



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENVIRONMENTAL INFORMATION

Jeffrey W. McCormack, REM, CHMM
Environmental Compliance Engineering Coordinator
Honda of America Mfg., Inc.
Marysville Motorcycle/Automobile Plant
24000 Honda Parkway
Marysville, Ohio 43040-9251

Dear Mr. McCormack:

This letter responds to your August 21, 2000 letter requesting guidance regarding the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, you are requesting guidance about the motor vehicle maintenance exemption (40 CFR section 372.38(c)(4)) and the personal use exemption (40 CFR section 372.38(c)(3)).

According to your letter, Honda of America Mfg., Inc. (hereafter "Honda") operates onsite service centers that provide gasoline and automotive servicing. Your letter states that no production related activities take place at the service centers and none of the equipment, fluids or chemicals at the service centers are shared with production related activities.

Your letter states that the gasoline at the service centers is dispensed into company owned motor vehicles maintained by the facility. Gasoline from the service centers is also sold to Honda associates, their immediate family members, and contractors for use in their personal business vehicles. No gasoline, however, is dispensed into production vehicles.

You further provide that the automotive servicing area of the servicing stations consists of a small building with numerous bays for servicing motor vehicles. This part of the service center **provides typical vehicle** maintenance performed at any Honda dealership. According to your letter, no **production related** activities take place at the service centers. Honda maintains a separate area for production related servicing and repair.

With regard to the motor vehicle exemption, this exemption only applies to toxic chemicals being otherwise used to maintain and operate motor vehicles owned and operated by the facility and stationed at the facility. (See Q&A 285 - Q&A 291 in the 1998 EPCRA Section 313 Questions and Answers document, December 1998, EPA 745-B-98-004) The toxic chemicals *in the gasoline and the other maintenance materials (e.g., lubricants, oil, and antifreeze) are being otherwise used and are eligible for the motor vehicle exemption when those toxic chemicals are applied to vehicles that are owned and operated by the facility and stationed at the facility.

Those toxic chemicals eligible for the motor vehicle exemption do not have to be considered toward threshold determinations and release and other waste management calculations.

The personal use exemption, like the motor vehicle exemption, is limited to the otherwise use of toxic chemicals. When the facility's service center sells gasoline and provides maintenance services to vehicles not owned and operated by the facility and stationed at the facility (*e.g.*, employee purchased personal vehicles), the facility is processing the toxic chemicals present in the gasoline and the vehicle maintenance materials. The following Q&A provides a similar processing scenario:

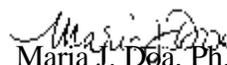
A single company owns many *facilities* which are required to report under Section 313. The company stores gasoline at one of the *facilities*. The gasoline is used by trucks from all of the *facilities*, which come to the off-site central location for fuel and then leave. Is the gasoline in the storage tank exempt because it is used to maintain motor vehicles even though the vehicles are operated by different *facilities*?

The motor vehicle exemption only applies to the *otherwise use of toxic chemicals* in motor vehicles that are stationed at the *facility* that holds the gasoline. Since the facility with the gasoline storage unit is incorporating *toxic chemicals* into trucks which are then sent back to another *facility*, the *facility* storing the gasoline *is processing* the *toxic chemicals*. Therefore, the gasoline used to fuel off-site trucks would not be exempt from reporting pursuant to 40 CFR Section 372.38(c)(4). Instead, the *facility* should consider the *toxic chemicals* in the gasoline towards their *processing* threshold. The facilities that have their trucks fueled at another station may be eligible for the motor vehicle exemption for the *toxic chemical* in the gasoline *otherwise used* on-site.

(*See* Q&A 287, 1998 Q&A document, *supra*) Because the toxic chemicals in the gasoline and vehicle maintenance materials are being processed when the gasoline and the vehicle maintenance materials are applied to vehicles not owned and operated by, and stationed at, the facility (*e.g.*, employee purchased personal vehicles), these toxic chemicals are not eligible for either the motor vehicle exemption or the personal use exemption, both of which are otherwise use activity exemptions. Therefore, any such processed toxic chemicals should be considered toward the appropriate threshold determinations and release and other waste management calculations.

I hope this information is helpful to you in complying with the reporting requirements of section 313 of EPCRA, If you have any other questions, or desire further information, please call Larry Reisman, of my staff, at 202.260.2301.

Sincerely,


Maria J. Dea, Ph.D., Director
Toxics Release Inventory Program Division