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Toxics Release Inventory/Community Right-to-Know Act: PEER Petitions U.S. Environmental Protection Agency to Include Waste Combustors/Incinerators

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The Public Employees for Environmental Responsibility and Energy Justice Network (collectively “PEER”) submitted an April 3rd document to EPA titled:

Petition for Rulemaking Pursuant to the Administrative Procedure Act and the Emergency Planning and Community Right-to-Know Act, Requiring that Waste Incinerators Report to the Toxics Release Inventory (“Petition”)

PEER’s *Petition* asks that the United States Environmental Protection Agency (“EPA”) issue a rule adding the following facilities to the Toxics Release Inventory (“TRI”):

- Large and Small Municipal Waste Combustors
- Hospital/Medical/Infectious Waste Incinerators
- Sewage Sludge Incineration Units
- Commercial and Industrial Solid Waste Incineration Units
- Other Solid Waste Incinerators
- Pyrolysis and Gasification Units

The Federal Emergency Planning and Community Right-to-Know Act was enacted in 1986. The federal statute requires certain facilities to submit reports each year on the amounts of toxic chemicals they release into the environment, either routinely or as the result of accidents. Federal legislation in 1990 extended reporting requirements to waste management and source reduction activities. EPA implements these law and compiles information it receives in the TRI.

The *Petition* states that, if it is granted, all waste incinerators would be required to meet the TRI annual reporting requirements. Further, the *Petition* states that waste incinerators meet three factors that are considered for purposes of adding a new industry which include:

1. Whether one or more toxic chemicals are reasonably anticipated to be present at facilities within the candidate industry group;
2. Whether facilities within the candidate industry group manufacture, process, or otherwise use toxic chemicals; and

3. Whether facilities within the candidate industry group can reasonably be anticipated to increase the information made available pursuant to Section 313 of the Emergency Planning and Community Right-to-Know Act, or otherwise further the purposes of Section 313.

A copy of the *Petition* can be downloaded [here](#).