Department of Energy
Washington, DC 20585
February 4, 2004

Office of Environmental Information Docket
Environmental Protection Agency
Mail Code: 28221T
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Attention Docket ID No. TRI-2003-0001

Dir Sir or Madam:

Re: *Toxics Release Inventory (TRI) Stakeholder Dialogue Phase II – Burden Reduction Options*

On November 5, 2003 (Notice of Availability, 68 *FR* 62579), the U.S. Environmental Protection Agency (EPA) initiated Phase II of the national Stakeholder Dialogue process for identifying improvements to the Toxics Release Inventory (TRI) program and developing opportunities to reduce the burden on reporting facilities. Under Phase II of the Stakeholder Dialogue, EPA has provided a white paper that presents and requests input on a number of burden reduction options and potential enhancements to the Toxics Release Inventory – Made Easy (TRI-ME) reporting software.

The U.S. Department of Energy (DOE) appreciates the opportunity to comment on the burden reduction options and TRI-ME software initiative. As requested, each comment is preceded by a reference to the burden reduction option or software topic being addressed. In addition, a brief description is provided that identifies the specific issue to which DOE's comment is directed. If you have any questions or need further clarification of our comments, please contact Jane Powers of my staff at 202-586-7301, or *jane.powers@eh.doe.gov*.

Sincerely,

Thomas T. Traceski
Director
Office of Pollution Prevention
and Resource Conservation

Enclosure

UNITED STATES
DEPARTMENT OF ENERGY

Comments On
TOXIC RELEASE INVENTORY (TRI)
STAKEHOLDER DIALOGUE PHASE II – BURDEN REDUCTION OPTIONS

NOTICE OF ONLINE DIALOGUE
(68 FR 62579; NOVEMBER 5, 2003)

U.S. DEPARTMENT OF ENERGY
COMMENTS ON
TOXIC RELEASE INVENTORY (TRI)
STAKEHOLDER DIALOGUE PHASE II BURDEN REDUCTION OPTIONS

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Phase II Stakeholder Comment: Option#3—Expanding Eligibility for the TRI Form A Certification Statement

EPA would like comment on why some facilities that are eligible to use the Form A Certification Statement are not currently doing so and any suggestions for eliminating barriers to its use.

Most DOE facilities fill out the TRI Form R, even if they are eligible for the Form A, because the use of the Form A does not offer substantive burden reduction, as these facilities have to undertake detailed calculations to determine eligibility. The only actual burden reduction realized is the time to fill out the form, which is minimal.

The following two changes to the Form A eligibility would potentially increase the use of the Form A by DOE facilities:

- Expand eligibility--EPA could allow TRI reporting on recycling and energy recovery to use the Form A. An amendment could be made to the Form A that would include four new rows for offsite recycling, onsite recycling, offsite energy recovery, and onsite energy recovery. In four new columns, reporters could check the range of the annual amount recycled or energy recovered (in pounds): 0, 1-999, 1,000-99,000 and 100,000+.

- Increase the release reporting threshold—EPA should consider raising the current 500 pound release reporting threshold limit to 5,000 pounds. For many DOE facilities, this would offer burden reduction, as the need for detailed calculations would be minimized, particularly for those facilities whose operations do not change much from year to year.

Phase II Stakeholder Comment : Option #4 – Creating a new, "No Significant Change" Certification Statement

EPA would like comment on whether it should consider the development of a new form that would allow facilities to certify "no significant change" in TRI reporting as measured against a designated baseline year. How should a baseline year be designated and how many consecutive years should a facility be permitted to use this option before establishing a new baseline year? How should a facility determine when no significant change has taken place?

DOE agrees that this option has the potential to reduce reporting burden for certain production-related chemical releases. Criteria based on a specific percentage change in total production, or qualitative criteria such as no significant change in material inputs and production process,

would offer burden reduction for DOE facilities. For the specific percentage, DOE suggests EPA consider <15% as representing "no significant change." Regarding the choice of a baseline year, DOE believes that the baseline should be established as the reporting year prior to the year this change would go into effect. A new baseline could be established every 5 years, with a Form R being submitted at that time.

Phase II Stakeholder Comment: Option #5 – Use of Range Reporting for Section 8 of the Form R

EPA requests comment on whether it should allow for use of range reporting in Section 8 of the Form R.

DOE supports the use of range reporting in section 8 of the Form R, along with the option of reporting a number, when more appropriate. However, the use of range reporting in Section 8 may not offer significant burden reduction because in many cases detailed calculations would still have to be performed to determine releases.

Phase II Stakeholder Comment: Option #6 – Other Options for Burden Reduction

Alternate Year Reporting

Alternate year reporting would offer the simplest approach to true burden reduction, as no information gathering or calculations would be required. Congress originally intended that EPCRA Section 313 reporting was to provide information on trends and quantities of chemicals released that may warrant future control, not as a means of precisely tracking or providing timely release data. TRI data trends could still be monitored appropriately through the use of alternate year reporting. Currently, the TRI public data release occurs 18 months or longer after the actual releases occurred, providing historical, rather than current release data. In addition, EPA currently has other successful environmental programs that utilize biennial reporting, such as the RCRA Hazardous Waste Biennial Report System.

Phase II Stakeholder Comment: Enhancements to the TRI-ME Software

EPA is soliciting feedback on the strengths and weakness of the current TRI-ME software, as well as ideas for its enhancement.

DOE facilities believe that extending the submission module in *TRI-ME* to allow simultaneous submission to the appropriate State agency would offer burden reduction. This module, which allows facilities to submit their forms electronically to EPA over the Internet via CDX, could be programmed to provide an option that would allow simultaneous submission to the appropriate State agency, when determined acceptable by all parties involved.

Another enhancement to the Form R that would offer some burden reduction would be to have section 8 automatically filled in with the data elements derived from other sections of the Form R (sections 5 and 6.) Reporters could then make any changes if there were releases in sections 5 or 6 (e.g., releases due to remedial actions) that are not reportable in section 8.