

Law Bulletin

Law you need to know from OSU Extension's Farm Office

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Continuous Release Reporting of Air Emissions for Livestock Farms

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Beginning on November 15, 2017, farms must begin reporting air emissions of certain hazardous substances that exceed the "reportable quantity" for the substance within a 24-hour period. This new requirement arising from the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) will affect Ohio livestock farms that have larger numbers of species, because they may exceed the reportable quantity for two hazardous substances arising from animal manure: ammonia and hydrogen sulfide. If a livestock farm emits more than 100 pounds of either of these substances within a 24-hour period, the farm must file a report that documents the release. A farm may report each individual release that occurs, or may choose the simpler route of reporting under an umbrella-type "continuous release" report for repeated emissions that are continuous and stable in quantity and rate over time. A farm that fails to file an air emission report can be subject to hefty fines from the EPA once the release is discovered.

The steps below will help farms meet the "continuous release" reporting requirement.

Step 1: Determine if your farm must report

Air emissions of ammonia and hydrogen sulfide vary according to the type of species, type of housing and manure management practices. These factors make it difficult for farms to determine whether they exceed the reportable quantities. The EPA provides worksheets, charts and formulas to help farms quantify their potential air emissions based on their individual factors. We completed several of these worksheets and charts to approximate the reportable

quantities of livestock that would trigger the reporting requirement for ammonia, which is more likely than hydrogen sulfide to exceed the reportable quantity. We offer the results of our calculations in Table 1 as a guideline for farms, but caution each farm to complete the appropriate worksheet to determine if the farm exceeds the reportable quantity for ammonia emissions according to the farm's combination of livestock species, housing and manure system.

Step 2: File a "continuous release" notification

A farm that exceeds the reportable quantities for ammonia or hydrogen sulfide should file a continuous release notification by completing the following actions.

1. Notify the National Response Center with your "initial notification of a continuous release." There are two methods for doing so:
 - The preferred method is to send an e-mail to NRC-CERCLA-EPCRA-REPORT@uscg.mil. In the subject line of the e-mail, state "initial continuous release notification." In the body of the e-mail, provide the name of the farm, the location of the farm by city/town and state, the name of the hazardous substance that will be released (ammonia), and your name and telephone number. For multiple farms under the same ownership, include information for all farms in one e-mail.
 - Or call the National Response Center at 1-800-424-8802 and select "Option 2." State that you are making an initial continuous release notification and provide the same information as above.
 - After sending the e-mail or making the call, you will receive a "CR-ERNS" number to use to identify your farm(s) in all future correspondence and reporting.

2. Next, within 30 days of the e-mail or call, submit a written initial notification of continuous release for each farm location to the appropriate EPA Regional Office. Ohio farms should send the notification to: EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604-3507. The EPA is in the process of creating a form for this step, so check the EPA website for the form. Several livestock associations have developed forms to use as a substitute until EPA provides a form, so check with your association to see if a substitute form is available. If you don't have a form, submit the following information in a written document:

- General information for each farm, including the CR-ERNS number assigned by the EPA, operation name, physical address, person in charge, phone number(s), latitude and longitude, number of people/towns within a one mile radius and existence of elementary schools, retirement centers, hospitals or wetlands within a one mile radius.
- Source information for each farm, including the source of the emission (livestock species), hazardous substance released (ammonia), medium affected by the release (air).
- Substance information for each farm, including the lower and upper bounds of the range of release in pounds per day, calculated according to worksheets provided by the EPA.

- Statement that "I certify that the hazardous substance releases described herein are continuous and stable in quantity and rate and that all submitted information is accurate and current to the best of my knowledge," followed by your signature and the date of the notification.

Step 3: Complete follow-up reporting

1. Within 30 days of the first anniversary of the initial written notification completed in Step 2, you must file a follow-up report to the EPA. The follow-up report requires the same information as the initial written notification. Update any information that has changed since the initial filing, certify the report, and mail it to the EPA Regional Office. Be sure to note this one-year reporting deadline on your calendar.
2. Notify the EPA Regional Office immediately in writing if there are any "statistically significant increases" (SSI) that exceed the upper bound of release stated in your notification. An SSI typically occurs if there is an increase in the number of animals or a disruption in waste handling systems or procedures.
3. Review your operation annually and notify the EPA Regional Office in writing if there are any changes to your continuous release information.

Table 1. Formulas and estimated minimum head count for CERCLA emissions reporting for ammonia

| Species and type | Housing type and manure system | Formula for ammonia emissions | Estimated minimum |
|------------------|--|-------------------------------------|-------------------|
| Dairy | Pens with holding pond | Head count x 0.07 = ___ lbs./day | 1,428 |
| Beef, finishing | Roofed facility, bedded pack and deep pit | Head count x 0.18 = ___ lbs./day | 555 |
| Swine, finishing | Pull-plug, flush or shallow pit | Head count x 0.055 = ___ lbs./day | 1,818 |
| Swine, finishing | Deep pit manure system | Head count x 0.037 = ___ lbs./day | 2,702 |
| Poultry, hens | High-rise houses | Head count x 0.00355 = ___ lbs./day | 28,200 |
| Poultry, hens | Manure-belt houses, daily removal | Head count x 0.00029 = ___ lbs./day | 343,940 |
| Poultry, hens | Manure-belt houses, removal every 3-4 days | Head count x 0.00062 = ___ lbs./day | 162,140 |
| Poultry, turkeys | 36—140 day toms on litter | Head count x 0.00771 = ___ lbs./day | 12,970 |

FOR MORE INFORMATION ON CERCLA REPORTING, VISIT THE U.S. EPA'S WEBSITE AT

<https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms#resources>

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