CERCLA / EPCRA
Reporting Requirements and Procedures

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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
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 (NCR) 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