



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 3, 1998

Mr. John Proctor  
Winston & Strawn  
1400 L St., NW  
Washington, D.C. 20005

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dear Mr. Proctor,

This letter responds to your inquiry concerning reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, the guidance provided in this letter is based upon your October 7, 1998 letter and the attachments to that letter. Basically, your letter asks if two electricity generating units constitute one facility for EPCRA section 313 reporting purposes.

The two electricity units at issue have a common owner. As stated in your letter, one of the units, the Oyster Creek Nuclear Generating Station, is owned by Jersey Central Power & Light (JCP&L). The other unit, the Forked River Station, consists of two dual fuel (oil/gas) combustion turbines. This unit is also owned by JCP&L.

While the two electricity generating units are largely separated by a body of water, they are, in fact, attached to each other by a land bridge which is owned by JCP&L. In your letter you state that, "the two sites are, however, connected by a man-made land bridge that spans the intake canal." The land bridge is approximately 156 feet wide at its widest point and 281 feet long. Accordingly, the two sites are contiguous.

Because the two sites are under common ownership and are contiguous, they constitute one facility and must be considered one facility for EPCRA section 313 threshold determinations and reporting purposes. Section 372.3 of 40 CFR defines "facility" as follows:

"Facility" means 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.

This definition clearly states that for two sites under common ownership to be considered one facility, the sites have to be either "contiguous or adjacent." The sites do not have to be both contiguous and adjacent. Accordingly, the position advanced in your October 7, 1998 letter that

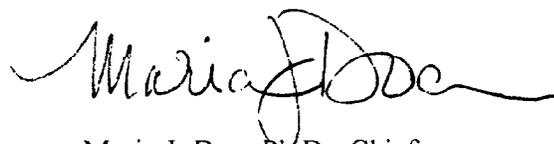
Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

although the sites "... are 'contiguous' by reason of the land bridge, we believe they are not 'adjacent' for EPCRA Section 313 reporting purposes" actually supports the determination that the sites constitute one facility.

Based on these circumstances, as you have represented them, EPA would consider these two units one facility for purposes of EPCRA section 313. I hope this information is helpful to you in making threshold and release determinations under section 313 of EPCRA. If you have any other questions, or desire further information, please call either Larry Reisman at 202.260.2301 or me at 202.260.9592.

Sincerely,

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

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