



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Andrea Malinowski
Dupont D8178-1
1007 Market Street
Wilmington, DE 19898

Dear Ms. Malinowski:

This is in response to your request for clarification of the reporting requirements for joint ventures under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Following is the question you posed and EPA's interpretation of joint ventures and the EPCRA section 313 definition of facility.

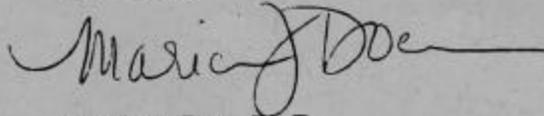
An EPCRA section 313 covered facility transfers wastes containing a toxic chemical to a 50/50 joint venture company for treatment. The joint venture is located within the property boundaries of the covered facility, and is a partnership between the owners of the covered facility and a separate company. Is the joint venture a separate facility as defined in 40 CFR §372.3? Must the transfer of waste from the covered facility to the joint venture be entered in Part II, Section 6.2, of the Form R as a transfer to other off-site locations?

The term "facility" includes 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) (40 CFR §372.3). The joint venture is a separate facility because a 50/50 joint venture is its own parent company. As its own parent company, the joint venture is not owned or operated by the same person (or by any other person which controls, is controlled by, or under common control with such person) as the covered facility. Thus, transfers of wastes containing a toxic chemical from the covered facility to the joint venture must be entered in Part II, Section 6.2, as a transfer to other off-site locations.

Also note that because the joint venture is a separate facility from the facility surrounding it, threshold determinations and release and other waste management determinations are made separately for the joint venture.

Please contact me at 202.260.9592, if you have any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Maria J. Doa". The signature is written in black ink and extends to the right with a long horizontal flourish.

Maria J. Doa, Ph.D.

Chief

Toxics Release Inventory Branch

cc: IG system