

## Reporting Continuous Release Emissions

***Authors' Note: The 2018 Consolidated Appropriations Act contained language that would exempt agricultural operations from reporting under CERCLA. This fact sheet is left up as a reference for those wondering what reporting looked like at the time. At this time, all agricultural operations are exempt.***

Beginning May 1, 2018, agricultural operations must begin reporting hazardous waste emissions for ammonia and hydrogen sulfide exceeding a reportable quantity for a 24-hour period. This new requirement for animal operations is the result of a recent court ruling on an exemption finalized by the Environmental Protection Agency (EPA) under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). This new requirement will impact large livestock operations in Maryland and Delaware. Livestock operations emitting more than 100lbs of ammonia or hydrogen sulfide per 24-hour period will be required to file a continuous release report with the National Response Center (NRC). A livestock operation failing to file this continuous release report with NRC will face fines if a release is discovered.

### **Determine if Your Farm Must File a Report With NRC By Calculating Your Emissions Based on Housing and Management Practices**

Many factors, such as type of houses and manure management practices will impact the

amount of ammonia and hydrogen sulfide that a livestock operation is emitting. Determining if your livestock operation must file a continuous release report with NRC may not seem like an easy task for many operations, but there is help. EPA has

compiled worksheets and charts to help livestock operators that are available on the website

[CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms](#). Table 1 highlights some sample Maryland and Delaware poultry operations and Maryland dairy operations to highlight when a livestock operation may exceed the reportable ammonia and hydrogen sulfide emissions.

### **Email NRC to Provide Notification of a Continuous Release**

Once a livestock operation has completed a worksheet to determine if the operation exceeds 100 lbs of ammonia or hydrogen sulfide per 24-hour period, the livestock operator must notify the NRC by email at [farms@uscg.mil](mailto:farms@uscg.mil); email is the preferred method to provide the notification. In the subject line of your email, please include the following language: "initial continuous release notification." In the email's body, provide the following:

- Name of the farm;

- Location of the farm (e.g., name of city/town and state);
- Name(s) of the hazardous substance(s) released

A livestock operation can submit information for multiple farms (i.e. multiple facilities) in one email.

After sending the email, the livestock operation will receive an automated response from the NRC with a single identification number for the livestock operation(s) known as a CR-ERNS number. The livestock operation must include this CR-ERNS number in any follow-up communications or follow-up reports to the Regional EPA Office. Be sure to check your junk email for this automated response.

#### **Notify the EPA Regional Office Within 30 Days of the Email**

Within 30 days of sending this initial email to the NRC, the livestock operation must submit a written initial notification of a continuous release for each farm (i.e. each facility). For example, if you have a poultry farm located on one property and a poultry farm on another property, each farm must submit a written initial notification with EPA. Maryland and Delaware operations should send this notification to: U.S. Environmental Protection Agency Region 3, 1650 Arch Street, Philadelphia, PA 19103-2029. EPA is in the process of developing a streamlined continuous reporting form for livestock operations to utilize. Until then, use EPA's form [Reporting Requirements for Continuous Releases of Hazardous Substances](#). Check the EPA's website listed in the References for the streamlined form once it is made available from EPA.

You can also provide the following information to EPA in a written document, which will be easier than filling out the forms on EPA's website. These forms currently do not work for a

livestock operation, EPA is working with livestock groups to develop forms that will work. The written document to EPA should include:

- **General information:** For each farm, provide the CR-ERNS number, operation name, physical address, person in charge, phone number(s), latitude and longitude of the farm, number of towns within a one-mile radius of the farm, and the existence of any elementary schools, retirement facilities, hospitals, or wetlands with a one-mile radius.
- **Source information:** For each farm, include the source of the emissions (i.e. the type of livestock), the hazardous substance (ammonia or hydrogen sulfide), and the medium by which it is being released (in the case of livestock operations, air).
- **Substance information:** Using the worksheets you completed for each farm, provide the lower and upper bounds of the range of releases in pounds per day to the EPA for each farm.
- **Statement:** Include the following statement: "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." Then sign and date the statement.

A livestock operation should keep a copy of this notification sent to the EPA Regional Office to have a record that the written notification was filed timely.

### **30 Days After Your First Year Anniversary, File a One-Time Follow-up Report to the EPA**

One year after you file the initial written notification with EPA, the livestock operation will have 30 days to complete a one-time follow-up report to the EPA regional office. The follow-up report requires the same information discussed

above along with any updated information which has changed over the course of the year. This written update will be sent to the EPA regional office in Philadelphia.

### **Additional Reporting Is Required in Certain Situations for Livestock Operations**

Two additional EPA reporting requirements dealing with continuous release may apply to a livestock operation. The first situation is if the livestock operation has a statistically significant increase (SSI) in releases exceeding the upper bound of the normal range of emissions on the continuous release report. An SSI will typically be triggered by a higher number of animals on the farm or a significant change or disruption in the waste handling procedures or systems. The second situation would be when there is a change to the previously submitted continuous release report.

Livestock operations should review the operation's continuous release report annually and determine if any changes require the operation to provide written notification to the EPA Regional Office. This reporting requirement is ongoing; livestock operations need to pay attention to when the operation's continuous release of ammonia or hydrogen sulfide has potentially changed. Developing a system to review these reporting requirements annually can save the livestock operation from EPA fines down the road.

**Table 1 Formulas and Estimated Minimum Head Count for CERCLA Emissions Reporting for Ammonia**

<b>Livestock and Type</b>	<b>Housing System and Manure System</b>	<b>Formula for Ammonia Emissions</b>	<b>Estimated Minimum to Trigger Reporting</b>
<b>Dairy (100lbs/day milk)</b>	Roofed Facility with lagoon bottom fed	Head count x 0.25 = ___ lbs/day	400 head
<b>Dairy (88lbs/day milk)</b>	Roofed Facility with lagoon bottom fed	Head count x 0.24 = ___ lbs/day	417 head
<b>Dairy (70lbs/day milk)</b>	Roofed Facility with lagoon bottom fed	Head count x 0.20 = ___ lbs/day	500 head
<b>Dairy (50lbs/day milk)</b>	Roofed Facility with lagoon bottom fed	Head count x 0.16 = ___ lbs/day	625 head
<b>Dairy (100lbs/day milk)</b>	Roofed Facility with lagoon top fed	Head count x 0.38 = ___ lbs/day	263 head
<b>Dairy (88lbs/day milk)</b>	Roofed Facility with lagoon top fed	Head count x 0.36 = ___ lbs/day	277 head
<b>Dairy (70lbs/day milk)</b>	Roofed Facility with lagoon top fed	Head count x 0.30 = ___ lbs/day	333 head
<b>Dairy (50lbs/day milk)</b>	Roofed Facility with lagoon top fed	Head count x 0.24 = ___ lbs/day	417 head
<b>Dairy (dry)</b>	Roofed Facility with lagoon top fed	Head count x 0.18 = ___ lbs/day	556 head
<b>Swine, finishing</b>	Roofed facility, pit under the floor	Head count x .040 = ___ lbs/day	2500 head
<b>Poultry, broilers</b>	40-d broilers on built-up litter	Bird count x .00319 = ___ lbs/day	31,310 birds
<b>Poultry, broilers</b>	49-d broilers on built-up litter	Bird count x .00381 = ___ lbs/day	26,240 birds
<b>Poultry, broilers</b>	63-d broilers on built-up litter	Bird count x .00476 = ___ lbs/day	21,020 birds

## References

Goeringer, Paul. Court of Appeals Rules Against Animal Ag Reporting Exemption in Two Environmental Laws. College Park, MD: Maryland Agricultural Risk Management Education Blog. 2017. Internet site: <http://agrisk.umd.edu/blog/court-of-appeals-rules-against-animal-ag-reporting-exemption-in-two-environmental-laws>

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U.S. Environmental Protection Agency - CERCLA and EPCRA Reporting Requirements for Air Releases of Hazardous Substances from Animal Waste at Farms. Internet site: <https://www.epa.gov/epcra/cercla-and-epcra-reporting-requirements-air-releases-hazardous-substances-animal-waste-farms>.

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