

# Special Report



## NATIONAL ASPHALT PAVEMENT ASSOCIATION

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## EPCRA/SARA Title III

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The Emergency Planning and Community Right-to-Know Act (**EPCRA**) is also known as the Superfund Amendments and Reauthorization Act (**SARA**) Title III. It was designed to improve community access to information about chemical hazards and to facilitate the development of chemical emergency response plans by state and local governments. Under EPCRA, each state has the authority to adopt more stringent requirements, including setting lower threshold levels for individual substances than those established by EPA. EPCRA is located in the following regulations: 40 CFR Parts 350-372, and is made up of four types of reporting obligations for facilities which store or manage specified chemicals.

- **Emergency Planning:** Facilities subject to emergency planning requirements include those with listed extremely hazardous chemicals on-site in a quantity equal to or greater than the established threshold planning quantity (TPQ).
  - EPCRA §302 requires facilities to notify the SERC and LEPC of the presence of any “extremely hazardous substance” (the list of these substances can be found in 40 CFR Part 355, Appendices A and B) if it has such substances in excess of the substance’s TPQ, and
  - Directs the facility to appoint an emergency response coordinator.

- **Emergency Notification:**
  - EPCRA §304 requires the facility to immediately notify the State Emergency Response Commissions (SERCs) and the Local Emergency Planning Committees (LEPCs) in the event of an unplanned release exceeding the reportable quantity of a CERCLA hazardous substance or an EPCRA extremely hazardous substance.
  
- **Community Right-to-Know:** These provisions of EPCRA are intended to increase the public’s knowledge and access to information regarding the presence of hazardous chemicals in the community and releases of these chemicals into the environment.
  - EPCRA §311 and §312 require facilities where a hazardous chemical, as defined by OSHA, is present in an amount exceeding a specified threshold to submit to the SERC, LEPC, and local fire department, Material Safety Data Sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This will help the local government respond in the event of a spill or release of the chemical.
  
- **Toxic Chemical Release Reporting:**
  - EPCRA §313 requires manufacturing facilities included in SIC codes 20 through 30, which have ten or more employees, and which manufacture, process, or use specified chemicals in amounts greater than threshold quantities, to submit an annual toxic chemical release report. Commonly known as the Form R, it covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

**Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):** This is a statute through which Congress established EPA’s hazardous substance release reporting and cleanup program, also known as the “Superfund” program. The statutory “pieces” of Superfund consist of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, the Superfund Amendments and Reauthorization Act of 1986 (SARA), and subsequent reauthorization in 1990. Congress established a program in CERCLA to identify sites where hazardous substances have been, or might be released into the environment; to evaluate the dangers present; and to ensure that the sites are cleaned up. Because Congress established a large trust fund in CERCLA, which is primarily funded by taxes levied on certain petroleum products and chemicals, the program became known as “trust fund, or Superfund, pays for the CERCLA program.

**TABLE 1**  
**CERCLA/EPCRA Regulations**

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
Part 300  <b>(CERCLA §105 and CWA §311 (Clean Water Act))</b>	National Oil and Hazardous Substances Pollution Contingency Plan (NCP)	<p>The purpose of the National Oil and Hazardous Substances NCP is to provide the organizational structure and procedures for, and responding to, discharges of oil and releases of hazardous substances, pollutants, and contaminants. The NCP is required by, and applicable to, response actions taken pursuant to the authorities under CERCLA and CWA. The NCP applies to, and is in effect for:</p> <ol style="list-style-type: none"> <li>1. Discharges of oil into or on the navigable waters of the US, on the adjoining shorelines, the waters of the contiguous zone, or into waters that may affect natural resources belonging to the exclusive management of the US.</li> <li>2. Releases into the environment hazardous substances, and pollutants or contaminants that may present an imminent and substantial danger to public health or welfare.</li> </ol> <p>The NCP provides for efficient, coordinated responses to discharges of oil and releases of hazardous substances, etc. It provides for:</p> <ol style="list-style-type: none"> <li>1. The national response organization that may be activated in response actions.</li> </ol> <p>This establishes requirements for federal, regional, and area contingency plans. It also summarizes state and local emergency planning requirements under SARA Title III.</p>	Yes

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
Part 302 <b>(CERCLA §103)</b>	Designation, Reportable Quantities, and Notification	<p>This regulation sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act. Such releases are subject to state and local reporting under <b>EPCRA §304</b>.</p> <p>As soon as the person in charge of the facility has knowledge of any release of a hazardous substance from the facility in a quantity equal to or greater than the reportable quantity in a 24-hour period, they must immediately report to the National Response Center (800-424-8802).</p> <p>Hazardous substances are subject to the following notification requirements:</p> <ol style="list-style-type: none"> <li>1. If the quantity of one or more of the hazardous constituent of the mixture or solution is known, notification is required where an RQ or more of any hazardous constituent is released.</li> <li>2. If the quantity of one or more of the hazardous constituent of the mixture or solution is unknown, notification is required where the total amount of the mixture or solution release equals or exceeds the RQ for the hazardous constituent with the lowest RQ.</li> </ol>	Yes
Part 303	Citizen Awards for Information on Criminal Violations under Superfund	The EPA is empowered to pay up to \$10,000 from the Superfund to any individual who provides information leading to the arrest and conviction of any person for a violation subject to a criminal penalty under CERCLA.	Yes

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
Part 304	Arbitration Procedures for Small Superfund Cost Recovery Claims	<p>This regulation establishes and governs procedures for the arbitration of EPA cost recovery claims arising from CERCLA. The procedures are applicable when:</p> <ol style="list-style-type: none"> <li>1. The total past and projected response costs for the facility concerned do not exceed \$500,000, excluding interest; and</li> <li>2. The Administrator and one or more Potentially Responsible Parties (PRPs) have submitted a joint request for arbitration pursuant to §304.21 of this part.</li> </ol>	Yes
Part 307	Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Claims Procedures	<p>This section of the CFR prescribes the appropriate forms and procedures for presenting claims for necessary response costs as authorized by CERCLA. Persons may bring claims for necessary costs incurred in carrying out the National Contingency Plan (NCP) developed under the Federal Water Pollution Control Act and revised pursuant to CERCLA (section 105). Only response actions that EPA has pre-authorized are eligible for reimbursement through the claims process of section 112 of CERCLA. The following claims may be submitted:</p> <ol style="list-style-type: none"> <li>1. Claims for responses to a release, or substantial threat of release, of a hazardous substance into the environment.</li> <li>2. Claims for responses to a release, or substantial threat of release, of any pollutants or contaminants into the environment, which may present an imminent and substantial danger to public health and welfare.</li> <li>3. Claims for response actions undertaken pursuant to settlement agreements where the Federal Government agrees to reimburse a portion of the cost.</li> </ol>	No

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
		Any imminently hazardous chemical substance or mixture where EPA has taken action pursuant to the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof, which is not otherwise specified. The term also does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel.	
Part 310	Reimbursement to Local Governments for Emergency Response to Hazardous Substance Releases	This part sets up procedures for EPA to reimburse local governments for certain emergency response costs. Local governments may receive up to \$25,000 to help lighten financial burdens related to emergency response to hazardous substance releases. This does not replace funding that local governments normally provide for emergency responses. This part is authorized under section 123 of CERCLA.	No
Part 311	Worker Protection	Section 110 grants protection to any employee who provides information that results in a CERCLA action.	Yes
Part 350 <b>(EPCRA §322)</b>	Trade Secrecy Claims for Emergency Planning Community Right-to-Know Information and Trade Secret Disclosures to Health Professionals	This section establishes rules governing the assertion of trade secrecy claims for chemical identity information. It also establishes rules governing petitions from the public requesting the disclosure of chemical identity claimed as trade secret, and determinations by EPA of whether this information is entitled to trade secret treatment. Claims for keeping the location of the hazardous chemical confidential is not included in this section.	No
Part 355 <b>(EPCRA §304 and CERCLA §103)</b>	Emergency Planning and Notification	This regulation is to be used in conjunction with CERCLA §103.  In order to ensure proper and immediate responses to potential chemical hazards, EPCRA also requires facilities to notify State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) of releases of hazardous substances	Yes

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
		and extremely hazardous substances when the release equals or exceeds the RQ.	
Part 370 <b>(EPCRA §311 and §312)</b>	Hazardous Chemical Reporting: Community Right-to-Know	<p>The hazardous chemical inventory reporting provisions require facilities to report inventory information on the hazardous chemicals present on site. This inventory contains each hazardous chemical's identity, physical and health hazards, and location.</p> <p><b>IMPORTANT:</b> In order to be required to report under EPCRA §311 and §312, facilities must meet the applicability criteria. Not all facilities with hazardous chemicals on site are required to participate in the program. Applicability is two-fold:</p> <ol style="list-style-type: none"> <li>1. First, facilities must be regulated by the Occupational Safety and Health Act's (OSHA) Hazard Communication Standard (HCS).</li> <li>2. Second, facilities must exceed established threshold for hazardous chemicals <b>on site at any one time.</b></li> </ol> <p>OSHA's HCS requires facilities to procure or prepare Material Safety Data Sheets (MSDSs) for the hazardous chemicals found at the facility (29 CFR §1910.1200). Any facility that is required by OSHA to prepare, or have available, an MSDS for a hazardous chemical is subject to EPCRA §311 and §312 if the chemical is present on site at any one time in excess of threshold levels. <b>There is no list of hazardous chemicals subject to reporting. The key to determining whether or not a chemical is considered hazardous is if it meets OSHA's definition of a hazardous chemical. Asphalt Cement would be included for this reporting.</b></p>	Yes

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
		<p>Not all facilities storing or using hazardous chemicals pose a significant threat to human health and the environment. To restrict reporting to those facilities whose chemical inventories pose the most substantial risks, EPA developed threshold levels for the 2<sup>nd</sup> applicability. <b>If the quantity of a hazardous chemical on site equals or exceeds the applicable threshold level at any one time, the facility must report to the SERC, LEPC, and the local fire department.</b> For hazardous chemicals that are not Extremely Hazardous Substances (EHSs), the threshold is 10,000 pounds. The reporting threshold for hazardous chemicals that are EHSs (listed in 40 CFR Part 355, appendices A and B) is 500 pounds or that chemical Threshold Planning Quantity (TPQ), whichever is lower.</p> <p>There are two reporting mechanisms in the hazardous chemical inventory program:</p> <ol style="list-style-type: none"> <li>1. A one-time notification of the presence of hazardous chemicals on site in excess of threshold levels (EPCRA §311).</li> <li>2. An annual notification detailing the locations and hazards associated with the hazardous chemicals found on facility grounds (EPCRA §312).</li> <li>3. This information is provided to local officials and can help in the development of a community emergency plan. This report is due on <b>March 1<sup>st</sup></b> of every year and covers the previous year. EPA created two types of inventory forms for facilities to use to fulfill this requirement: <ul style="list-style-type: none"> <li>A. Tier I – requires facilities to report general information on the amount and location of hazardous chemicals.</li> </ul> </li> </ol>	



Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
		<p>B. Tier II – requires more detailed information on each hazardous chemical.</p> <p>Facilities may submit a Tier II in lieu of a Tier I. While federal regulations require only Tier I, some states require the use of the Tier II form.</p>	
<p>Part 372 <b>(EPCRA §313)</b></p>	<p>Toxic Chemical Release Reporting: Community Right to Know</p>	<p>Requires certain businesses to submit reports each year on the amounts of toxic chemicals their facilities release into the environment, either routinely or as a result of accidents. A release is defined as any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment of any “toxic chemical.”</p> <p>This program is also known as the Toxic Release Inventory (TRI). These reports must be sent to EPA and designated state agencies. They are due by <b>July 1</b> of each year.</p> <p>Who must report? A facility must meet <b>all</b> of the following criteria:</p> <p>1. The covered Standard Industrial Classification (SIC) codes are:</p> <ul style="list-style-type: none"> <li>10 – Metal Mining</li> <li>12 – Coal Mining</li> <li><b>20 thru 39 – Manufacturing Ind.</b></li> <li>4911, 4931, 4939 – Electricity Generating Facilities</li> <li>4953 – TSDs regulated by RCRA Subtitle C</li> <li>5169 – Chemical Distributors</li> <li>5171 – Petroleum Bulk Terminals</li> <li>7389 – Solvent Recovery Services</li> </ul>	<p>Yes</p>

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
		<p>2. Has 10 or more employees (~ 20,000 hours per year).</p> <p>3. Manufactures, imports, processes, or otherwise uses any of the listed toxic chemicals in amounts greater than the threshold quantities. For the manufacturing, importing, or processing, the threshold quantity is 25,000 pounds per toxic chemical or category over the calendar year. For otherwise using any of the listed toxic chemicals (without incorporating into a product or producing it), the threshold quantity is 10,000 pounds per toxic chemical or category for the calendar year. <b>(Please see Table 3 for exceptions to this rule).</b></p> <p>If the facility meets these three criteria, they must submit a Form R detailing their chemical releases and waste management activities to EPA and designated state agencies.</p> <p>Facilities are not required to measure or monitor releases for purposes of EPCRA 313 reporting. Readily available data may be used to report the quantities of chemicals that are used and the amounts released into the environment. If there is no data available, the law permits the facility to report reasonable estimates. <i>EPA's AP-42 for Hot Mix Asphalt Plants is an excellent resource for this type of information as are a facilities individual test reports.</i></p>	
Part 373	Reporting Hazardous Substance Activity when Selling or Transferring Federal Real Property	Deals with Federal property and what the government must do prior to selling any property to the general public.	No

Code of Federal Regulations (CFR)	Regulation Title	Summary	Affecting Asphalt Industry (Y or N)
Part 374  <b>(EPCRA §325 and §326) Penalties and Citizen Suits (CERCLA §310)</b>	Prior Notice of Citizen Suits	Authorized civil actions by any person to enforce the Act. These civil actions may be brought against any person, including the US or Agency and against the President or any other officer of the US where there is alleged a failure to perform any act or duty under this Act.	No

**TABLE 2**  
**Chemicals from AP-42 included in CERCLA/EPCRA**  
**AP-42**

CAS Number	Chemical Name	Section 302 (EHS) TPQ	Section 304 (EHS) RQ	CERCLA RQ	CAA 112(r) TQ	Section 313	RCRA Code
50-00-0	Formaldehyde	500	100	100	15000	313	U122
50-32-8	Benzo[a]pyrene			1		313+	U022
53-70-3	Dibenz[a,h]anthracene			1		313+	U063
56-55-3	Benz[a]anthracene			10		313+	U018
67-64-1	Acetone			5000			U002
71-43-2	Benzene			10		313	U019
71-55-6	Methyl Chloroform			1000		X	U226
71-55-6	1,1,1-Trichloroethane			1000		313	U226
75-07-0	Acetaldehyde			1000	10000	313	U001
78-84-2	Isobutyraldehyde					313	
78-93-3	Methyl ethyl ketone			5000		313	U159
78-93-3	Methyl ethyl ketone (MEK)			5000		X	U159
83-32-9	Acenaphthene			100			
85-01-8	Phenanthrene			5000		313	
86-73-7	Fluorene			5000			
91-20-3	Naphthalene			100		313	U165
100-41-4	Ethylbenzene			1000		313	
106-51-4	p-Benzoquinone			10		X	U197
106-51-4	Quinone			10		313	U197

CAS Number	Chemical Name	Section 302 (EHS) TPQ	Section 304 (EHS) RQ	CERCLA RQ	CAA 112(r) TQ	Section 313	RCRA Code
107-02-8	Acrolein	500	1	1	5000	313	P003
108-88-3	Toluene			1000		313	U220
120-12-7	Anthracene			5000		313	
129-00-0	Pyrene	1,000/10,000	5000	5000			
191-24-2	Benzo[ghi]perylene			5000			
193-39-5	Indeno(1,2,3-cd)pyrene			100		313+	U137
205-99-2	Benzo[b]fluoranthene			1		313+	
206-44-0	Fluoranthene			100			U120
207-08-9	Benzo(k)fluoranthene			5000		313+	
208-96-8	Acenaphthylene			5000			
218-01-9	Benzo(a)phenanthrene			100		313+	U050
1330-20-7	Xylene			100		313	U239
4170-30-3	2-Butenal	1000	100	100	20000	X	U053
4170-30-3	Crotonaldehyde	1000	100	100	20000	313	U053
7439-92-1	Lead			10		313	
7439-96-5	Manganese					313	
7439-97-6	Mercury			1		313	U151
7440-02-0	Nickel			100		313	
7440-22-4	Silver			1000		313	
7440-38-2	Arsenic			1		313	
7440-39-3	Barium					313	
7440-41-7	Beryllium			10		313	P015
7440-43-9	Cadmium			10		313	
7440-47-3	Chromium			5000		313	
7440-50-8	Copper			5000		313	
7440-60-6	Zinc (fume or dust)			1000		313	
7440-60-6	Zinc			1000			

CAS Number	Chemical Name	Section 302 (EHS) TPQ	Section 304 (EHS) RQ	CERCLA RQ	CAA 112(r) TQ	Section 313	RCRA Code
7446-09-5	Sulfur dioxide	500	500				
7446-11-9	Sulfur trioxide	100	100		10000		
7223-14-0	Phosphorus	100	1	1			
7782-49-2	Selenium			100		313	
7783-46-2	Hydrogen Sulfide	500	100	100	10000	313	U135
10102-43-9	Nitrogen oxide (NO)	100	10	10	10000		P076
10102-44-0	Nitrogen dioxide	100	10	10			P078
10544-72-6	Nitrogen dioxide			10			

## Table Definitions:

### 1. Section 302 – Extremely Hazardous Substances (EHS)

- The presence of EHSs in quantities in excess of the **Threshold Planning Quantity (TPQ)** requires certain emergency planning activities to be conducted (as shown in Table 1).
- **TPQ** – The consolidated list presents TPQ (in pounds) for section 302. For chemicals that are solids, there may be two TPQs given. In these cases, the lower quantity applies for solids in powder form with particle size less than 100 microns, or if the substance is in solution or in molten form. Otherwise, the 10,000-pound TPQ applies.

### 2. Section 304 – Extremely Hazardous Substances (EHS)

- **EHS RQ** – Releases of Reportable Quantities (RQ) of EHSs are subject to state and local reporting under section 304 of SARA title III (EPCRA). In 1996, EPA adjusted RQs for EHSs without CERCLA RQs to levels equal to their TPQs. The EHS RQ column lists these adjusted RQs for EHSs **not** listed under CERCLA and the CERCLA RQs for those EHSs that are CERCLA hazardous substances.

### 3. CERCLA Hazardous Substances

- **RQ** – The CERCLA RQ column in the consolidated list shows the RQ (in pounds) for chemicals that are CERCLA hazardous substances.
- **Metals** – No reporting of releases of the solid form is required if the mean diameter of the pieces of the solid metal released is >100 micrometers (0.004 inches). The RQs shown on the consolidated list apply to smaller particles.

### 4. CAA Section 112(r) List of Substances for Accidental Release Prevention

- Under this section, EPA developed a list of 77 toxic substances and 63 flammable substances. Threshold Quantities (TQs) are established for each of these substances.

### 5. EPCRA Section 313 Toxic Chemicals

- The notation “313” in the column indicates that the chemical is subject to reporting under Section 313 and Section 6607 of the Pollution Prevention Act under the name listed. In cases where there are two different names for the same chemical, an “X” will appear in the box of the second chemical name.
- In 1994, the 313 list was expanded to include 20 specific chemicals of the diisocyanate category and 19 specific chemicals of the Polycyclic Aromatic Compounds (PAC) category. The symbol “#” following the “313” notation in the Section 313 column identifies diisocyanates, and the symbol “+” identifies PACs. Chemicals belonging to these categories are reportable under Section 313 by category, rather than by chemical name.
- **Table 3** indicates the chemicals that directly affect the asphalt industry.

**TABLE 3**  
**EPCRA 313 Release Reporting**

CAS Number	Chemical Name	TRI Reporting Threshold (LBS)	<i>De Minimis Concentration Percent (exemptions)</i>
75-07-0	Acetaldehyde	25,000/10,000	0.1
107-02-8	Acrolein	25,000/10,000	1.0
120-12-7	Anthracene	25,000/10,000	1.0
7440-38-2	Arsenic	25,000/10,000	0.1
7440-39-3	Barium	25,000/10,000	1.0
71-43-2	Benzene	25,000/10,000	0.1
7440-41-7	Beryllium	25,000/10,000	0.1
7440-43-9	Cadmium	25,000/10,000	0.1
7440-47-3	Chromium	25,000/10,000	1.0
7440-50-8	Copper	25,000/10,000	1.0
4170-30-3	Crotonaldehyde	25,000/10,000	1.0
100-41-4	Ethylbenzene	25,000/10,000	1.0
50-00-0	Formaldehyde	25,000/10,000	0.1
7783-06-4	Hydrogen Sulfide <sup>1</sup>	1994 administrative stay	1.0
78-84-2	Isobutyraldehyde	25,000/10,000	1.0
7439-92-1	Lead	<b>100 (First report on July 1, 2002)</b>	<b>Eliminated (January 2001)</b>
7439-96-5	Manganese	25,000/10,000	1.0
7439-97-6	Mercury and Mercury Compounds	<b>10 (Final, August 2001)</b>	<b>Eliminated (August 2001)</b>
78-93-3	Methyl Ethyl Ketone (MEK)	25,000/10,000	1.0
91-20-3	Naphthalene	25,000/10,000	1.0
7440-02-0	Nickel	25,000/10,000	0.1



CAS Number	Chemical Name	TRI Reporting Threshold (LBS)	De Minimis Concentration Percent (exemptions)
85-01-8	Phenanthrene	25,000/10,000	1.0
106-51-4	Quinone	25,000/10,000	1.0
7782-49-2	Selenium	25,000/10,000	1.0
7440-22-4	Silver	25,000/10,000	1.0
7664-93-9	Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	25,000/10,000	1.0
108-88-3	Toluene	25,000/10,000	1.0
71-55-6	1,1,1-Trichloroethane (Methyl Chloroform)	25,000/10,000	1.0
1330-20-7	Xylene (mixed isomers)	25,000/10,000	1.0
7440-66-6	Zinc (fume or dust)	25,000/10,000	1.0
<b>Dioxin and Dioxin-like Compounds<sup>2</sup></b>			
	Dioxin and Dioxin-like compounds	<b>0.1 grams (first report on July 1, 2001)</b>	<b>Eliminated</b>
	<b>CDDs</b>		
1746-01-6	2,3,7,8-tetrachlorodibenzo-p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
4.321-76-4	1,2,3,7,8-pentachlorodibenzo-p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
39227-28-6	1,2,3,4,7,8-hexachlorodibenzo-p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
57653-85-7	1,2,3,6,7,8-hexachlorodibenzo-p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
19408-74-3	1,2,3,7,8,9-hexachlorodibenzo-p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
35822-46-9	1,2,3,4,6,7,8-heptachlorodibenzo- p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
3268-87-9	1,2,3,4,6,7,8,9-octachlorodibenzo- p-dioxin	<b>0.1 grams</b>	<b>Eliminated</b>
	<b>CDFs</b>		
51207-31-9	2,3,7,8-tetrachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
57117-41-6	1,2,3,7,8-pentachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>

CAS Number	Chemical Name	TRI Reporting Threshold (LBS)	<i>De Minimis Concentration Percent (exemptions)</i>
5117-31-4	2,3,4,7,8-pentachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
70648-26-9	1,2,3,4,7,8-hexachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
57117-44-9	1,2,3,6,7,8-hexachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
72918-21-9	1,2,3,7,8,9-hexachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
60851-34-5	2,3,4,6,7,8-hexachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
67562-39-4	1,2,3,4,6,7,8-heptachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
55673-89-7	1,2,3,4,7,8,9-heptachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
39001-02-0	1,2,3,4,6,7,8,9-octachlorodibenzofuran	<b>0.1 grams</b>	<b>Eliminated</b>
<b>Polycyclic Aromatic Compounds (PACs)</b>			
56-55-3	Benz(a)anthracene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
205-99-2	Benzo(b)fluoranthene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
207-08-9	Benzo(k)fluoranthene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
218-01-9	Benzo(a)phenanthrene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
50-32-8	Benzo(a)pyrene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
53-70-3	Dibenzo(a,h)anthracene	<b>100</b>	<b>Eliminated (Aug.2001)</b>
193-39-5	Indeno[1,2,3-cd]pyrene	<b>100</b>	<b>Eliminated (Aug.2001)</b>

<sup>1</sup>Hydrogen Sulfide – On August 22, 1994, EPA published an administrative stay of the EPCRA Section 313 reporting requirements for this chemical. Therefore, no Toxic Release Inventory reports are required for hydrogen sulfide until the stay is removed.

<sup>2</sup>Dioxin and dioxin-like compounds – The EPCRA Section 313 dioxin and dioxin-like compounds category consists of seventeen specific compounds that are reported as a **single chemical category**. EPA regulations require threshold determinations for chemical categories to be based on the **total mass** of all the chemicals in that category (40 CFR 372.25(d)).

### Thresholds:

- Listed chemicals manufactured or imported—the threshold quantity is 25,000 pounds per toxic chemical or category over the calendar year unless otherwise stated.
- Listed chemicals processed—the threshold quantity is 25,000 pounds per toxic chemical or category over the calendar year unless otherwise stated.
- If you *otherwise use* any of the listed toxic chemicals (**without** incorporating it into any product or producing it at the facility), the threshold quantity is 10,000 pounds per toxic chemical or category over the calendar year unless otherwise stated. For example, using trichloroethylene to degrease tools.

### Exemptions:

- Under certain circumstances, some or all of the reporting requirements under Section 313 may not apply to the facility. The following is the major exemption affecting the asphalt industry:
  - De minimis concentrations of a toxic chemical in certain mixtures. In determining whether the amount of a toxic chemical used at the facility exceeds the reporting threshold, you are not required to count the amount of chemical present in a mixture if **its concentration is less than (<) 1 percent of the mixture**, or **its concentration is <0.1 percent of the mixture when the chemical is defined by OSHA as carcinogenic**.







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