

Environmental Protection Agency

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§ 372.45 for each toxic chemical in a mixture or trade name product distributed from the facility. However, if no report is submitted or notice provided, EPA will hold both the owner and the operator liable under section 325(c) of Title III, except as provided in §§ 372.38(e) and 372.45(g).

§ 372.10 Recordkeeping.

(a) Each person subject to the reporting requirements of this part must retain the following records for a period of 3 years from the date of the submission of a report under § 372.30:

(1) A copy of each report submitted by the person under § 372.30.

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishments is a covered facility under § 372.22 or § 372.45.

(3) Documentation supporting the report submitted under § 372.30 including:

(i) Documentation supporting any determination that a claimed allowable exemption under § 372.38 applies.

(ii) Data supporting the determination of whether a threshold under § 372.25 applies for each toxic chemical.

(iii) Documentation supporting the calculations of the quantity of each toxic chemical released to the environment or transferred to an off-site location.

(iv) Documentation supporting the use indications and quantity on site reporting for each toxic chemical, including dates of manufacturing, processing, or use.

(v) Documentation supporting the basis of estimate used in developing any release or off-site transfer estimates for each toxic chemical.

(vi) Receipts or manifests associated with the transfer of each toxic chemical in waste to off-site locations.

(vii) Documentation supporting reported waste treatment methods, estimates of treatment efficiencies, ranges of influent concentration to such treatment, the sequential nature of treatment steps, if applicable, and the actual operating data, if applicable, to support the waste treatment efficiency estimate for each toxic chemical.

(b) Each person subject to the notification requirements of this part must retain the following records for a pe-

riod of 3 years from the date of the submission of a notification under § 372.45.

(1) All supporting materials and documentation used by the person to determine whether a notice is required under § 372.45.

(2) All supporting materials and documentation used in developing each required notice under § 372.45 and a copy of each notice.

(c) Records retained under this section must be maintained at the facility to which the report applies or from which a notification was provided. Such records must be readily available for purposes of inspection by EPA.

(d) Each owner or operator who determines that the owner operator may apply the alternate threshold as specified under § 372.27(a) must retain the following records for a period of 3 years from the date of the submission of the certification statement as required under § 372.27(b):

(1) A copy of each certification statement submitted by the person under § 372.27(b).

(2) All supporting materials and documentation used by the person to make the compliance determination that the facility or establishment is eligible to apply the alternate threshold as specified in § 372.27.

(3) Documentation supporting the certification statement submitted under § 372.27(b) including:

(i) Data supporting the determination of whether the alternate threshold specified under § 372.27(a) applies for each toxic chemical.

(ii) Documentation supporting the calculation of annual reportable amount, as defined in § 372.27(a), for each toxic chemical, including documentation supporting the calculations and the calculations of each data element combined for the annual reportable amount.

(iii) Receipts or manifests associated with the transfer of each chemical in waste to off-site locations.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994]

§ 372.18 Compliance and enforcement.

Violators of the requirements of this part shall be liable for a civil penalty in an amount not to exceed \$25,000 each

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day for each violation as provided in section 325(c) of Title III.

Subpart B—Reporting Requirements

§ 372.22 Covered facilities for toxic chemical release reporting.

A facility that meets all of the following criteria for a calendar year is a covered facility for that calendar year and must report under § 372.30.

(a) The facility has 10 or more full-time employees.

(b) The facility is in Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group codes 10 (except 1011, 1081, and 1094), 12 (except 1241), or 20 through 39; industry codes 4911, 4931, or 4939 (limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce); or 4953 (limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. section 6921 *et seq.*), or 5169, or 5171, or 7389 (limited to facilities primarily engaged in solvent recovery services on a contract or fee basis) by virtue of the fact that it meets one of the following criteria:

(1) The facility is an establishment with a primary SIC major group or industry code in the above list.

(2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes in the above list.

(3) The facility is a multi-establishment complex in which one of the following is true:

(i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes in the above list is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility.

(ii) One establishment having a primary SIC major group or industry code in the above list contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility.

(c) The facility manufactured (including imported), processed, or other-

wise used a toxic chemical in excess of an applicable threshold quantity of that chemical set forth in § 372.25, § 372.27, or § 372.28.

[53 FR 4525, Feb. 16, 1988, as amended at 59 FR 61501, Nov. 30, 1994; 62 FR 23892, May 1, 1997; 64 FR 58750, Oct. 29, 1999]

EFFECTIVE DATE NOTE: At 71 FR 32474, June 6, 2006, § 372.22 was amended by revising paragraphs (b) introductory text, (b)(1), (b)(2), (b)(3)(i) and (b)(3)(ii), effective Aug. 7, 2006. For the convenience of the user, the revised text is set forth as follows:

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* * * * *

(b) The facility is in a Standard Industrial Classification (SIC) (as in effect on January 1, 1987) major group or industry code listed in § 372.23(a) (for which the corresponding North American Industry Classification System (NAICS) (as in effect on January 1, 2002) subsector and industry codes are listed in §§ 372.23(b) and 372.23(c) by virtue of the fact that it meets one of the following criteria:

(1) The facility is an establishment with a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c).

(2) The facility is a multi-establishment complex where all establishments have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c).

(3) * * *

(i) The sum of the value of services provided and/or products shipped and/or produced from those establishments that have primary SIC major group or industry codes listed in § 372.23(a), or primary NAICS subsector or industry codes listed in § 372.23(b) or § 372.23(c) is greater than 50 percent of the total value of all services provided and/or products shipped from and/or produced by all establishments at the facility.

(ii) One establishment having a primary SIC major group or industry code listed in § 372.23(a), or a primary NAICS subsector or industry code listed in § 372.23(b) or § 372.23(c) contributes more in terms of value of services provided and/or products shipped from and/or produced at the facility than any other establishment within the facility.

§ 372.23 SIC and NAICS codes to which this Part applies.

The requirements of this part apply to facilities in the following SIC and NAICS codes. This section contains three listings. Paragraph (a) of this