
TO: Local Emergency Planning Committee: Method of Delivery and Tracking No.:

State Emergency Response Commission:

Method of Delivery and Tracking No.:

FROM:

RE: Continuous Release Report

Dear Sir or Madam:

This continuous release report is submitted pursuant to 40 CFR 355.32 and the final rule published on December 18, 2008, 73 Fed. Reg. 76948 (EPA Final Rule). This final rule exempted our facility from reporting hazardous substance releases under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), but did not provide such an exemption for reporting under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA). The attached reporting information reflects our good faith estimate of ammonia and hydrogen sulfide emissions from our operations, in accordance with the EPA Final Rule.

While we do not believe that agricultural operations such as ours are required to report ammonia and hydrogen sulfide emissions from the decidedly naturally occurring processes of cattle urination, defecation and flatulence under either CERCLA or EPCRA, we are nonetheless filing the enclosed report under EPCRA given the uncertainty created by the EPA Final Rule over whether EPA believes that we have a legal obligation to report these naturally occurring releases which happen during routine agricultural operations. The EPA Final Rule pointedly noted that it was not "defining facility, normal application of fertilizer, or routine agricultural operations", 73 Fed. Reg. at 76951, and yet each of these definitions is key to a determination of whether we have a legal obligation to report these releases under either CERCLA or EPCRA.

In the past, we have relied on legal analyses concluding that we do not have an obligation to report these releases under either CERCLA or EPCRA because of the various exemptions and exceptions for naturally occurring substances, normal application of fertilizers and pesticides, and routine agricultural operations, as well as the intended focus of the statutes and the protections contained in the statutes and legislative history for agricultural operations suggesting that Congress never intended that emissions from cattle defecation, urination and flatulence be required to be reported in the same manner as manmade chemical accidents, spills and releases. Since the publication of the EPA Final Rule and the uncertainty it created over whether we are required to report ammonia and hydrogen sulfide emissions from cattle operations, we have assembled available data to make our good faith estimates of these emissions for the purposes of making the attached continuous release reports.

Thank you.

**KEEP THIS WORKSHEET FOR DAIRY RECORDS
DO NOT SUBMIT THIS WORKSHEET**

**Calculation Worksheet – Ammonia and Hydrogen Sulfide
Dairy Operations
January 2009**

The following emissions estimates for ammonia and hydrogen sulfide are based on research data collected by Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, and West Texas A&M University. Data has been collected as part of the USDA-CSREES-funded project, "Air Quality: Reducing Emissions from Cattle Feedlots and Dairies," between the years of 2003-2008. See also Mukhtar, S., Mutlu, A., Capareda, S., Parnell, C., "Seasonal and Spatial Variation of Ammonia Emissions from an Open-Lot Dairy Operation," 58 Journal of the Air and Waste Management Association 369 (March 2008). See also Mukhtar, S., and Mutlu, A., "Seasonal Hydrogen Sulfide Emissions from an Open-lot Dairy Operation," 2008. Estimates are provided based upon this research and data and consultation with Kansas State University. Field measurements are on-going and as such these values are a good faith estimate of air emissions based on currently available scientific information.

The final rule on EPCRA reporting issued by EPA on Dec. 18, 2008 and effective Jan. 20, 2009 requires reporting of ammonia or hydrogen sulfide **if** (1) the dairy is 700 head or larger or the calf ranch is 1000 head or larger **and** (2) the ammonia exceeds 100 lbs/day **or** the hydrogen sulfide exceeds 100 lbs/day. **DO NOT report ammonia or hydrogen sulfide values if the "upper bound" is LESS THAN 100 lbs/day. In that case, mark the appropriate field(s) with "N/A".**

Dairy Name: _____

AMMONIA (NH₃) EMISSIONS ESTIMATE

The emissions estimates provided below are inclusive of ammonia emissions from pen surfaces and the runoff holding pond(s). Ammonia emission rates are generally lower in the winter and higher in the summer.

Ammonia (NH₃) Emissions Estimate					
	Lowest Head Count		NH ₃ Emission Rate (pounds/hd/day)		NH₃ Lower Bound (pounds/day)
NH ₃ Lower Bound =		x	0.028^a	=	
^a winter emission rate from research data					
	Permitted Head Count		NH ₃ Emission Rate (pounds/hd/day)		NH₃ Upper Bound (pounds/day)
NH ₃ Upper Bound =		x	0.07^b	=	
^b summer emission rate from research data					

HYDROGEN SULFIDE (H₂S) EMISSIONS ESTIMATE

The emissions estimates provided below are inclusive of hydrogen sulfide emissions from the pen surfaces and the runoff holding pond(s). Hydrogen sulfide levels are fairly stable throughout the year.

Hydrogen Sulfide (H₂S) Emissions Estimate					
	Lowest Head Count		H ₂ S Emission Rate (pounds/hd/day)		H₂S Lower Bound (pounds/day)
H ₂ S Lower Bound =		x	0.000134	=	
	Permitted Head Count		H ₂ S Emission Rate (pounds/hd/day)		H₂S Upper Bound (pounds/day)
H ₂ S Upper Bound =		X	0.000134	=	