

Guidance on Continuous Release (CERCLA) Reporting – Nov. 15, 2017 deadline

This informational sheet is meant to provide the swine industry with basic information regarding the EPA's reporting requirements under a federal act known as CERCLA – which have a deadline for initial contact of Nov. 15, 2017. Every situation is different, and the general information below cannot and does not provide for whether you are complying with air emission reporting requirements. This document should not be considered legal advice and is not a substitute for legal advice. Producers are urged to seek the advice of an attorney to determine whether their operation is in compliance with air emission reporting requirements. Failure to adequately comply with air emission reporting requirements could result in producers facing significant legal liabilities. Only the producers' individual legal representatives can provide legal advice regarding compliance.

In addition to this guidance provided below, producers are encouraged to review the guidance EPA has provided to help with the reporting requirements. <http://tinyurl.com/AFO-Guidance>

NOTE: Farms that previously signed on to and participated in EPA's Air Consent Agreements, and remain in compliance with those agreements and have not been expanded, are not expected to report their emissions now.

For those who report, follow these steps:

1. ESTIMATE AMMONIA EMISSIONS – Using your best professional judgment, estimate the amount of ammonia emitted from the manure on your operation.

EPA included in its guidance a table to help swine producers calculate emissions. This table has little scientific value, is based upon a range of data collected over 10 years ago, but was provided as a tool available for producers to use. To access EPA's guidance table, go to page 3 of this link: <http://tinyurl.com/CERCLATable>

2. MAKE A VERBAL REPORT BY NOV. 15, 2017 – If you estimate your operation has greater than or equal to 100 pounds of ammonia emitted per day, then you must call the National Response Center (NRC) at 1-800-424-8802. The National Response Center will provide you with a CR-ERNS number to use on your written report.

A sample script is provided for you to use on the next page.

3. MAKE A WRITTEN REPORT -- Within 30 days of your call to the NRC, complete and sign the form on page 3, and then send it by certified mail to the following:

EPA REGION 4
ATTN: Victor Weeks, 9T25
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-3104

If you decide to report, and cannot comfortably calculate precise emission estimates, you may consider reporting the lower bound of emissions at "0" and the upper bound of emissions at "≥ 100lbs" (Greater Than or Equal to 100 lbs per Day).

Your latitude and longitude can be found on the list of permitted animal facilities on NC DEQ's website: <https://deq.nc.gov/cafo-map>

4. FOLLOW UP REPORT – Within 30 days of the 1 year anniversary of your written report, you must file a follow up report to your regional EPA office which verifies the information in the initial written report. NPPC/NCPC will send out a reminder when this time approaches next year.

5. KEEP GOOD RECORDS – Keep good notes on your phone call to the NRC, and keep a copy of your written report. Also, keep good notes on how you arrived at your estimate of ammonia emissions. Hold onto these records.

Example Phone Script

Hello, my name is [REDACTED]. I am calling to provide an initial notification of continuous release of ammonia from a swine farm on which there is animal manure. I am reporting in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act and guidance published by the U.S. Environmental Protection Agency.

I want to clarify that this is a notification of a continuous release, and is not an emergency. No emergency response is necessary.

The source of ammonia is the natural breakdown of animal manure.

The following information is subject to exemption number 6 under the Freedom of Information Act and is Confidential Business Information.

The name of my farm is: [REDACTED]

My farm is located in: [REDACTED] (Provide name of town/city and State)

Currently, I have no accurate method of estimating my emissions but its possible they may exceed the threshold of 100 pounds of ammonia per day.

Can you please provide me with a CR-ERNS number for this report: [REDACTED]

CERCLA "Continuous Release" Emissions Report to US EPA

SECTION 1: Location Information

Operation Name:		Latitude & Longitude: _____	
Person in Charge:		Population Density w/in 1-mile radius:	
Position:		<input type="radio"/> 0-50 persons	<input type="radio"/> 51-100 persons
Physical Address:		<input type="radio"/> 101-500 persons	<input type="radio"/> 501-1000 persons
City:		<input type="radio"/> > 1000 persons	Other: _____
State:		Sensitive Populations / Ecosystems w/in 1-mile radius	
Zip:		<input type="radio"/> Elementary School:	
Phone 1:		<input type="radio"/> Retirement community:	
Phone 2:		<input type="radio"/> Hospital:	
CR-ERNS Number:		<input type="radio"/> Wetland:	
Date of NRC Report:		<input type="radio"/> Other:	

SECTION 2: Source and Release Information

DESCRIPTION: This location is a farming operation where swine are housed and fed, and their manure is collected and stored for subsequent use. This report is being submitted in response to the DC Circuit Court's decision in *Waterkeeper v. EPA*, which overturned a rule that exempted animal agricultural operations from CERCLA's air emissions reporting requirements. The ammonia being emitted from the animals at this location is the result of a naturally occurring process and a normal consequence of the generation and use of manure by a routine agricultural operation. The releases of ammonia from this manure are continuous and stable in quantity and rate.

Source Name (operation name):		Time and Duration:	Continuous
		Health Effects:	None
Environmental Medium	Air	Precautions:	None

SECTION 3: Substance Released and Quantity Estimates*

Chemical Name	CASR N#	LOWER BOUND (lbs/day)	UPPER BOUND (lbs/day)
Ammonia	7664-41-7		

* I provide these estimates using my best professional judgment as to their value, given that there is no generally accepted methodology for estimating emission quantities, and that there is a high degree of uncertainty and variability about the nature and amounts of releases in general. This report is not a claim that my operation produces the amount of ammonia indicated, but it is merely my best estimate based on the limited information available.

SECTION 4: Signed Statement

I certify that the hazardous substance releases described in this report are continuous and stable in quantity and rate, and that all of this information is accurate and current to the best of my knowledge.

Name (printed)		Title:	
Signature		Date:	