**Air Releases of Hazardous Substance From Animal Wastes Reporting Due November 15**

When someone says hazardous air emissions, one may picture a plume of gases coming from a smoke stack. Do you ever think of a feedlot? Recently, the courts ruled that EPA must regulate air emissions from animal wastes because these operations emit ammonia and hydrogen sulfide. When produced in certain quantities these operations are now subject to EPA reporting rules, requiring them to make their initial emissions reports by November 15.

**Where Did This Ruling Come From?**

There are two rules which guide hazardous substance emissions: CERCLA (Comprehensive Environmental Response, Compensation and Liability Act) and EPCRA (Emergency Planning and Community Right to Know Act). CERCLA, aka Superfund, identifies sites where hazardous materials threaten the environment or public health when released. EPCRA assists communities in planning for releases of hazardous substances whenever they occur.

In 2008, EPA came up with farming exemptions for CERCLA and EPCRA, leaving only the large concentrated animal feeding operations (CAFOs) to do EPCRA reporting. Citizen groups sued the EPA over this and in April of this year, a U.S. Court of Appeals overturned EPA’s exemptions.

EPA is still working on reviewing and clarifying the rules for animal waste reporting. Only last week did they give some guidance on what to do. Until they can come up with something more specific, the court ruling stands as-is.

**Who is Required to Report Per CERCLA?**

If your operations emit more than 100 lbs./day of ammonia or hydrogen sulfide you will need to report. EPA doesn’t have firm numbers in their rules on how to determine this, but they’ve included worksheets and references documents from agricultural researchers and universities to help. The following are example quantities based on the worksheets. There are many nuances to each calculation including time of year, age of animal, type of animal, housing, how you handle the manure, and more, but this may give a snapshot idea of size:

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| --- | --- | --- |
| Animal | Quantity Before Exceedance for  AMMONIA | Quantity Before Exceedance for  HYDROGEN SULFIDE |
| Dairy Cattle | 3,571 cattle (winter)  1,428 cattle (summer) | 746,268 anytime |
| Swine  (Grow-finishing stage, in pull-plug, scrape, flush or shallow pit, not deep pit) | 18,183 (lower bound, lowest head count)  1,818 (upper bound, permitted head count) | 96,163 (lower bound, lowest head count)  9,616 (upper bound, permitted head count) |
| Poultry – Laying Hens | Manure Belt Houses  343,940 (daily manure removal)  162,140 (every 3-4 day manure removal)  High Rise Houses – 28,200 | 8,176,615 in High Rise Houses |
| Poultry – Broilers | 31,310 (40-day on built up litter)  21,020 (63-day on built up litter)  49,850 (52-day on new bedding) | 3,846,150 (52-day on litter) |

**How Do I Report and Who Do I Report To?**

Traditional CERCLA rules say you must notify every time there’s an exceedance, but because your animals will be onsite each day, it can be treated as a continuous release, with only one notification. *The federal rule require you to call the National Response Center (800-424-8802), identify your release as an “initial continuous release notification,” submit initial written notification forms to your EPA regional office, and then one year later, submit additional follow-up written notifications to the EPA Regional Office.* If you’re a CAFO who is already a member of EPA’s Animal Feeding Operation Air Compliance Agreement program, you don’t need to do additional reporting beyond what you’re already doing.

State environmental departments also could have their own rules for this. As with any environmental regulation, states are allowed to choose to follow EPA federal guidelines, or provide rules which exceed them. Because of the short timeline from when the court reinstated the rule, it’s likely states are still determining the positions they want to take on continuous release reporting. Check with your state, but it’s likely that you will be able to follow the federal guidelines until further clarification from them is communicated.