

MICHIGAN STATE UNIVERSITY EXTENSION

AIR EMISSION REPORTING UNDER EPCRA FOR CAFOs

BACKGROUND:

The EPA published a final rule in December, 2008 that exempted all large CAFOs from responsibility of federal reporting of emissions from livestock under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). However, the same rule continues a previously existing reporting requirement under the Emergency Planning and Community Right-to-Know Act (EPCRA) under the SARA Title III program. Under this final rule that went into effect on January 20, 2009, all large CAFOs still must notify state and local emergency response officials if they emit 100 pounds of ammonia or hydrogen sulfide from their operations during any 24 hour period. Failure to report could lead to enforcement action.

Farms can report by calling state and local emergency response officials each time they reach the 100 lb/d threshold, or submit a written one time continuous release report. 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 reporting process or make separate daily reports for those days. It is important to note that producers who participated in the EPA Air Emissions Consent Agreement do not need to report their emissions under EPCRA.

REPORTING

- 1) Producers should first notify the state and local authorities with a phone call stating that they potentially have continuous emissions of ammonia and hydrogen sulfide that exceed the thresholds and intend to submit a written report of continuous released emissions
 - Local Emergency Planning Committee contact information can be found on the DEQ website at: <http://www.michigan.gov/deqrelease> or by calling the Michigan SARA Title III Program at 517-373-8481
 - State Emergency Response Committee can be reached at the Pollution Emergency Alerting System (state that this is a non-emergency report) 1-800-292-4706
- 2) Within 30 days of the phone call, submit a one-time written report that provides a “good faith estimate” of the lower and upper bounds of the range of emissions that could occur from their operation to both state and local authorities.
 - Local Emergency Planning Committee addresses can be found on the DEQ website at: <http://www.michigan.gov/deqrelease> or by calling the Michigan SARA Title III Program at 517-373-8481
 - State Emergency Response Committee address is:
Michigan SARA Title III Program
Department of Environmental Quality
PO Box 30457
Lansing, MI 48909-7957
- 3) An annual reassessment needs to be conducted and a follow up report is needed if there is a statistically significant change in the upper bound emission level, or if better data become available that indicate a different good faith estimate is more accurate.

FREQUENTLY ASKED QUESTIONS

Q: How do I know if I am exempt from the reporting requirement?

You are exempt from reporting if you are not a CAFO, if you are a CAFO that participated in the Air Emissions Consent Agreement (call EPA Headquarters at 202-564-2723 to find out if you participated), or if you are a CAFO that does not emit 100 lb/day of ammonia or hydrogen sulfide.

Q: How do I know if I meet the 100 lb/day reporting requirement?

While there is no way to determine the actual ammonia or hydrogen sulfide released from your farm, there are several calculators available to help you estimate emissions. The EPA is currently running a national study (including one location in Indiana) which should give us a better understanding of actual farm emissions. You may use any of the 3 calculators available at:

- Texas A&M and Kansas State
<http://www.extension.iastate.edu/airquality/cerclaepcra/dairyoperations.pdf> (dairy)
<http://www.beefusa.org/uDocs/epcareportinginformation.pdf> (beef)
- Region 5 states www.michigan.gov/degrelease (all species)
- University of Nebraska – Ammonia Emissions Estimator, Rich Koelsch (all species)
<http://manure.unl.edu>

Q: What if I already reported by telephone to my local and state contacts and then discover I am under the 100 lb/day reporting requirement?

Send a letter to the local emergency planning committee and Michigan SARA Title III Program stating that you are under the 100 lb/day reporting requirement.

Q: What needs to be included in the written report?

There is a form letter, reporting form, and calculator specifically for dairy producers available at: <http://www.extension.iastate.edu/airquality/cerclaepcra/dairyoperations.pdf>
You should not submit your calculation worksheet, but make sure you keep it in your records.

Q: Do I have to do a written report one year after my initial report date?

No, a follow up report is needed if there is a statistically significant change in the upper bound emission level, or if better data become available that indicate a different good faith estimate is more accurate, possibly after the National Air Emissions Monitoring Study is finalized.

Q: What could happen if I chose not to report?

Affected CAFOs are strongly encouraged to comply with EPCRA. Failure to report a reportable emission is a violation of the law that could result in fines of \$37,500 per day for noncompliance and possible criminal charges, punishable by up to 5 years in jail. It is impossible to broadly assess individual liability or predict the conditions under which enforcement would occur.

For more information contact:

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