

RYs 1991 - 2004 submissions: If a facility prepares and submits a TRI RY 1991 through RY 2004 form using TRI-MEweb, they must print/save a copy of their TRI form on a disk and send it to their State or Tribal TRI coordinator, even if State or Tribal Country is on the TRI Data Exchange (TDX) network. TDX is not configured to simultaneously transmit pre-RY 2005 TRI forms.

A.3 Trade Secret Claims

Starting with RY 2013, the only TRI reports EPA will accept on paper are for trade secret submissions. Paper submissions must be sent to both EPA and the state or the designated official of an Indian tribe and follow the requirements for reporting trade secrets. If a report is not received by both EPA and the state (or the designated official of an Indian tribe), the submitter is considered out of compliance and subject to enforcement action. Facilities submitting paper forms must use the corresponding reporting year forms. To facilitate the completion and processing of paper forms, EPA is providing electronically fillable reporting forms that can be completed prior to printing for RY 2013 TRI forms. The fillable reporting form can be found on the TRI website: <http://www.epa.gov/tri>

E-mailed submissions will not be accepted.

For any EPCRA Section 313 chemical whose identity is claimed as trade secret, you must submit two versions of the substantiation form to EPA as prescribed in 40 CFR Part 350, published July 29, 1988, in the *Federal Register* (53 FR 28772) as well as two versions of the EPCRA Section 313 report. The current substantiation form is available on the TRI website at: http://www2.epa.gov/toxics-release-inventory-tri-program/tri-reporting-forms-and-instructions#Anchor_5. One set of reports, the unsanitized version, must provide the actual identity of the EPCRA Section 313 chemical. The other set of reports, i.e., the “sanitized” version, must provide a generic class or category for the chemical that is structurally descriptive of the EPCRA Section 313 chemical. If EPA deems the trade secret substantiation form valid, only the sanitized set of forms will be made available to the public.

Further explanation of the trade secret provisions is provided in Part I, Sections 2.1 and 2.2, and Part II, Section 1.3, of the instructions.

In summary, a complete report to EPA for an EPCRA Section 313 chemical claimed as a trade secret must include all of the following:

- A completed unsanitized version of Form R or Form A report including the EPCRA Section 313 chemical identity (staple the pages together); and
- A sanitized version of a completed Form R or Form A report in which the EPCRA Section 313 chemical identity items (Part II, Sections 1.1 and 1.2) have been left blank but in which a generic chemical name that is structurally descriptive has been supplied (Part II, Section 1.3) (staple the pages together); and
- A completed unsanitized version of a trade secret substantiation form (staple the pages together); and
- A sanitized version of a completed trade secret substantiation form (staple the pages together).

Securely fasten all four reports together.

Some states or tribes also require submission of both sanitized and unsanitized reports for EPCRA Section 313 chemicals whose identity is claimed as a trade secret. Others require only a sanitized version. Facilities may jeopardize the trade secret status of an EPCRA Section 313 chemical by submitting an unsanitized version of the EPCRA Section 313 report to a state agency or Indian tribe that does not require unsanitized forms. You may identify an individual state or tribe’s submission requirements by contacting the appropriate state or tribe designated EPCRA Section 313 contact (see Appendix E).

Where to send your trade secret submission

Please send only trade secret submissions to the P.O. Box below. Send trade secret submissions by *regular mail* to:

Attention: EPCRA Substantiation Packages
TRI Reporting Center
P.O. Box 10163
Fairfax, VA 22038

Send trade secret submissions by *certified mail or overnight mail* (i.e. Fed Ex, UPS, etc.) to:

Attention: EPCRA Substantiation Packages
CGI Federal, Inc.
c/o EPA Reporting Center

12601 Fair Lakes Circle
Fairfax, VA 22033

A.4 Recordkeeping

Sound recordkeeping practices are essential for accurate and efficient TRI reporting. It is in the facility's interest, as well as EPA's, to maintain records properly. Facilities must keep a copy of each report filed for at least three years from the date of submission. These reports will be of use when completing future reports.

Facilities must also maintain those documents, calculations, worksheets, and other forms upon which they relied to gather information for prior reports. In the event of a problem with data elements on a facility's Form R or Form A report, EPA may request documentation from the facility that supports the information reported.

EPA may conduct data quality reviews of Form R or Form A submissions. An essential component of this process involves reviewing a facility's records for accuracy and completeness. EPA recommends that facilities keep a record for those EPCRA Section 313 chemicals for which they did not file EPCRA Section 313 reports.

EPA also recommends keeping records of all documentation containing your CDX account information for your preparer(s) and certifying official(s) that use TRI-MEweb to prepare and certify the reporting facility's TRI Form R and/or Form A. These CDX documents include the Electronic Signature Agreement (ESA) and the facility's unique 6-digit alphanumeric access key.

Records to maintain include:

- Previous years' EPCRA Section 313 reports;
- EPCRA Section 313 Reporting Threshold Worksheets;
- Engineering calculations and other notes;
- Purchase records from suppliers;
- Inventory data;
- EPA (NPDES) permits and monitoring reports;
- EPCRA Section 312 Tier II Reports;
- Monitoring records;
- Flowmeter data;
- RCRA Hazardous Waste Generator's Report;

- Pretreatment reports filed by the facility with the local government;
- Invoices from waste management companies;
- Manufacturer's estimates of treatment efficiencies;
- RCRA manifests;
- Process diagrams that indicate emissions and other releases;
- Records for those EPCRA Section 313 chemicals for which they did not file EPCRA Section 313 reports; and
- CDX account information including unique 6-digit access key to pre-load facility account into TRI-MEweb and copies of the Electronic Signature Agreement (s) submitted to EPA for approval.

A.5 How to Revise, Withdraw or Cancel TRI Data

A.5.1 Revising TRI Data

Facilities that filed a Form R and/or Form A Certification Statement under EPCRA Section 313 may submit a request to revise a form that was previously submitted, stored in EPA's historical database called the Toxics Release Inventory Processing System (TRIPS), and made available to the public through Envirofacts and TRI Explorer.

Effective January 21, 2014 facilities may only revise TRI reporting forms submitted for RY 1991 through the current reporting year and must do so using TRI-MEweb (except for reporting forms containing trade secrets).

Facilities may request a revision for one or more of the following reasons:

Revision codes:

- RR1 - New Monitoring Data
- RR2 - New Emission Factor(s)
- RR3 - New Chemical Concentration Data
- RR4 - Recalculation(s)
- RR5 - Other Reason(s)