



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

January 6, 1999

Paul T. Hascher, CHMM
Environmental and Safety Specialist
Holland Board of Public Works
625 Hastings Avenue
Holland, MI 49423

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Dear Mr. Hascher,

This letter is in response to your October 23, 1998 letter to me, as well as a subsequent facsimile dated December 9, 1998, in which you ask questions concerning the applicability of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Your initial letter asked for guidance about how the terms "contiguous or adjacent" apply to city owned streets. The City of Holland owns many of the public streets and underlying property within the city boundaries. These streets physically connect city owned property and buildings, some of which are facilities subject to EPCRA section 313. Specifically, in your letter you state that the City of Holland has a power plant which is subject to TRI reporting requirements. Based on this letter, the following guidance was provided:

In response to your concern, EPA would not consider two properties *contiguous* if the physical connection between the two properties is limited to a municipally owned road created for and routinely used by the general public. The two properties, however, may still be one facility either because they are *adjacent* sites or because they are one site for EPCRA section 313 purposes. Thus, for example, two city-owned buildings or operations that are across the street from one another may be one facility under EPCRA.

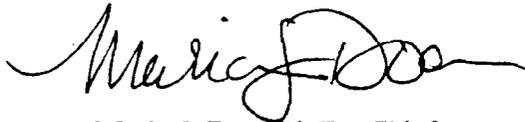
Based on this guidance, you submitted a facsimile that made clear that directly across the street from the power plant is a city owned wastewater treatment plant. The overlap, in terms of being directly across the street from one another, is 16 feet, 10 inches. Basically, you want to know if these two establishments are adjacent to one another and therefore, one facility for EPCRA section 313 purposes. Further, you want to know if the City of Holland sells a parcel of land greater than 16 feet, 10 inches, such that the power plant and the wastewater treatment plant are no longer directly across the street from one another, would these two establishments still be adjacent to one another and therefore, one facility for EPCRA section 313 purposes.

Regardless of whether a parcel of land is sold thereby making the establishments no longer directly across the street from one another, the two establishments at issue are "adjacent" and therefore constitute one facility for EPCRA section 313 purposes. Webster's dictionary defines "adjacent" as "to lie near, . . . nearby." The same dictionary defines "nearby" as "close at hand." Clearly, the power plant and wastewater treatment plant described in your facsimile meet

this definition of adjacent. They are basically across the street from one another. One could leave one of the establishments and reach the other simply by crossing the street. Further, the guidance provided for Q&A #47 of the EPCRA Section 313 Questions and Answers (Revised 1997 Version) document 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."

I hope this information is helpful to you in making threshold determinations and release and other waste management calculations for 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, appearing to read "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