



Department of Energy
Washington, DC 20585
September 4, 1998

Docket Coordinator
Docket Number 300RR-IF1
U.S. Environmental Protection Agency
CERCLA Docket Office
401 M St., SW, Mail Code 5201G
Washington, DC 20460

Dear Sir/Madam:

On June 8, 1998, the Environmental Protection Agency (EPA) published a notice of proposed rule making discussing requirements for emergency planning, release notification, and hazardous chemical community right-to-know reporting under EPCRA (63 FR 31268). In this proposed rule EPA is exploring several ways to improve the efficiency of reporting requirements under EPCRA Sections 311-312 and has proposed several changes. However, the Department of Energy (DOE) would like to bring to your attention omissions and discrepancies in 40 CFR 302, "Designation, Reportable Quantities, and Notification."

To streamline the process of determining whether a hazardous substance release is subject to the reporting requirements of CERCLA Section 103(a) [i.e., has exceeded its reportable quantity (RQ) within a 24-hour period], the DOE Office of Environmental Policy and Assistance, RCRA/CERCLA Division (EH-413), developed the "RQ-Calculator." This is a computer program that allows the user to quickly determine whether any substance spilled is a regulated substance, and to advise whether the amount spilled exceeded its' reportable quantity. In the process of updating this program, DOE identified the following inconsistencies in the lists of CERCLA hazardous substances and reportable quantities published in Table 40 CFR 302.4, "List of Hazardous Substances and Reportable Quantities."

1. In comparing Appendix A in § 302.4 (Sequential CAS Registry Number List of CERCLA Hazardous Substances) to Table 302.4 (List of Hazardous Substances and Reportable Quantities) we found that three substances are listed in Appendix A, but are not listed in Table 302.4. These three substances are as follows:

<u>CASRN</u>	<u>Substance</u>
96184	Thiofanox
122394	Diphenylamine.
616239	n-,2,3 Dichloropropanol

Because these substances are listed only in Appendix A to § 302.4, which does not include a listing of associated RQ values, we did not assign RQs to these substances. We request that you confirm that this is so and identify what these RQs should be.

2. Again, while comparing Appendix A to Table 302.4, we observed that 39 hazardous substances listed in Table 302.4 were omitted from Appendix A. These substances are as follows:

<u>CASRN</u>	<u>Substance</u>
57578	beta-Propiolactone
59892	N-Nitrosomorpholine
60355	Acetamide
64675	Diethyl sulfate
68122	Dimethylformamide
79118	Chloroacetic acid
90040	o-Anisidine
91667	N,N-Diethylaniline
92524	Biphenyl
92671	4-Aminobiphenyl
92933	4-Nitrobiphenyl
96093	Styrene oxide
101688	MDI
101779	4,4'-Methylenedianiline
105602	Caprolactam
106887	1,2-Epoxybutane
106990	1,3-Butadiene
107211	Ethylene glycol
110543	Hexane
111422	Diethanolamine
114261	Propoxur (Baygon)
120809	Catechol
21697	N,N-Dimethylaniline
123319	Hydroquinone
123386	Propionaldehyde
132649	Dibenzofuran
133904	Chloramben
156627	Calcium cyanamide
334883	Diazomethane
463581	Carbonyl sulfide
532274	2-Chloroacetophenone
540841	2,2,4-Trimethylpentane
593602	Vinyl bromide
680319	Hexamethylphosphoramide
822060	Hexamethylene-1,6-diisocyanate
1582098	Trifluralin
1634044	Methyl tert-butyl ether
3547044	DDE
7550450	Titanium tetrachloride

We believe that this inconsistency appears to have arisen as a result of the 1995 implementation of the final rule “Reportable Quantity Adjustments” (henceforth “final rule”) published in the Federal Register on June 12, 1995 [60 FR 30926].

The amendments to Table 302.4, as shown in 60 FR 30926, list 63 substance names or synonyms referenced against CASRNs. Listed are 49 CASRNs in all (some substance names are synonyms associated with the same CASRN). The 39 CASRNs that are missing from Appendix A, form a subset of the 49 CASRNs listed in the final rule. It appears that the final rule that modified Table 302.4, did not fully implement equivalent changes in the Appendix A to § 302.4. Consequently, the 39 CASRNs we listed above are missing from Appendix A in the latest edition of 40 CFR 302.4. However, it should be noted that 10 of the 49 CASRNs that were listed in the final rule, are included in Appendix A published in the latest edition of 40 CFR 302.4. The following are those 10 CASRNs:

<u>CASRN</u>	<u>Substance</u>
95476	Benzene, o-dimethyl-
95487	o-Cresol
98953	Nitrobenzene
106423	Benzene, p-dimethyl-
106445	p-Cresol
108383	m-Xylene
108394	m-Cresol
126998	Chloroprene
1319773	Cresols (isomers and mixture).
1330207	Xylene

3. Also, we observed in Table 302.4 numerous instances of duplicate listings (i.e., identical “literal strings”), small typing errors, and the prevalence of typing inconsistencies throughout. We estimate that there may be several hundred of such duplications, errors or inconsistencies (we are cognizant that different synonyms for the same CASRN are not duplications). Outside of literal string duplication itself (which we suggest be purged), a few examples are shown below of the types of inconsistencies we found when the “same” substance was listed more than once in Table 302.4:

2-Propen-1-ol [ends with arabic number one]
 2-Propen-1-ol [ends with lower case letter “L”]

Lead, bis(acetato-O)tetrahydroxytri- [contains “atat” versus “at”]
 Lead, bis(acetato-O)tetrahydroxytri- [contains “at” versus “atat”]

1,1'-Biphenyl]-4,4'-diamine,3,3'-dichloro- [no hyphen after 3']
 1,1'-Biphenyl]-4,4'-diamine,3,3'-dichloro- [hyphen after 3']

In instances such as these, confusion could arise as to whether these represent synonyms or typographical inconsistency, albeit we suspect the latter.

Because DOE is anxious to ensure that the data entered into the revised RQ-Calculator program are as accurate as possible, we request that you confirm that the observations described in (1) and (2) above are correct.

In addition, if our observations in (1) and (2) are correct, we would like to suggest that a correction to 40 CFR 302.4 be published at some time in the future. If this were to occur, we further suggest that EPA purge duplicate listings, correct typing errors, ensure consistent formatting, and correct any other errors that we may not be aware of at this time.

In regard to the latter, if there are other known errors or omissions in Table 302.4, we request that the corrected data be forwarded to us to incorporate into the RQ-Calculator program.

We anticipate releasing the RQ-Calculator program in its new form on the Internet this fall, and at that time we would be pleased to inform you of its availability as resource tool. Thank you for your attention to this matter.

Sincerely,

Thomas T. Traceski
 Director, RCRA/CERCLA Division
 Office of Environmental Policy and Assistance