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

AUG 3 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Margaret David
EnvironCorporation
6001 Shellmond Street
Suite 700
Emeryville, CA 94608

Dear Ms. David,

This letter is in response to your e-mail to Greg Gholson EPA Region 9, of July 15, 1998 concerning the applicability of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). As you know, section 313 of EPCRA requires certain covered facilities to annually report their releases and other waste management of listed toxic chemicals. On May 1, 1997, EPA published a rule (62 FR 23834) adding seven industry groups to those facilities covered by EPCRA section 313, including electricity generating facilities in SIC codes 4911, 4931, or 4939 that combust coal or oil for the purpose of generating power for distribution in commerce.

You ask specifically, whether electricity generating facilities in SIC codes 4911, 4931, or 4939 that combust petroleum coke for the purpose of generating power for distribution in commerce are covered facilities under EPCRA section 313.

Yes, facilities that are in SIC codes 4911, 4931 and 4939 that combust petroleum coke to generate electricity for distribution in commerce meet the SIC code criterion of EPCRA section 313. Petroleum coke is oil for purposes of reporting under EPCRA section 313. If an electricity generating facility (EGF) in SIC codes 4911, 4931, or 4939 combusts coal and/or oil, including petroleum coke, for the purpose of generating power for distribution in commerce, that facility is subject to the EPCRA section 313 reporting requirements, provided that the other threshold criteria are met.

I hope this response satisfies your request for information. Please call me at 202.260.9592, or Michael Hart of my staff at 202.260.1576, if you have any further questions.

Sincerely,

Maria J. Doa, Ph.D., Chief
Toxics Release Inventory Branch

cc: IG system
Michael Hart
Greg Gholson