

**Environmental Protection Agency**

**§ 372.28**

energy recovery off-site), 8.4 (quantity recycled on-site), 8.5 (quantity recycled off-site), 8.6 (quantity treated on-site), 8.7 (quantity treated off-site), and 8.8 (quantity released to the environment as a result of remedial actions, catastrophic events, or one-time events not associated with production processes).

(2) *Chemicals of Special Concern.* With respect to the manufacture, process, or otherwise use of a toxic chemical, the owner or operator of a facility may apply an alternate threshold of 1 million pounds per year to that chemical if the owner or operator calculates that the facility would have:

(i) Zero on-site and off-site disposal or other releases (including disposal or other releases that resulted from catastrophic events); and

(ii) An "Annual Reportable Amount of a Chemical of Special Concern" not exceeding 500 pounds. The "Annual Reportable Amount of a Chemical of Special Concern" is the combined total of:

(A) Quantities treated for destruction at the facility;

(B) Quantities recovered at the facility as a result of recycling operations;

(C) Quantities combusted for the purpose of energy recovery at the facility;

(D) Quantities transferred from the facility to off-site locations for the purpose of recycling, energy recovery, and/or treatment; and

(E) Quantities managed through recycling, energy recovery, or treatment for destruction that were the result of remedial actions, catastrophic events, or one-time events not associated with production processes during the reporting year.

(b) If an owner or operator of a facility determines that the owner or operator may apply one of the alternate reporting thresholds specified in paragraph (a) of this section for a specific toxic chemical, the owner or operator

is not required to submit a report for that chemical under §372.30, but must submit a certification statement that contains the information required in §372.95. The owner or operator of the facility must also keep records as specified in §372.10(d).

(c) Threshold determination provisions of §372.25 and exemptions pertaining to threshold determinations in §372.38 are applicable to the determination of whether the alternate threshold has been met.

(d) Each certification statement under this section for activities involving a toxic chemical that occurred during a calendar year at a facility must be submitted to EPA and to the State in which the facility is located on or before July 1 of the next year.

(e) The alternative thresholds described in paragraph (a) of this section are limited by the following:

(1) The provisions of paragraph (a)(1) of this section do not apply to any chemicals listed in §372.28.

(2) The provisions of paragraph (a)(2) of this section apply only to chemicals listed in §372.28.

(3) Dioxins and dioxin-like compounds are not eligible for the alternate thresholds described in paragraph (a) of this section.

[59 FR 61502, Nov. 30, 1994, as amended at 64 FR 58750, Oct. 29, 1999; 71 FR 76944, Dec. 22, 2006]

**§372.28 Lower thresholds for chemicals of special concern.**

(a) Notwithstanding §372.25 or §372.27, for the toxic chemicals set forth in this section, the threshold amounts for manufacturing (including importing), processing, and otherwise using such toxic chemicals are as set forth in this section.

(1) Chemical listing in alphabetic order.

Chemical name	CAS No.	Reporting threshold
Aldrin .....	00309-00-2	100
Benzo(g,h,i)perylene .....	00191-24-2	10
Chlordane .....	00057-74-9	10
Heptachlor .....	00076-44-8	10
Hexachlorobenzene .....	00118-74-1	10
Isodrin .....	00465-73-6	10
Lead (this lower threshold does not apply to lead when contained in a stainless steel, brass or bronze alloy)	7439-92-1 .....	100
Mercury .....	07439-97-6	10
Methoxychlor .....	00072-43-5	100

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Chemical name	CAS No.	Reporting threshold
Octachlorostyrene .....	29082-74-4	10
Pendimethalin .....	40487-42-1	100
Pentachlorobenzene .....	00608-93-5	10
Polychlorinated biphenyl (PCBs) .....	01336-36-3	10
Tetrabromobisphenol A .....	00079-94-7	100
Toxaphene .....	08001-35-2	10
Trifluralin .....	01582-09-8	100

(2) Chemical categories in alphabetic order.

Category name	Reporting threshold
Dioxin and dioxin-like compounds (Manufacturing; and the processing or otherwise use of dioxin and dioxin-like compounds if the dioxin and dioxin-like compounds are present as contaminants in a chemical and if they were created during the manufacturing of that chemical) (This category includes only those chemicals listed below).	0.1 grams
67562-39-4 1,2,3,4,6,7,8-Heptachlorodibenzofuran	
55673-89-7 1,2,3,4,7,8,9-Heptachlorodibenzofuran	
70648-26-9 1,2,3,4,7,8-Hexachlorodibenzofuran	
57117-44-9 1,2,3,6,7,8-Hexachlorodibenzofuran	
72918-21-9 1,2,3,7,8,9-Hexachlorodibenzofuran	
60851-34-5 2,3,4,6,7,8-Hexachlorodibenzofuran	
39227-28-6 1,2,3,4,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
57653-85-7 1,2,3,6,7,8-Hexachlorodibenzo- <i>p</i> -dioxin	
19408-74-3 1,2,3,7,8,9-Hexachlorodibenzo- <i>p</i> -dioxin	
35822-46-9 1,2,3,4,6,7,8-Heptachlorodibenzo- <i>p</i> -dioxin	
Lead Compounds	100
39001-02-0 1,2,3,4,6,7,8,9-Octachlorodibenzofuran	
03268-87-9 1,2,3,4,6,7,8,9-Octachlorodibenzo- <i>p</i> -dioxin	
57117-41-6 1,2,3,7,8-Pentachlorodibenzofuran	
57117-31-4 2,3,4,7,8-Pentachlorodibenzofuran	
40321-76-4 1,2,3,7,8-Pentachlorodibenzo- <i>p</i> -dioxin	
51207-31-9 2,3,7,8-Tetrachlorodibenzofuran	
01746-01-6 2,3,7,8-Tetrachlorodibenzo- <i>p</i> -dioxin	
Mercury compounds	10
Polycyclic aromatic compounds (PACs) (This category includes only those chemicals listed below).	100
00056-55-3 Benz(a)anthracene	
00205-99-2 Benzo(b)fluoranthene	
00205-82-3 Benzo(j)fluoranthene	
00207-08-9 Benzo(k)fluoranthene	
00206-44-0 Benzo(i,k)fluorene	
00189-55-9 Benzo(r,s,t)pentaphene	
00218-01-9 Benzo(a)phenanthrene	
00050-32-8 Benzo(a)pyrene	
00226-36-8 Dibenz(a,h)acridine	
00224-42-0 Dibenz(a,i)acridine	
00053-70-3 Dibenzo(a,h)anthracene	
00194-59-2 7H-Dibenzo(c,g)carbazole	
05385-75-1 Dibenzo(a,e)fluoranthene	
00192-65-4 Dibenzo(a,e)pyrene	
00189-64-0 Dibenzo(a,h)pyrene	
00191-30-0 Dibenzo(a,l)pyrene	
00057-97-6 7,12-Dimethylbenz(a)anthracene	
00193-39-5 Indeno[1,2,3- <i>cd</i> ]pyrene	
00056-49-5 3-Methylcholanthrene	
03697-24-3 5-Methylchrysene	
05522-43-0 1-Nitropyrene	

(b) The threshold determination provisions under § 372.25(c) through (h) and the exemptions under § 372.38(b) through (h) are applicable to the toxic

chemicals listed in paragraph (a) of this section.

[64 FR 58750, Oct. 29, 1999, as amended at 66 FR 4527, Jan. 17, 2001]