Fact Sheet

January 2009

Rule Change Provides Exemptions from Reporting Requirements for Air Releases of Hazardous Substances from Farm Animal Waste

EPA has finalized a rule providing a full exemption for reporting air releases of hazardous substances from animal waste at farms to the federal government and a partial exemption of reporting the releases to state and local governments. This new rule exempts all farms from reporting air releases under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The new rule requires only large animal feeding operations to report certain types of releases to local and state agencies, as directed by the Emergency Planning and Community Right-to-Know Act (EPCRA).

Animal waste is a source of ammonia and hydrogen sulfide releases to the air. These are hazardous substances that, when released into the environment above certain quantities, trigger notification responsibilities under federal regulations. The reportable quantity for ammonia and hydrogen sulfide is 100 pounds within any 24-hour period. Prior to the exemption, all operations that had releases exceeding the reportable quantity were required to notify federal, state and local governments.

The exemption created by the new rule does not impact EPA's authority to respond to citizen complaints or requests for assistance from state or local government agencies to investigate releases of hazardous substances from farms. Releases of anhydrous ammonia greater than 100 pounds in a 24-hour period, must still be reported no matter the size of the farm. Also, the rule does not apply to animal waste that is not associated with farms, such as from meat packing and research facilities.

Frequently Asked Questions

Q: Who is exempt from this air reporting requirement?

A: The new rule exempts farms confining fewer than:

- 700 mature dairy cows, whether milked or dry
- 1,000 veal calves
- 1,000 cattle other than mature dairy cows or veal calves ("Cattle" includes, but is not limited to, heifers, steers, bulls and cow/calf pairs.)
- 2,500 swine each weighing 55 pounds or more
- 10,000 swine each weighing less than 55 pounds
- 500 horses
- 10,000 sheep or lamb
- 55,000 turkeys
- 30,000 laying hens or broilers, if the farm uses a liquid manure handling system
- 125,000 chickens (other than laying hens) if the farm uses other than a liquid manure handling system
- 82,000 laying hens, if the farm uses other than a liquid manure handling system
- 30,000 ducks (if the farm uses other than a liquid manure handling system)
- 5,000 ducks (if the farm uses a liquid manure handling system).

Q: How do I calculate the normal range of air releases?

A: The amount of ammonia and hydrogen sulfide released will vary considerably, depending on feed, temperature, type of confinement and manure handling. It is up to the owner/operator to perform good faith release calculations for normal lower and upper limits.

Information helpful to making these calculations can be obtained from a variety of sources, including the following Web sites. (EPA Region 7 does not specifically endorse any of the information found on these sites).

- Kansas State & Texas A&M University partnership - http://cafoaq.tamu.edu
- Iowa State University - http://www.extension.iastate.edu/airquality
- University of Nebraska-Lincoln - http://manure.unl.edu

Q: If I'm not exempt from this reporting requirement, what is the process to report the air releases?

A: There is a three-step process to report continuous releases.

Step 1: You must call state and local agencies: the State Emergency Response Commission (SERC) and the Local Emergency Planning Committee (LEPC). The contact numbers for the SERCs are as follows: Iowa (515) 281-8694; Kansas (785) 296-1679; Missouri (573) 634-2436; and Nebraska (402) 471-2186.
www.epa.gov/oem/content/epcra/serc_contacts.htm
The LEPC is usually associated with your county emergency management agency, whose telephone number should be in your local telephone directory, or accessible via the internet.
http://yosemite.epa.gov/oswer/lepcdb.nsf/HomePage?openForm

Step 2: Within 30 days of the call that you made in Step 1, the person in charge of the farm operation must complete and submit a continuous release form to the SERC and LEPC. The form can be downloaded at http://www.epa.gov/emergencies/docs/chem/cont_rel/Continuous%20Release%20Form.pdf.
Guidance for completing the form is found at
http://www.epa.gov/superfund/policy/release/faciliti.htm.

Step 3: On the first anniversary date of the initial written notification, you need to reassess and confirm the accuracy of your calculations to the SERC and the LEPC in writing.

Under the continuous release reporting regulation, no further reporting is required for the routine air releases covered under your specific report unless the rate, quantity, or ownership changes. If such a change occurs, you will need to repeat the three-step reporting process outlined above, or make separate daily reports for those days. Also, **if you signed up for the Air Compliance Agreement study, or if you have already filed a continuous release report, no action is required at this time.** You may be required to file a new report, or update your previous report, when the air study agreement is completed.

Q: Where do I get further information on the continuous release reporting process?

A: Contact EPA Region 7 Environmental Engineer Patricia Reitz, reitz.patricia@epa.gov, (913) 551-7674, (800) 223-0425.

Q: Where can I find information pertaining to the CAFO exemption?

A: The full text of the new rule exemption for smaller operations can be found at:
http://www.epa.gov/emergencies/docs/chem/CERCLA_EPCRA_final_rule_unsigned.pdf