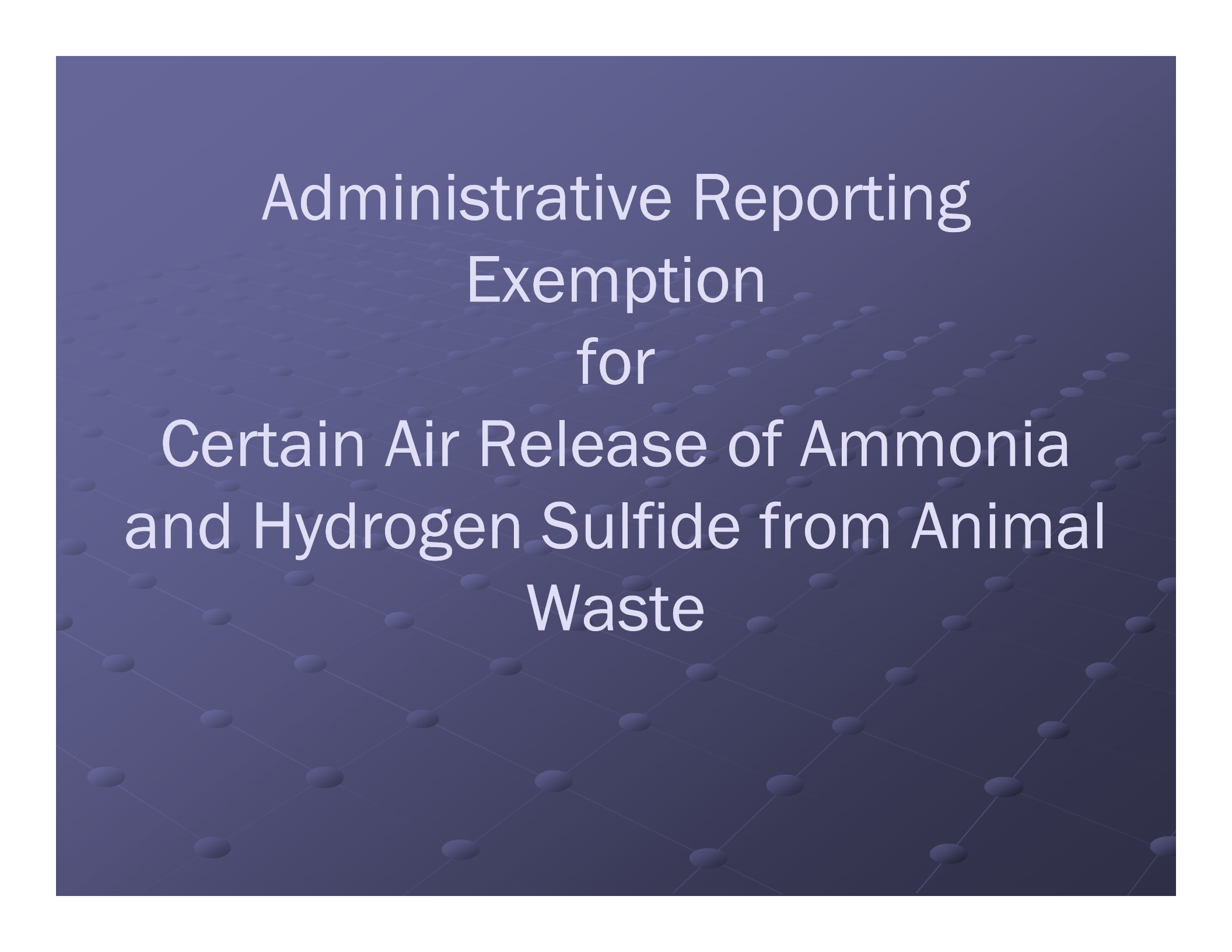


CERCLA / EPCRA Reporting Requirements and Procedures

Jeff Beattie
Ohio EPA
(614) 644-2269

The background of the slide features a dark blue, textured surface with a repeating pattern of small, light blue spheres connected by thin, light blue lines, resembling a molecular or crystal lattice structure.

Administrative Reporting Exemption for Certain Air Release of Ammonia and Hydrogen Sulfide from Animal Waste

Background

- 1980 CERCLA Enacted
- Comprehensive Environmental Response
Compensation and Liability Act of 1980
- Emergency response for hazardous substances released into the environment.
- Includes release reporting provisions

Background

- 1986 SARA Enacted
- Superfund Amendments and Reauthorization Act of 1986
- Emergency Planning and Community Right-to-Know
- Includes release reporting provisions

Release Reporting under CERCLA & SARA Title III

- Releases must be reported if they equal or exceed the Reportable Quantity (RQ) in a 24-hour period.
- Specific lists; individually assigned RQ's (1 lb, 10 lbs, 100, 500, 1,000, etc.)
- Exemptions:
 - Federally permitted releases
 - Application of pesticides

Release Reporting under CERCLA & SARA Title III

- Continuous releases occur without interruption, or are routine, anticipated and incidental to normal operations.
- Continuous releases qualify for reduced reporting – Instead of reporting the release every day that it exceeds the threshold, you can report one time.

CERCLA section 103

40 CFR 302

● CERCLA Hazardous Substances

- Initial phone notifications to the National Response Center (NRC) 800-424-8802 within 15 minutes of discovery
- Written report to EPA Region 5 required only for continuous releases
 - Initial Written Report: within 30 days after initial phone notification
 - Follow-up Written Report: within 30 days after first anniversary of initial written report

SARA Title III section 304

40 CFR 355.40

- CERCLA Hazardous Substances & EPCRA Extremely Hazardous Substances and Oil
 - Initial phone notification to:
 - Jurisdictional Fire Department
 - Ohio EPA - ER
 - Local Emergency Planning Committee (LEPC)within 30 minutes of discovery
 - Follow-up written report to SERC & LEPC
 - For one-time releases: Within 30 days after release
 - For continuous releases: Within 30 days after initial phone notification; anniversary update

Verbal Notification

- Within 30 minutes upon knowledge or discovery
- Notification to:
 - Jurisdictional Fire Department
 - Ohio EPA (800-282-9378)
 - County Local Emergency Planning Committee (LEPC)

Written Follow-up Report

- Due within 30 days of release
- Submit to:
 - Ohio EPA – ER Records
50 West Town Street
P.O. Box 1049
Columbus, OH 43216-1049
 - LEPC Emergency Coordinator

What about releases from manure?

Ammonia RQ = 100 lbs

Hydrogen Sulfide RQ = 100 lbs

Question: Does CERCLA and SARA apply to animal wastes?

- 2005 Petition for exemption by various Associations, Federations, and Councils.
- 2005 Air Compliance Agreement;
2,568 Ag operations representing 6,267 farms, received a covenant not to sue for CERCLA, SARA, and CAA violations in exchange for participation.
- \$2,500 per farm for national air emissions monitoring study
- Workgroup formed to evaluate ways to reduce or eliminate the CERCLA and SARA reporting burdens for CAFO's

Proposed Exemption

- Completely eliminated CERCLA and SARA Title III release reporting.
- Included all air releases arising from animal waste.
- Did not exempt releases from sources other than animal waste.
- Did not exempt releases to other medias.

2008 Final Rule

Published December 18, 2008

Effective January 20, 2009

- Administrative reporting exemption for CERCLA
- Limited administrative reporting exemption for SARA Title III; EPCRA

Applies to releases of hazardous substances to the air that meet or exceed their reportable quantity where the source of those hazardous substances is animal waste at farms.

Final Rule

Only Large CAFOs (as defined by the Clean Water Act) must report emissions from animal waste.

Hazardous substance releases that are emitted to the air from animal waste are considered to be continuous and stable in quantity and rate, and qualify for continuous release reporting.

Animals that are not stabled or confined and graze on pastures are exempt.

- The final rule also exempts farms that release hazardous substances from animal waste to the air that meet or exceed their RQ from reporting under the Emergency Planning and Community Right to Know Act (EPCRA) section 304 if they are stable or confine fewer than the following number of animal species:

1. 700 mature dairy cows, whether milked or dry
2. 1,000 veal calves
3. 1,000 cattle other than mature dairy cows or veal calves. Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.
4. 2,500 swine each weighing 55 pounds or more
5. 10,000 swine each weighing less than 55 pounds
6. 500 horses

7. 10,000 sheep or lambs
8. 55,000 turkeys
9. 30,000 laying hens or broilers, if the farm uses a liquid manure handling system
10. 125,000 chickens (other than laying hens), if the farm uses other than liquid manure handling system
11. 82,000 laying hens, if the farm uses other than liquid manure handling system
12. 30,000 ducks (if the farm uses other than liquid manure handling system)
13. 5,000 ducks (if the farm uses a liquid manure handling system)

Note: For the purposes of this rule, EPA considers animals that reside primarily outside of an enclosed structure (i.e., a barn or a feed lot) and graze on pastures, not to be stabled or confined.

Ongoing Emission Factor Study

CAFOs that signed the Consent Agreement do not have to report air releases until after the Emissions Factors have been determined.

All other CAFOs must report.

Ohio Compliance

- 235 Ag operations signed the consent agreement with EPA
- 13 Initial phone notification received between 1/2009 – 2/2009
- 19 Initial written reports received