



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

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MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(ENVIRONMENT, SAFETY & OCCUPATIONAL  
HEALTH)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ENVIRONMENT & SAFETY)  
DEPUTY ASSISTANT SECRETARY OF THE AIR  
FORCE (ENVIRONMENT, SAFETY OCCUPATIONAL  
HEALTH)  
DIRECTOR, DEFENSE LOGISTICS AGENCY

SUBJECT: Toxic Release Inventory Reporting

Current Department of Defense guidance on Toxic Release Inventory (TRI) reporting does not adequately address refueling of motor vehicles, including aircraft. This memo clarifies the reporting requirements in order to ensure consistent reporting of the Department's TRI emissions. Also attached to this memo are clarifying questions and answers on reporting emissions from range activities and other miscellaneous issues.

Fueling of motor vehicles, including aircraft, does not fall within the parameters of manufacturing as defined in 40 CFR Section 372.3. Nor does the fueling of motor vehicles constitute processing within the meaning of 40 CFR Section 372.3 since the fuel is not distributed into commerce.

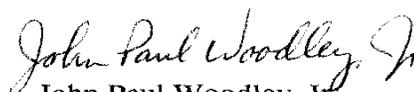
Refueling of motor vehicles, including aircraft, does constitute otherwise use. Refueling of motor vehicles owned or under the operational control of the facility is covered under the motor vehicle use exemption set forth in 40 CFR Section 372.38(c)(4). Within the Department of Defense, each unit accounts for motor vehicles in accordance with strict procedures in two relevant ways: custodial control and operational control. When motor vehicles, including aircraft, are commanded to geographically different installations (different facilities), the operational control of those units is transferred to the new area. In both circumstances, the motor vehicle exemption in 40 CFR Section 372.38(c)(4) applies and your installations do not have to report the associated TRI emissions.

However, installations that refuel motor vehicles, including aircraft, that are not under its custodial nor its operational control, i.e. transient vehicles, cannot claim the



motor vehicle exemption in 40 CFR Section 372.38(c)(4). Transient vehicles, including aircraft, are vehicles that only stop for fuel or rest and have no mission at the facility. Installations must report for those fuels that contain a toxic chemical identified in 40 CFR Section 372.65. Installations should begin reporting refueling of transient with the Calendar Year 2002 TRI reports, submitted in July 2003. It is not necessary to submit amended reports for previous reporting periods.

If you have any questions, my point of contact is Ms. Maureen Sullivan, (703) 604-0519, e-mail: maureen.sullivan@osd.mil.

  
John Paul Woodley, Jr.  
Assistant Deputy Under Secretary  
of Defense (Environment)

Attachments:  
As stated

cc: US EPA/FFEO, Mr. Craig Hooks  
US EPA/TRI Office, Ms. Maria Doa