this letter requesting that the U.S. Environmental Protection Agency (“EPA” or the “Agency”) take the steps needed to ensure that facilities that are subject to reporting requirements and manage waste containing toxic chemicals do not miss critical information needed to make threshold determinations and accurately report releases to the Toxics Release Inventory (“TRI”). In particular, we urge EPA to modify its interpretation that the term “mixture” does not include waste for purposes of the supplier notification regulation (“SNR”) implementing section 313 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”).¹ For the reasons detailed below, this letter urges EPA to expeditiously issue new guidance clarifying that waste sent off site is subject to the SNR.

I. Background: The TRI and SNR

Congress established the TRI as part of EPCRA, which was enacted “to provide the public with important information on the hazardous chemicals in their communities.”² The TRI compiles information about releases of toxic chemicals from covered facilities in a publicly

¹ 40 C.F.R. § 372.45.

² H.R. Rep. No. 99-962, at 281 (1986) (Conf. Rep.).

accessible database. Covered facilities must annually report releases of listed chemicals that are “known to be present at the facility.”³

To support and advance the objectives of the TRI, the SNR facilitates a downstream flow of information about toxic chemicals contained in mixtures or trade name products, which serves to minimize underreporting based on lack of certainty or knowledge about whether TRI-listed chemicals are in the mixture or product. If a facility meets certain criteria, it must notify each person to whom the mixture or trade name product is sold or distributed of the presence of any TRI-listed chemical in the mixture or product.⁴

The purpose of the SNR is to “mov[e] the information about the presence and composition of listed toxic chemicals into the hands of the facilities that must report” under EPCRA section 313.⁵ However, EPA’s current interpretation of the term “mixture” excludes waste.⁶ Therefore, facilities subject to reporting requirements that receive waste containing toxic chemicals may rely on uncertainty or lack of knowledge for not reporting the presence of those chemicals to the TRI.

EPA’s guidance on this issue states:

If your mixture or other trade name product contains one of the EPCRA section 313 chemicals, you are not required to notify your customers . . . [for] waste sent off site for further waste management. The supplier notification requirements apply only to mixtures and trade name products. They do not apply to wastes.⁷

By failing to require supplier notification for toxic chemicals managed in waste, EPA fosters underreporting from a sector that plays a major role in the handling and release of toxic

³ 42 U.S.C. § 11023(g)(1)(C).

⁴ 40 C.F.R. § 372.45(a).

⁵ Toxic Chemical Release Reporting; Community Right-to-know, 53 Fed. Reg. 4500, 4510 (Feb. 16, 1988).

⁶ See Addition of Facilities in Certain Industry Sectors; Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right-to-Know, 62 Fed. Reg. 23,834, 23,871 (May 1, 1997) (“Supplier notification applies to chemicals contained in mixtures or trade name products. EPA does not consider wastes to be ‘mixtures or trade name products.’” (quoting 40 C.F.R. § 372.45)).

⁷ EPA, EPA 740-B-19-040, *Toxics Release Inventory: Supplier Notification Requirements 3*, (Feb. 2020) (“SNR Guidance”), https://ordspub.epa.gov/ords/guideme_ext/guideme_ext/guideme/file/tri%20guidance%20for%200supplier%20notification%20requirements%20-%20february%202020.pdf; see also EPA, EPA 745-B-19-001, *Emergency Planning and Community Right-to-Know Act – Section 313: EPCRA Section 313 Questions & Answers 2019 Consolidation Document 340*, (Apr. 2019), https://guideme.epa.gov/ords/guideme_ext/guideme_ext/guideme/file/2019qa.pdf (“A mixture is defined as a combination of two or more chemicals if the chemicals are not part of a waste stream . . .”).

chemicals. This undermines the information-gathering purpose of the SNR and the statutory right-to-know objective of EPCRA—thereby leaving communities in the dark. To remedy this major loophole, we urge EPA to change its interpretation of the term “mixture” for the SNR to include chemicals in waste, clarifying that waste sent off site is subject to the SNR.

II. EPA Must Change Its Interpretation That the Term “Mixture” Does Not Include Waste Because This Interpretation Is Inconsistent with the SNR and the Overall Policy of the TRI Program.

EPA must change its interpretation of “mixture” in the SNR context because the text, structure, history, and purpose of the SNR demonstrates that notification requirements should apply to toxic chemicals contained in waste. The definition of the term “mixture” is broad enough to include waste, and the capacious structure of the SNR supports a broad interpretation. Further, the history and purpose of the regulation reaffirms that all facilities subject to reporting requirements must receive the informational benefits of the SNR.

a. EPA’s narrow interpretation of “mixture” is at odds with the capacious text and structure of the SNR.

EPA’s interpretation of “mixture” is at odds with the text and structure of the SNR, which establishes a downstream flow of information about toxic chemicals in mixtures and trade name products intending to reach all facilities subject to reporting requirements. The term “mixture” is broadly defined in EPA’s TRI implementing regulations as:

any combination of two or more chemicals, if the combination is not, in whole or in part, the result of a chemical reaction. However, if the combination was produced by a chemical reaction but could have been produced without a chemical reaction, it is also treated as a mixture. A mixture also includes any combination which consists of a chemical and associated impurities.⁸

Read in the context of the overall structure of the SNR, this definition—and particularly the use of the word “any”—suggests that notification requirements should cover the combinations of chemicals in waste that are received by facilities subject to reporting requirements.

All the operative terms establishing the reach of the SNR are expansive. For instance, the SNR applies to facilities not subject to reporting requirements but “who in turn may sell or otherwise distribute[] such mixture or trade name product” to a covered facility.⁹ This broad application shows that the SNR is concerned about the notification process breaking down in the hands of facilities that are not covered by the TRI program but which play a role in the supply chain of toxic chemicals. Further, to ensure wide reach, the regulation expands notification requirements to instances beyond external commercial transactions by the use of the term

⁸ 40 C.F.R. § 372.3 (emphasis added).

⁹ *Id.* § 372.45(a)(3).

“otherwise distributed,” which includes “intra-company transfers.”¹⁰ The regulation is structured to ensure that all facilities that must report obtain a trail about the toxic chemicals they receive to support the informational objectives of the TRI program.

EPA’s interpretation of “mixture” should not undercut the goals of the SNR. Rather, the Agency should adopt an interpretation that is consistent with the terms of that regulation and that furthers the information-gathering policy of the TRI.

b. The history and purpose of the SNR indicate that covered waste management facilities must receive the informational benefits of the SNR.

EPA’s cramped interpretation of the term “mixture” in the context of the SNR ignores the regulation’s history and weakens its function. As explained below, supplier notifications have long been considered a crucial mechanism to ensure that covered facilities are properly accounting for all known toxic TRI-listed chemicals present at facilities—including those contained in mixtures and trade name products—when they are making decisions about whether and how they must report.

The history of the SNR shows that it was meant to align with the scope of facilities subject to reporting requirements. At the time the SNR was promulgated, waste management facilities were not covered by section 313 of EPCRA because EPA initially chose not to expand the scope of facility coverage beyond those in the manufacturing sector.¹¹ Due to its focus on activities conducted by manufacturing facilities, EPA’s guidance specifically “instructed facilities not to include the amounts treated (including treatment for destruction and waste stabilization) or disposed toward the ‘manufacture,’ ‘process,’ or ‘otherwise use’ threshold.”¹² Thus, because waste management facilities were not subject to reporting requirements, applying the SNR to toxic chemicals in waste served no purpose.

However, out of concern that “the public may not have access to information relating to the use and releases and other waste management activities of toxic chemicals by facilities . . . receiving materials for purposes of treatment for destruction, stabilization, or disposal,” EPA promulgated a rule in 1997 expanding the scope of coverage to include waste management operations.¹³ The Agency modified the scope of facility coverage by changing its regulatory definition of “otherwise use” to include certain waste management activities, which the Agency

¹⁰ SNR Guidance at 1.

¹¹ 53 Fed. Reg. at 4503–04.

¹² 62 Fed. Reg. at 23,836.

¹³ Addition of Facilities in Certain Industry Sectors; Toxic Chemical Release Reporting; Community Right-to-Know, 61 Fed. Reg. 33,588, 33,596 (proposed June 27, 1996) (“Therefore, EPA is modifying its interpretation of activities considered ‘otherwise used’ as it applies to activity thresholds under section 313 to include treatment for destruction, disposal, and waste stabilization . . . when the EPCRA section 313 facility engaged in these activities receives materials containing any chemical . . . from one or more other facilities . . . for the purposes of further waste management activities.”); 62 Fed. Reg. 23,834 (final rule).

determined was consistent with the statutory objective of EPCRA.¹⁴ It also expanded the set of industries subject to the TRI to include some waste management activities such as commercial hazardous waste treatment.¹⁵ Despite modifying the scope of covered facilities for reporting purposes, the Agency did not extend the SNR to the generators that transfer hazardous wastes to waste management facilities that became subject to reporting requirements.¹⁶ As a result, EPA created a misalignment between the SNR and the scope of covered facilities subject to reporting requirements.

The resulting regulatory mismatch is inconsistent with the purpose and function of the SNR. EPA recognized that “facilities may not always have full information regarding mixture components” and promulgated the SNR to eliminate instances of underreporting based on uncertainty or lack of knowledge regarding the composition of mixtures or trade name products.¹⁷ Providing more thorough information about mixtures will give a facility the necessary information to determine thresholds and releases determinations.

EPA’s narrow interpretation of the term “mixture” in the SNR context frustrates the policy of the regulation by breaking down the notification process when it comes to waste management facilities, a major reporting sector that was added out of the concern that previous facility coverage “left a significant gap in the information reported” to the TRI program.¹⁸ Without changing this, a significant data gap will persist to the detriment of communities who are entitled to the full disclosure of releases of toxic chemicals.

III. EPA’s Rationale for Its Interpretation Is Based on Faulty Assumptions About the Waste Management Sector.

EPA’s rationale for excluding recipients of waste containing toxic chemicals from the benefits of the SNR is mainly based on faulty assumptions about the waste management sector. When the Agency expanded the scope of coverage to include certain waste management facilities in 1997, EPA declined to extend SNR requirements to toxic chemicals in waste sent off site because, it reasoned, waste management facilities already “possess adequate information to report under section 313.”¹⁹ The Agency stated:

EPA believes that existing information provided to these facilities through RCRA manifests, reporting requirements and facility practices, taken together with facilities’ knowledge of the waste management processes they operate, provide a

¹⁴ *Id.* at 23,847 (“Otherwise use or use means any use of a toxic chemical that is not covered by the terms ‘manufacture’ or ‘process’, and includes treatment for destruction, stabilization (without subsequent distribution in commerce), disposal, and other use of a toxic chemical . . .”).

¹⁵ *Id.*

¹⁶ *Id.* at 23,872.

¹⁷ 53 Fed. Reg. at 4508–09.

¹⁸ 62 Fed. Reg. at 23,869.

¹⁹ *Id.* at 23,871.

sufficient basis for them to develop reasonable estimates for section 313 reporting.²⁰

EPA's rationale has proven to be incorrect. In fact, some waste management facilities do lack knowledge of TRI-listed chemicals that are present in the waste they receive, which results in failures to include the "otherwise use" of those chemicals in calculating their thresholds and releases.

Correspondence between EPA and certain waste management companies confirms that these facilities do rely on ignorance of what is in the waste they receive to justify not reporting to the TRI. For instance, when EPA inquired of Heritage Thermal Services ("HTS") about the reporting of a particular toxic chemical, the company replied that "[b]ased on the characterization of waste provided to HTS by its customers in accordance with the facility's waste analysis plan, HTS has no record of receipt for this chemical."²¹ Similarly, another waste management facility, Wayne Disposal Inc., told EPA that the chemical in question "was not identified in the waste received."²²

Further, relying on the Hazardous Waste Manifest System of the Resource Conservation and Recovery Act ("RCRA") to provide facilities with the information that could trigger threshold determinations and reporting requirements is unreasonable because not all toxic chemicals subject to TRI reporting are listed as hazardous waste under RCRA. For example, there are no per- and polyfluoroalkyl substances ("PFAS") currently listed as hazardous waste under RCRA, while over 180 PFAS are listed on the TRI. And even if there is some information provided under RCRA, facilities may still rely on lack of knowledge to avoid reporting requirements in the absence of a supplier notification.²³

Without the information provided by the SNR, EPA cannot ensure that waste management facilities have a "sufficient basis" to properly conduct the threshold determinations and release and other waste management reporting required by the TRI.

²⁰ *Id.*

²¹ E-mail from Caleb Cameron, Heritage Thermal Services, to EPA (Aug. 16, 2021) (attached at page 6 of Exhibit A).

²² E-mail from Sylvia Scott, U.S. Ecology, to EPA (Aug. 4, 2021) (attached at page 14 of Exhibit B).

²³ According to RCRA manifests, a facility acquired and operated by Republic Service since 2020 received and may have otherwise used that same year 11.6 million pounds of waste containing aqueous film forming foam, a mixture that very likely included one or more reportable PFAS. Yet, these facilities reported bare amounts of releases of these toxic chemicals to the 2020 TRI. See Sharon Lerner, *Massive Quantities of PFAS Waste Go Unreported to EPA*, Intercept (Aug. 5, 2022), <https://theintercept.com/2022/08/05/pfas-waste-epa-aff-us-ecology/>.

IV. Conclusion

To avoid missing critical information about releases and other waste management of toxic chemicals from the waste management sector, we urge EPA to issue new guidance reflecting that the term “mixture” includes waste for purposes of the SNR. This would align notification requirements with the universe of all covered recipients subject to reporting and support the fundamental goals of the TRI program. Such a modified interpretation is consistent with the text, structure, history, and purpose of the SNR. EPA should make this change expeditiously to ensure that full information is gathered starting in the 2024 reporting cycle.

If you have any questions about the above, please do not hesitate to contact Jorge Roman-Romero, Equal Justice Works Attorney at Midwest Environmental Advocates, at jromanromero@midwestadvocates.org,²⁴ and Kelly Lester, Associate Attorney at Earthjustice, at klester@earthjustice.org.

Respectfully Submitted,

Alaska Community Action on Toxics

Center for Environmental Health

Clean + Healthy

Clean Cape Fear

Clean Haw River

Clean Water Action

Consumer Reports

Defend Our Health

Earthjustice

Environment America Research & Policy Center

Environmental Defense Fund

Environmental Justice Task Force Tucson

Environmental Working Group

Fountain Valley Clean Water Coalition

Green Science Policy Institute

Merrimack Citizens for Clean Water

²⁴ Available at this organization until June 30, 2023.

Midwest Environmental Advocates
Milwaukee Riverkeeper
Moms for a Nontoxic New York
National PFAS Contamination Coalition
Natural Resources Defense Council
North Carolina Conservation Network
PfoaProjectNY
River Alliance of Wisconsin
Safer States
Sierra Club
SOH2O
South Carolina Indian Affairs Commission
Testing for Pease
Toxic-Free Future
U.S. PIRG
Union of Concerned Scientists
Wisconsin Conservation Voters
Zero Waste Washington

Anne Hulick
Cromwell, Connecticut
Member of Alliance of Nurses for Healthy Environments
Clean Water Action, State Director

Kathryn Alcantar
San Jose, California

Lawrence G. Higgins
Fairfield, Maine
Member of Fairfield Water Concerned Citizens

Sharyle Patton
Bollinas, California

Stel Bailey
Brevard County, Florida
Executive Director of Fight for Zero

cc: Grant Cope, Senior Counselor to the Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington DC, 20004
Cope.Grant@epa.gov

Barry Breen, Acting Assistant Administrator
Office of Land and Emergency Management
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Breen.Barry@epa.gov

Exhibit A

**HERITAGE THERMAL SERVICES (43920VNROLL1250S)
1250 ST GEORGE ST, EAST LIVERPOOL, OH 43920 (Region 5)**

EPA Email – OG-1

Region 5 Email

08/16/2021 05:00am

From: *Kushal Som*

Subject: Toxics Release Inventory (TRI) Data Quality Questions [(HERITAGE THERMAL SERVICES) (TRIFID: 43920VNROLL1250S)] Form R for Reporting Year(s) 2020 - Due September 10, 2021

Sent To	E-Mail Address
Self: Kushal Som	som.kushal@epa.gov
To: RAYMOND WAYNE	RWAYNE@HERITAGE-WTI.COM
To: CALEB CAMERON	CCAMERON@HERITAGE-ENVIRO.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

77 West Jackson Boulevard CHICAGO, IL 60604

Toxics Release Inventory (TRI) Data Quality Questions [(HERITAGE THERMAL SERVICES) (TRIFID: 43920VNROLL1250S)] Form R for Reporting Year 2020 - Due September 1, 2021

Mon Aug 16 08:59:30 EDT 2021

Dear RAYMOND WAYNE and CALEB CAMERON:

This email message is part of an annual data quality check EPA conducts before releasing its Toxics Release Inventory National Analysis. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Hexafluoropropylene Oxide dimer acid and Hexafluoropropylene oxide dimer acid ammonium salt submitted to EPA from your facility: *HERITAGE THERMAL SERVICES - (TRIFID: 43920VNROLL1250S)* for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.
- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid ammonium salt to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid ammonium salt in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid ammonium salt for reporting year 2020, if required.

How do I respond to this inquiry? (Step 1 is always required)

Step 1:

Begin by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=10a4a224-3ed0-4d13-91e4-67358e6b8c5f&target=87842ee6-8043-4074-ac3c-7f9ec698b8fc>

If you indicate new submission, revision, or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you need to make revisions, withdrawals, or new submissions, **please complete them and Certify them in your CDX reporting account by September 1, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have follow up questions, please contact Kushal Som at som.kushal@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Kushal Som

EPA Email – OG-2

Headquarters Email

09/12/2021 11:59am

From: *Velu Senthil*

Subject: TRI Data Quality Issues Resolved [DO NOT REPLY]

Sent To	E-Mail Address
Cc: som.kushal@epa.gov	som.kushal@epa.gov
To: RAYMOND WAYNE	RWAYNE@HERITAGE-WTI.COM
To: CALEB CAMERON	CCAMERON@HERITAGE-ENVIRO.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

Sun Sep 12 15:59:15 EDT 2021

Dear RAYMOND WAYNE and CALEB CAMERON:

EPA would like to inform you that data quality issues raised for your facility [HERITAGE THERMAL SERVICES (TRIFID: 43920VNRL1250S)] during reporting year 2020 Adhoc Data Quality Checks cycle are resolved for the following:

Reporting Year(s) Chemicals

2020 Hexafluoropropylene oxide dimer acid and Hexafluoropropylene oxide dimer acid ammonium salt

This data quality check for your facility has been completed.

Your cooperation is much appreciated.

Sincerely,

Velu Senthil

TRI Data Quality Program

US EPA

Email sent on 08/16/2021 09:00am

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

77 West Jackson Boulevard CHICAGO, IL 60604

Toxics Release Inventory (TRI) Data Quality Questions [(HERITAGE THERMAL SERVICES) (TRIFID: 43920VNRL1250S)] Form R for Reporting Year 2020 - Due September 1, 2021

Mon Aug 16 08:59:30 EDT 2021

Dear RAYMOND WAYNE and CALEB CAMERON:

This email message is part of an annual data quality check EPA conducts before releasing its Toxics Release Inventory National Analysis. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Hexafluoropropylene Oxide dimer acid and Hexafluoropropylene oxide dimer acid ammonium salt submitted to EPA from your facility: *HERITAGE THERMAL SERVICES - (TRIFID: 43920VNRL1250S)* for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.
- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid ammonium salt to TRI for reporting year 2020, but might have

received Hexafluoropropylene oxide dimer acid ammonium salt in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid ammonium salt for reporting year 2020, if required.

How do I respond to this inquiry? (Step 1 is always required)

Step 1:

Begin by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=10a4a224-3ed0-4d13-91e4-67358e6b8c5f&target=87842ee6-8043-4074-ac3c-7f9ec698b8fc>

If you indicate new submission, revision, or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you need to make revisions, withdrawals, or new submissions, **please complete them and Certify them in your CDX reporting account by September 1, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have follow up questions, please contact Kushal Som at som.kushal@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Kushal Som

Facility Response – IC-1

Subject: Facility Response Form
From: Caleb Matthew Cameron

(330) 386-
2182

Aug 16, 2021 1:37:26 PM
[ccameron@heritage-
enviro.com](mailto:ccameron@heritage-enviro.com)

Contractor Company Name: Heritage Thermal
Services

You are receiving this form because EPA has detected some potential data quality issues with your facility's TRI submissions. The reporting year, chemical name, and an explanation of the potential error has been provided.

PFAS-NOT RY 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid ammonium salt to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid ammonium salt in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid ammonium salt for reporting year 2020, if required.
- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Hexafluoropropylene oxide dimer acid	No Change	
Reason for Response	Based on the characterization of waste provided to HTS by its customers in accordance with the facility's waste analysis plan, HTS has no record of receipt for this chemical.	
Hexafluoropropylene oxide dimer acid ammonium salt	No Change	
Reason for Response	Based on the characterization of waste provided to HTS by its customers in accordance with the facility's waste analysis plan, HTS has no record of receipt for this chemical	



Exhibit B

**WAYNE DISPOSAL INC (48111WYNDS49350)
49350 N I-94 SERVICE DR, BELLEVILLE, MI 48111 (Region 5)**

EPA Email – OG-1

Headquarters Email

07/25/2021 03:18pm

From: *Velu Senthil*

Subject: Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)] for RY 2020 - Due September 10, 2021

Sent To	E-Mail Address
To: DAVE CRUMRINE	DAVE.CRUMRINE@USECOLOGY.COM
To: SYLWIA SCOTT	SYLWIA.SCOTT@USECOLOGY.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

**Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)]
Form R for Reporting Year(s) 2020 - Due September 10, 2021**

Sun Jul 25 19:18:14 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

This email message is part of an annual data quality check EPA conducts before releasing its Toxics Release Inventory National Analysis. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Asbestos (friable), Benzo[g,h,i]perylene, Chromium compounds (except for chromite ore mined in the Transvaal Region), Dioxin and dioxin-like compounds, Hexafluoropropylene oxide dimer acid, Lead compounds, N-Methyl-2-pyrrolidone and Nickel compounds submitted to EPA from your facility [(Name: WAYNE DISPOSAL INC) - (TRIFID: 48111WYNDS49350)] for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Your facility reported .145 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was a decrease of 935.095 grams from the previous year amount of 935.24 grams.
- Your facility reported 16,001.8043 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for N-Methyl-2-pyrrolidone in the current year. This was a decrease of 139,182.4757 pounds from the previous year amount of 155,184.28 pounds.
- Your facility reported 306,534.14 pounds of land releases for Chromium compounds (except for chromite ore mined in the Transvaal Region) in the current year 2020. This was an an increase of 137,272.36 pounds from the previous year amount of 169,261.78 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.
- Your facility reported 1,980,345.334 pounds of land releases for Asbestos (friable) in the current year 2020. This was an an increase of 790,069.894 pounds from the previous year amount of 1,190,275.44 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Your facility reported 43.4 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was an increase of 37.771 grams from the previous year amount of 5.629 grams.
- Your facility reported 2,629.1469 pounds of RCRA Subtitle C Landfills for Benzo[g,h,i]perylene in the current year 2020. This was an increase of 2,293.9669 pounds from the previous year amount of 335.18 pounds.
- Your facility reported 566,032.65 pounds of RCRA Subtitle C Landfills for Lead compounds in the current year 2020. This was an increase of 489,267.19 pounds from the previous year amount of 76,765.46 pounds.
- Your facility reported 408,251.0273 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for Nickel compounds in the current year. This was an increase of 267,102.90793 pounds from the previous year amount of 141,148.11937 pounds.

How do I respond to this inquiry?

Step 1:

Please respond by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=957d288c-d3ac-4100-9217-bd78461091a7&target=5da2f137-7451-40de-90bd-56cd57811e1c>

If you indicate new submission, revision or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI

reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you would like to make any revisions, withdrawals or new submissions, **please send them to EPA by September 10, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have any follow up questions, please contact Velu Senthil at (202) 566-0749 or email at senthil.velu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Velu Senthil

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

EPA Email – OG-2

Headquarters Email

08/04/2021 11:01am

From: *Velu Senthil*

Subject: Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)] Form R for Reporting Year(s) 2020 - Due September 10, 2021

Sent To	E-Mail Address
To: DAVE CRUMRINE	DAVE.CRUMRINE@USECOLOGY.COM
To: SYLWIA SCOTT	SYLWIA.SCOTT@USECOLOGY.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

**Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)]
Form R for Reporting Year(s) 2020 - Due September 10, 2021**

Wed Aug 04 14:54:26 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

EPA received your facility's response. Your facility indicated "No Change" for data quality question for Hexafluoropropylene oxide dimer acid, a PFAS chemical. "GIANT CEMENT CO, SC" reported transferring approximately 225 pounds of Hexafluoropropylene oxide dimer acid to your facility for disposal in RCRA sub title C landfill. The reportable threshold for Hexafluoropropylene oxide dimer acid is 100 pounds.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Hexafluoropropylene oxide dimer acid submitted to EPA from your facility: WAYNE DISPOSAL INC) - (TRIFID: 48111WYNDS49350) for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.

How do I respond to this inquiry? (Step 1 is always required)

Step 1:

Begin by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=f4d3d182-42ce-4974-b258-21a94bcde083&target=5da2f137-7451-40de-90bd-56cd57811e1c>

If you indicate new submission, revision, or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you need to make revisions, withdrawals, or new submissions, **please complete them and Certify them in your CDX reporting account by September 10, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have follow up questions, please contact Velu Senthil at senthil.velu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Velu Senthil

Email sent on 07/25/2021 07:18pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

**Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)]
Form R for Reporting Year(s) 2020 - Due September 10, 2021**

Sun Jul 25 19:18:14 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

This email message is part of an annual data quality check EPA conducts before releasing its Toxics Release Inventory National Analysis. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Asbestos (friable), Benzo[g,h,i]perylene, Chromium compounds (except for chromite ore mined in the Transvaal Region), Dioxin and dioxin-like compounds, Hexafluoropropylene oxide dimer acid, Lead compounds, N-Methyl-2-pyrrolidone and Nickel compounds submitted to EPA from your facility [(Name: WAYNE DISPOSAL INC) - (TRIFID: 48111WYNDS49350)] for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Your facility reported .145 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was a decrease of 935.095 grams from the previous year amount of 935.24 grams.
- Your facility reported 16,001.8043 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for N-Methyl-2-pyrrolidone in the current year. This was a decrease of 139,182.4757 pounds from the previous year amount of 155,184.28 pounds.
- Your facility reported 306,534.14 pounds of land releases for Chromium compounds (except for chromite ore mined in the Transvaal Region) in the current year 2020. This was an an increase of 137,272.36

pounds from the previous year amount of 169,261.78 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.
- Your facility reported 1,980,345.334 pounds of land releases for Asbestos (friable) in the current year 2020. This was an increase of 790,069.894 pounds from the previous year amount of 1,190,275.44 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Your facility reported 43.4 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was an increase of 37.771 grams from the previous year amount of 5.629 grams.
- Your facility reported 2,629.1469 pounds of RCRA Subtitle C Landfills for Benzo[g,h,i]perylene in the current year 2020. This was an increase of 2,293.9669 pounds from the previous year amount of 335.18 pounds.
- Your facility reported 566,032.65 pounds of RCRA Subtitle C Landfills for Lead compounds in the current year 2020. This was an increase of 489,267.19 pounds from the previous year amount of 76,765.46 pounds.
- Your facility reported 408,251.0273 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for Nickel compounds in the current year. This was an increase of 267,102.90793 pounds from the previous year amount of 141,148.11937 pounds.

How do I respond to this inquiry?

Step 1:

Please respond by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=957d288c-d3ac-4100-9217-bd78461091a7&target=5da2f137-7451-40de-90bd-56cd57811e1c>

If you indicate new submission, revision or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you would like to make any revisions, withdrawals or new submissions, **please send them to EPA by September 10, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have any follow up questions, please contact Velu Senthil at (202) 566-0749 or email at senthil.velu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Velu Senthil

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

EPA Email – OG-3

Headquarters Email

08/04/2021 11:53am

From: *Velu Senthil*

Subject: TRI Data Quality Issues Resolved [DO NOT REPLY]

Sent To	E-Mail Address
Self: Velu Senthil	senthil.velu@epa.gov
To: DAVE CRUMRINE	DAVE.CRUMRINE@USECOLOGY.COM
To: SYLWIA SCOTT	SYLWIA.SCOTT@USECOLOGY.COM

Attachments:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

Wed Aug 04 15:52:57 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

EPA would like to inform you that data quality issues raised for your facility [WAYNE DISPOSAL INC (TRIFID: 48111WYND549350)] during reporting year 2020 Adhoc Data Quality Checks cycle are resolved for the following:

Reporting Year(s) Chemicals

2020 Asbestos (friable), Benzo[g,h,i]perylene, Chromium compounds (except for chromite ore mined in the Transvaal Region), Dioxin and dioxin-like compounds, Hexafluoropropylene oxide dimer acid, Lead compounds, N-Methyl-2-pyrrolidone and Nickel compounds

This data quality check for your facility has been completed.

Your cooperation is much appreciated.

Sincerely,

Velu Senthil

TRI Data Quality Program

US EPA

Email sent on 08/04/2021 03:01pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

**Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)]
Form R for Reporting Year(s) 2020 - Due September 10, 2021**

Wed Aug 04 14:54:26 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

EPA received your facility's response. Your facility indicated "No Change" for data quality question for Hexafluoropropylene oxide dimer acid, a PFAS chemical. "GIANT CEMENT CO, SC" reported transferring approximately 225 pounds of Hexafluoropropylene oxide dimer acid to your facility for disposal in RCRA sub-title C landfill. The reportable threshold for Hexafluoropropylene oxide dimer acid is 100 pounds.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Hexafluoropropylene oxide dimer acid submitted to EPA from your facility: *WAYNE DISPOSAL INC* - (TRIFID: 48111WYNDS49350) for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received

Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.

How do I respond to this inquiry? (Step 1 is always required)

Step 1:

Begin by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=f4d3d182-42ce-4974-b258-21a94bcde083&target=5da2f137-7451-40de-90bd-56cd57811e1c>

If you indicate new submission, revision, or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you need to make revisions, withdrawals, or new submissions, **please complete them and Certify them in your CDX reporting account by September 10, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have follow up questions, please contact Velu Senthil at senthil.velu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Velu Senthil

Email sent on 07/25/2021 07:18pm

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

**Toxics Release Inventory (TRI) Data Quality Questions [(WAYNE DISPOSAL INC) (TRIFID: 48111WYNDS49350)]
Form R for Reporting Year(s) 2020 - Due September 10, 2021**

Sun Jul 25 19:18:14 EDT 2021

Dear SYLWIA SCOTT and DAVE CRUMRINE:

This email message is part of an annual data quality check EPA conducts before releasing its Toxics Release Inventory National Analysis. EPA performs many analyses on the TRI data prior to releasing the final report to the public to ensure that the TRI dataset is of the highest quality possible.

This inquiry does not assume that there is a reporting error. Rather, EPA would like to provide you an opportunity to review and validate your submission(s) regarding the below observation(s) and make correction(s), if necessary.

The Form R for Asbestos (friable), Benzo[g,h,i]perylene, Chromium compounds (except for chromite ore mined in the Transvaal Region), Dioxin and dioxin-like compounds, Hexafluoropropylene oxide dimer acid, Lead compounds, N-Methyl-2-pyrrolidone and Nickel compounds submitted to EPA from your facility [(Name: WAYNE DISPOSAL INC) - (TRIFID: 48111WYNDS49350)] for reporting year(s) 2020 has been identified for follow-up due to the following:

Reporting Year 2020

- Your facility reported .145 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was a decrease of 935.095 grams from the previous year amount of 935.24 grams.
- Your facility reported 16,001.8043 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for N-Methyl-2-pyrrolidone in the current year. This was a decrease of 139,182.4757 pounds from the previous year amount of 155,184.28 pounds.
- Your facility reported 306,534.14 pounds of land releases for Chromium compounds (except for chromite ore mined in the Transvaal Region) in the current year 2020. This was an increase of 137,272.36 pounds from the previous year amount of 169,261.78 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.
- Your facility reported 1,980,345.334 pounds of land releases for Asbestos (friable) in the current year 2020. This was an increase of 790,069.894 pounds from the previous year amount of 1,190,275.44 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Your facility reported 43.4 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was an increase of 37.771 grams from the previous year amount of 5.629 grams.
- Your facility reported 2,629.1469 pounds of RCRA Subtitle C Landfills for Benzo[g,h,i]perylene in the current year 2020. This was an increase of 2,293.9669 pounds from the previous year amount of 335.18 pounds.

- Your facility reported 566,032.65 pounds of RCRA Subtitle C Landfills for Lead compounds in the current year 2020. This was an increase of 489,267.19 pounds from the previous year amount of 76,765.46 pounds.
- Your facility reported 408,251.0273 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for Nickel compounds in the current year. This was an increase of 267,102.90793 pounds from the previous year amount of 141,148.11937 pounds.

How do I respond to this inquiry?

Step 1:

Please respond by answering the questions on the following questionnaire:

<https://cdxnodengn.epa.gov/cdx-tri-quest/questionnaire?survey=957d288c-d3ac-4100-9217-bd78461091a7&target=5da2f137-7451-40de-90bd-56cd57811e1c>

If you indicate new submission, revision or withdrawal in web response questionnaire, please proceed to step 2.

Step 2:

Facilities must use TRI-MEweb to submit, revise, or withdraw TRI reporting forms (except for trade secret submissions, which facilities must submit on paper). EPA provides online tutorials on how to setup, prepare (<https://www3.epa.gov/tri/tutorials/TRIT-20/index.html>), revise (<https://www3.epa.gov/tri/tutorials/TRIT-32/index.html>), withdraw (<https://www3.epa.gov/tri/tutorials/TRIT-33/index.html>), transmit, and certify a TRI reporting form using TRI-MEweb; links to common questions and answers; a troubleshooting guide to resolve access issues to TRI-MEweb; and a link to the CDX login page (CDX is used to access TRI-MEweb). <https://www.epa.gov/toxics-release-inventory-tri-program/electronic-submission-tri-reporting-forms> [epa.gov]

If you would like to make any revisions, withdrawals or new submissions, **please send them to EPA by September 10, 2021.**

Please do not reply directly to this email. **This email account is NOT MONITORED.** Email replies cannot be read and will not receive a response.

If you are no longer the technical contact for TRI reporting, please forward this email to the new contact. If you do not know who the new technical contact is or have any follow up questions, please contact Velu Senthil at (202) 566-0749 or email at senthil.velu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

Velu Senthil

1200 Pennsylvania Avenue NW WASHINGTON, DC 20460

Facility Response – IC-1

Subject: Facility Response Form

Aug 4, 2021 10:14:14 AM

From: Sylwia Scott

(734) 699-6294

sylwia.scott@usecology.com

You are receiving this form because EPA has detected some potential data quality issues with your facility's TRI submissions. The reporting year, chemical name, and an explanation of the potential error has been provided.

PBT-CNG-LND RY 2020

- Your facility reported .145 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was a decrease of 935.095 grams from the previous year amount of 935.24 grams.
- Your facility reported 2,629.1469 pounds of RCRA Subtitle C Landfills for Benzo[g,h,i]perylene in the current year 2020. This was an increase of 2,293.9669 pounds from the previous year amount of 335.18 pounds.
- Your facility reported 43.4 grams of RCRA Subtitle C Landfills for Dioxin and dioxin-like compounds in the current year 2020. This was an increase of 37.771 grams from the previous year amount of 5.629 grams.
- Your facility reported 566,032.65 pounds of RCRA Subtitle C Landfills for Lead compounds in the current year 2020. This was an increase of 489,267.19 pounds from the previous year amount of 76,765.46 pounds.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Benzo[g,h,i]perylene	No Change	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	
Dioxin and dioxin-like compounds	No Change	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	
Lead compounds	No Change	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	

PFAS-NOT RY 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Hexafluoropropylene oxide dimer acid	No Change	
Reason for Response	TSCA-CNG-REL RY 2020	

- Your facility reported 16,001.8043 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for N-Methyl-2-pyrrolidone in the current year. This was a decrease of 139,182.4757 pounds from the previous year amount of 155,184.28 pounds.
- Your facility reported 408,251.0273 pounds of Total on-site disposal to UIC Class I Wells, RCRA Subtitle C landfills and other landfills for Nickel compounds in the current year. This was an increase of 267,102.90793 pounds from the previous year amount of 141,148.11937 pounds.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
N-Methyl-2-pyrrolidone	Other	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	
Nickel compounds	No Change	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	

XTOX-LND-CNG RY 2020

- Your facility reported 1,980,345.334 pounds of land releases for Asbestos (friable) in the current year 2020. This was an an increase of 790,069.894 pounds from the previous year amount of 1,190,275.44 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.
- Your facility reported 306,534.14 pounds of land releases for Chromium compounds (except for chromite ore mined in the Transvaal Region) in the current year 2020. This was an an increase of 137,272.36 pounds from the previous year amount of 169,261.78 pounds. Check the on-site land release quantities in Sections 5.4 and 5.5 of the Form R.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Asbestos (friable)	No Change	
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.	

Reported Chemical	Reporting Year (if Response applicable)
Chromium compounds (except for chromite ore mined in the Transvaal Region)	No Change
Reason for Response	Facility is a hazardous waste treatment storage and disposal facility that receives various waste streams from numerous generators. Waste streams vary in volumes and constituent concentrations.

Facility Response – IC-2

Subject: Facility Response Form Aug 4, 2021 3:46:58 PM
 From: Sylwia Scott (734) 699-6924 sylwia.scott@usecology.com

You are receiving this form because EPA has detected some potential data quality issues with your facility's TRI submissions. The reporting year, chemical name, and an explanation of the potential error has been provided.

PFAS-NOT RY 2020

- Section 7321 of the National Defense Authorization Act for Fiscal Year 2020 (NDAA) immediately added approximately 172 per- and polyfluoroalkyl substances (PFAS) (https://www.epa.gov/sites/production/files/2021-01/documents/tri_non-cbi_pfas_list_1_8_2021_final.pdf) to the list of chemicals covered by the Toxics Release Inventory (TRI), and the threshold for each chemical is 100 pounds per year. Your facility has not submitted any report for Hexafluoropropylene oxide dimer acid to TRI for reporting year 2020, but might have received Hexafluoropropylene oxide dimer acid in excess of processing / otherwise use reporting threshold amounts from one or more TRI facilities for waste management activities such as disposal and/or treatment. Please review and submit new report for Hexafluoropropylene oxide dimer acid for reporting year 2020, if required.

The source of these releases and quantities are listed below:

Reported Chemical	Response	Reporting Year (if applicable)
Hexafluoropropylene oxide dimer acid	No Change	
Reason for Response	Hexafluoropropylene oxide dimer acid was not identified in the waste received	

