

TGG: ~~RE~~ ~~WAS~~: RF

XF: none

Thomas G. Grumbles

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Reagan has agreed to freeze the nation's emissions of nitrogen oxide, a pollutant in acid rain, at 1987 levels for at least seven years, a White House official said. Reagan's decision assures U.S. participation in an international pact to curb acid rain.

To RDG

Date 8/8/88

The simple answer is
yes. All permitting will
become harder when
NO_x is involved. Ethylene
for sure, maybe not VCM
depending on undecided variables.
(Also NISCO)

In theory, no increases above 1987
levels will be allowed. Actual
administration of the concept is
not clear yet.

VVV 000008652



TGG: JCL: MMG: RF

XF: _____

Thomas G. Grumbles

VISTA

To Environmental Coordinators Date 8/8/88

For your information - Summary
of EPA Title 3 - 313
enforcement policy.

TGG

VVV 000008653

TOXIC CHEMICAL
RELEASE REPORTING
ENFORCEMENT POLICY
ESTABLISHED

Regulatory Issues

The U.S. Environmental Protection Agency has established a compliance monitoring strategy for enforcing the chemical release reporting requirements of Section 313 of Superfund Amendments and Reauthorization Act (SARA) Title III. Section 313 requires manufacturing facilities meeting certain criteria to report by July 1 releases of over 300 chemicals on an annual basis. Failure to comply with the requirements could lead to the imposition of civil penalties of up to \$25,000 per violation per day.

For the first year report, EPA will direct its enforcement efforts toward identifying: 1) companies which made submissions with readily apparent errors; 2) late reporting companies; and 3) non-reporters. EPA intends to issue substantial penalties against companies that do not report. Those reporting late or with inaccurate or incorrect submissions will be subject to lesser penalties unless there is evidence of wilful or fraudulent behavior.

Reports involving incorrect or incomplete submissions will be detected during review and entry of data and generally will not require inspections. Upon discovery of an inaccurate report, a notice of noncompliance will be issued requiring correction of the errors within thirty days. Failure to comply with the notice will result the assessment of a penalty and full compliance within a specified time. Further failure to comply and pay the penalty will result in the agency seeking a larger civil penalty.

A non-reporting facility is one which fails to submit any report or fails to report on all relevant chemicals. Identification of these facilities (which will usually require inspections) will be accomplished by cross-referencing the list of reporting facilities against information available in other EPA databases. Pesticide producers who fail to report may be identified by using the computerized FIFRA and TSCA Enforcement System (FATES) and the National Pesticide Information Retrieval Service. Other chemical manufacturers may be identified from information available through the TSCA Section Eight Inventory Update Rule.

EPA regional offices will generally focus on chemical users and processors, but Regions II, III and V and the National Enforcement Investigation Center will also inspect chemical manufacturers for compliance during TSCA Section Five and Eight inspections. During these inspections, shipment records will be reviewed to identify other potentially non-complying processors or users. Regions are also instructed to investigate potential noncompliance based upon tips or complaints that they may receive.

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EPA is expected to spend considerable time and effort in monitoring compliance with Section 313. For further information on EPA's compliance strategy, contact CSMA's Legal Department.

NEIC
coming to LCCP+
LCCM on
8/15 For both!