



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

JUL 6 1999

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

David Orvis
Black & Veatch
11401 Lamar
Overland Park, KS 66211

Dear Mr. Orvis,

This letter responds to your June 1998 inquiry to Ezequiel Velez of EPA Region 4 in which you ask a question concerning the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Specifically, your question pertains to the definition of facility under EPCRA section 313.

As I understand your situation, an EPCRA section 313 covered electricity generating plant (EGP 1) is owned and operated by Company A and is adjacent to an electricity generating plant (EGP 2) which is also subject to EPCRA section 313. EGP 2 is owned and operated by a joint venture. Company A owns 80 percent of the joint venture and Company B owns 20 percent of the joint venture. You ask if EGP 1 and 2 are two separate facilities or one facility.

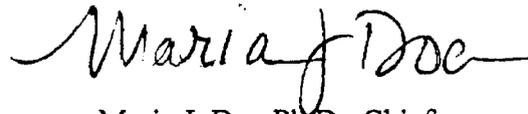
The term "facility" includes all "buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person)" (40 CFR Section 372.3). Because Company A owns the majority share in the joint venture, Company A owns EGP 2 and therefore EGP 1 and EGP 2 are two establishments of one facility. As one facility, the owner or operator should consider the toxic chemicals and operations at both establishments for threshold determinations and release and other waste management reporting.

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I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for EPCRA section 313. If you have any other questions, or desire further information, please call either Sara Hisel McCoy, of my staff, at 202.260.7937 or me at 202.260.9592.

Sincerely,

A handwritten signature in black ink that reads "Maria J. Doa". The signature is written in a cursive style with a long horizontal flourish at the end.

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

cc: IG system
Ezequiel Velez, EPA Region 4