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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

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MEMORANDUM

SUBJECT: EPCRA Section 313 Reporting and Two Private Facilities Located on Federal Facility Land

FROM: Maria Doa, Chief
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TO: Adam Browning
Region IX

This memorandum responds to an EPCRA Section 313 interpretive guidance question regarding activities at a Federal facility. The issue concerns two government-owned/contractor-operated (GOCO) business units (Units X and Y) that are located at Vandenberg Air Force Base (VAFB). Both units are operated by the same parent company (Company A). They both conduct activities that use TRI chemicals. The question is whether the two units should comply with EPCRA Section 313 as two separate facilities or as a single facility (Facility Z).

For reporting under EPCRA Section 313, Units X and Y should be considered as a single GOCO facility (Facility Z). Both are located at VAFB, which is a single site. EPCRA Section 313 reports submitted by Facility Z would be independent of any EPCRA Section 313 reports submitted by VAFB, which also would have to consider the activities at Facility Z for threshold and other waste management determinations.

To reach this conclusion, EPA first addresses the reporting requirements of the federal facility. Executive Order 12856 mandates that federal facilities comply with all sections of EPCRA, including EPCRA Section 313. This directive requires federal facilities, regardless of Standard Industrial Classification (SIC) Code, "to be a good neighbor to local communities by becoming a leader in providing information to the public concerning toxic and hazardous chemicals and extremely hazardous substances." VAFB, therefore, is subject to reporting under EPCRA Section 313.

The Executive Order also requires federal facilities, when making their threshold, release and other waste management calculations, to include the activities of GOCOs located at that federal facility. Section 1-103 of Executive Order 12856 reads:

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"...each Federal agency shall include the releases and transfers from all such facilities [GOCOs] when meeting all of the Federal agency's responsibilities under this order."

Facility Z, however, also must consider its reporting obligations under EPCRA Section 313. Executive Order 12856 does not alter the reporting requirements of GOCOs at federal facilities. If it meets the reporting requirements under EPCRA Section 313, Facility Z, would make its threshold calculations and release and other waste management determinations for all of its non-exempt activities at VAFB.

If you have any questions on this matter, please feel free to contact me. I can be reached by telephone at 202 260 9592, by email at "doa.maria@epa.gov", or by fax at 202 401 8142. Thank you.