



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

MARCH 8, 2000

OFFICE OF
ENVIRONMENTAL INFORMATION

Mary Ann Kowalski
US EPA Region 2
Pesticides and Toxics Branch (MS 105)
Building 10
2890 Woodbridge Avenue
Edison, NJ 08837-3679

Dear Ms. Kowalski:

This letter is in response to your February 25, 2000 facsimile, a February 25, 2000 email from Nora Lopez, the TRI Coordinator for Region 2, and follow-up telephone conversations taking place on February 25, 2000 and March 1, 2000. Basically, you are asking for guidance on applying the term "adjacent" as that term is used in the statutory and regulatory definition for the term "facility." (See EPCRA Section 329 and 40 CFR Section 372.3).

According to your email, Air Cruisers, a company located in Belmar, New Jersey, manufactures and repairs evacuation slides for airplanes. This company owns two buildings located approximately 200 feet apart from one another and on opposite sides of State Highway Route 34. The two buildings are located on lot #1 and lot #58 on the attached plat map. Based on this information, you are asking if these two commonly-owned buildings are on "adjacent" sites and therefore, represent one facility for EPCRA Section 313 reporting purposes.

As you are aware, EPCRA Section 329 defines "facility" in pertinent part as:

... 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).

(See also 40 CFR Section 372.3). As the two buildings at issue are commonly-owned, the sole question that needs to be answered in order to determine if these two buildings should report as one facility under EPCRA Section 313 is whether these two sites are adjacent to one another. Webster's dictionary defines "adjacent" as "to lie near, . . . nearby." The same dictionary defines "nearby" as "close at hand."

Based on the information provided, EPA considers these two sites and the buildings on the sites to be adjacent to one another. While the two buildings are not directly across the street from one another, they are only 200 feet apart and they are only separated by a public highway. The guidance provided in Q&A #81 of the 1998 EPCRA Section 313 Questions and Answers document, (December 1998, EPA 745-B-98-004), makes clear that two commonly-owned establishments separated by a public right-of-way "constitute one facility for Section 313, since they are still physically adjacent to one another except for a public right-of-way." Accordingly, the two buildings presently at issue are on adjacent sites and therefore, the two buildings are part of one facility for purposes of threshold determinations and release and other waste management calculations required pursuant to Section 313 of EPCRA.

I hope this information is helpful insofar as implementing the reporting requirements for Section 313 of EPCRA. If you have any other questions, or desire further information, please call Larry Reisman, of my staff, at 202.260.2301.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria J. Doa". The signature is fluid and cursive, with a large initial "M" and "D".

Maria J. Doa, Ph.D., Director
Toxics Release Inventory Program Division