



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEPTEMBER 27, 2001

OFFICE OF
ENVIRONMENTAL INFORMATION

Nancy J. Dotson
Corporate Health, Safety, Environment and Security
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662

Dear Ms. Dotson:

This letter responds to your August 1, 2001 email to Maria Doa 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 on the reporting requirements of two multi-establishment facilities located on contiguous property.

According to your email the Eastman Chemical Company is splitting into two separate companies, Eastman Company (Eastman) and Wolf. Assets at your Kingsport facility will be split between these two companies. Of the four contiguous sites at the Kingsport facility, site 1 will be owned and operated by Eastman, sites 2 and 3 will be owned and operated by Wolf and site 4 will be owned by Wolf and operated by Eastman. You further state in your email that sites 2 and 3 send wastes to site 1 for waste management purposes.

First, you should note that if the new Eastman and Wolf companies share the same parent company they would be considered one facility for EPCRA section 313 reporting purposes.

For purposes of determining thresholds, Eastman must consider toxic chemicals manufactured, processed and otherwise used at sites 1 and 4. When considering chemicals received from off-site for the purpose of further waste management, chemicals that are disposed, stabilized or treated for destruction on-site should be considered otherwise used. When reporting releases and other waste management, Eastman should submit reports for sites 1 and 4.

When making threshold determinations, the Wolf facility must consider toxic chemicals that undergo threshold activities at sites 2, 3 and 4. When reporting releases and other waste management, Wolf should submit reports for sites 2 and 3 because the operator of those sites is primarily responsible for reporting. Chemicals in wastes sent to site 1 for further waste management should be considered off-site transfers and reported in Sections 6.2 and 8 of the

Form R and chemicals sent off-site for recycling or direct reuse should also be counted toward the processing threshold. You should remember, however, if no reports are received from a facility required to report, both the owner and operator are liable for penalties.

In your email you ask whether or not the Wolf establishments, when filing by establishment, would need to file reports for a chemical that exceeds a threshold at site 4 which is owned by Wolf and operated by Eastman. You state in your email that the chemical is not manufactured, processed or otherwise used at sites 2 and 3. Provided that the Wolf establishments at sites 2 and 3 have no amounts of the chemical involved in threshold or release and other waste management calculations, those establishments are not required to submit a report for that chemical. (See Q&A 78 in the 1998 EPCRA Section 313 Questions and Answers document, December 1998, EPA 745-B-98-004.) Because Wolf owns but does not operate the establishment at site 4 it is not primarily responsible for filing reports for that establishment.

I hope this information is helpful to you in understanding the reporting requirements of section 313 of EPCRA. If you have any other questions, or desire further information, please call Marc Edmonds, of my staff, at 202-260-0616.

Sincerely,



John M. Dombrowski, P.E., Chief
TRI Regulation Development Branch