

Comment Info: =====

General Comment: The Oklahoma Department of Environmental Quality (DEQ) would like to comment in opposition to the proposed TRI Burden Reduction Rule (Phase II). The current PBT Rule went into effect in RY 2000, with the Final Rule for lead reporting effective RY 2001. Currently, only four years of data tracks the releases, disposal and management of PBTs in Oklahoma, and there is only three years of data under the lowered thresholds for lead and lead compounds. Under the proposed rule change, the majority of reports for PBT compounds would move from Form R to Form A. Since Form A provides no information on releases, disposal, reuse or treatment, this will virtually eliminate the ability to track management of the most toxic reported chemicals. Using 2003, the most recent year for analytical data, of current 179 reports of PBT chemicals in Oklahoma, if this rule change were in effect only 30 reports of PBT chemicals would be submitted on Form R thereby losing the waste handling and management data of 139 reports. While dioxins reporting would not change, and the majority of reports for lead and lead compounds along with polycyclic aromatic compounds (PACs) would still require Form R reporting, tracking of all other PBTs including mercury, mercury compounds, PCBs, benzo(g,h,i)perylene and pesticides such as chlordane, toxaphene and trifluralin would be lost. For Oklahoma, data would not be available for over 20,000 pounds of PBT releases to air as well as over 100,000 pounds of land releases, more than 500 pounds released into surface waters and over 1 million pounds of PBTs transferred for disposal. While PBTs in 2003 accounted for only 0.001% of total TRI releases in the State, 109 of 344 facilities reported the use of at least one PBT. The majority of those facilities using at least one PBT also reported at least one other, non-PBT TRI chemical, and therefore, the use of Form A for PBTs will not result in a significant burden reduction for Oklahoma facilities.

The Oklahoma DEQ also would like to comment in opposition to the portion of the proposed TRI Burden Reduction Rule (Phase II) that would raise the threshold for use of reporting Form A from 500 pounds total managed for any non-PBT chemical to 5,000 pounds total. Using 2003, the most recent year for analytical data, of 1,178 reports filed in Oklahoma, 203 were Form A submissions. However, if the rule change went into effect, the number of Form A submissions would go to 772. The percentage of total submissions on Form A would rise from 17% to 65% total submissions on Form A. Oklahoma would have no data on the releases, transfers, reuse or treatment for the majority of TRI submissions for a given year. Again, based on 2003 as the example, 371,498 pounds of releases would go unreported.

In summary, DEQ opposes this rule because valuable and substantial information concerning the release and disposal of the most toxic chemicals reported under TRI would be lost. It would circumvent the intent of the statute to provide information to Oklahoma citizens if the only available information was that these chemicals are in use or produced in the state but no information on the releases, transfer, or re-use of these chemicals was provided to citizens. DEQ would no longer be able to track potential hot spots without the amount and location of PBTs released in Oklahoma. DEQ's Pollution Prevention program would not be able to track reductions in PBT use and release in the state. DEQ would no longer be able to track accurately increases/decreases in releases, transfers for disposal, reuse, treatment and total production related wastes for a significant percentage of TRI chemicals. DEQ's Pollution Prevention Program would lose entirely data on source reduction and other pollution prevention measures for 65% of total TRI submissions. Therefore, DEQ asks that EPA not finalize the proposed TRI Burden Reduction Rule (Phase II)