



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

MAY 14 1998

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Michael K. Eck  
U.S. Army Environmental Center  
Attention: SFIM-AEC-EQP  
AGP, MD 21010-5401

Dear Mr. Eck,

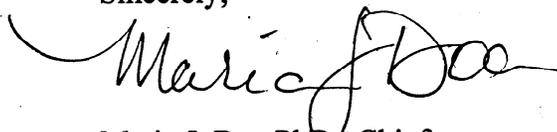
This letter responds to your February 17, 1998 question to William Reilly of EPA Region 3 in which you ask questions concerning the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Your questions pertain to the use of mobile solvent recovery units on-site and the subsequent threshold determinations and release and other waste management reporting obligations. Specifically, you ask who is responsible for EPCRA section 313 reporting if a solvent recovery service arrives at a federal facility (or any facility) and (a) recycles the ethylene glycol antifreeze on-site or (b) removes ethylene glycol antifreeze from on-site for off-site recycling. You indicated that the solvent recovery service is classified in SIC code 7389 and is primarily engaged in solvent recovery services on a contract or fee basis. In addition, both the federal facility and the recycling facility meet the employee and chemical use thresholds for ethylene glycol.

Owners and operators of facilities that meet the employee, SIC code, and chemical use thresholds must comply with EPCRA section 313. For the purposes of EPCRA section 313, EPA defines 'facility' to mean: "all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). A facility may contain more than one establishment." (40 CFR § 372.3) All covered facilities, including federal facilities, are responsible for the EPCRA section 313 reporting obligations of the toxic chemical while the toxic chemical is at the facility, including while the chemical is in an on-site mobile recovery unit. Although the federal facility may not directly own or operate the mobile solvent recovery unit, the federal facility controls the unit's operations while on-site because it has contracted or has paid a fee for the unit's services. Therefore, if a federal facility contracts a mobile solvent recovery unit to come on-site, the mobile unit remains on-site to recover toxic chemicals from the solvents and returns the toxic chemicals to the federal facility for reuse on-site, the federal facility would include those toxic chemicals in its facility-wide release and other waste management calculations.

If the mobile solvent recovery unit removes EPCRA section 313 listed toxic chemicals from the federal facility for off-site recycling, the federal facility would report the amount of the chemicals sent off-site as an off-site transfer for recycling. However, the federal facility must account for any releases of the toxic chemical from the unit while it remains on-site. When recycling the toxic chemicals at their own facility, the owner or operator of the solvent recovery facility would consider the quantity of the ethylene glycol entering the recycling unit towards the processing threshold and would report the amount of the chemical recovered as recycled on-site.

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for section 313 of EPCRA. If you have any other questions, or desire further information, please call either Sara Hisel McCoy at 202.260.7937 or me at 202.260.9592.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa". The signature is fluid and cursive, with a large, sweeping initial "M".

Maria J. Doa PhD., Chief  
Toxics Release Inventory Branch

cc: IG system  
William Reilly, EPA Region 3