



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Fredna L. Smith
Health, Safety and Environment Technician
Tennessee Eastman Division
Eastman Chemical Company
PO Box 511
Kingsport, TN 37662

MAY 28 1998

Dear Ms. Smith,

This letter responds to your letter of April 20, 1998, in which you ask a question concerning the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313 reporting requirements. Specifically, your question concerns the EPCRA section 313 reporting requirements for 50/50 joint ventures.

As I understand your situation, Eastman Chemical Corporation (Eastman) is involved in a 50/50 joint venture with Rhône Poulenc. The joint venture is located at Eastman's Tennessee Eastman Division (TED) site in Kingsport, TN. Eastman employees operate the joint venture. In your letter, you explain that Eastman currently makes threshold determinations and reports releases and other waste management of EPCRA section 313 toxic chemicals associated with the joint venture together with the TED activities of the Kingsport site. You question whether Eastman should continue to make threshold determinations and release and other waste management calculations based on the combined activities of the 50/50 joint venture and the TED portion.

In the situation you provide, Eastman is correctly reporting the activities of the 50/50 joint venture and the TED as a single facility. EPCRA section 313 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) Because Eastman employees operate both the TED and the joint venture and they are on contiguous sites, they are considered establishments of one facility for the purposes of reporting under EPCRA section 313.

You indicate that Q&A No. 34 addressing 50/50 joint ventures in the recently published 1997 EPCRA Section 313 Questions and Answers document is unclear in explaining that the 50/50 joint venture is separately owned and operated. Although not clearly stated, the joint venture in Q&A No. 34 is owned by the joint venture and operated by employees of the joint venture. Therefore, the joint venture is its own, separate facility.

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

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

cc: IG system
Hotline
Regions