



Facts About...

Hazardous Release Reporting From Animal Waste to Air

On December 18, 2008 the **US EPA** published a final rule that made some changes to the reporting requirements under the Emergency Planning and Community Right-To-Know Act (EPCRA) (Federal Register, 73 (244) 76948 – 76960, Dec., 18, 2008). The Maryland Department of the Environment had no role in creating these requirements, but the federal rule requires that covered facilities report to the State. The changes pertain to the release of hazardous substances, generally ammonia and hydrogen sulfide, from **animal waste** at farms. Pending further study by EPA, the assumption by EPA for reporting is that if a facility exceeds the reporting animal number thresholds noted below, notification is required unless it can be demonstrated that the facility releases less than 100 pounds of ammonia or hydrogen sulfide. The reporting requirements are: an initial telephone notification, a written follow-up report within 30 days of the initial notification, and a written report on the 1-year anniversary of the initial report. .

This final rule clarified and quantified the reporting threshold in terms of animal numbers that is more relevant to the farm community. **This rule does not change the reporting requirements where the source is not animal waste at farms or is to any medium other than air.**

The new regulation uses the National Pollutant Discharge Elimination System (NPDES) definition of CAFO. If a CAFO confines animals as defined by the NPDES program, the facility must provide the notifications to the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) as required under EPCRA. The contact information is provided below. The chemicals of concern for CAFOs are ammonia and hydrogen sulfide from animal waste.

What is a CAFO?

A concentrated animal feeding operation, or CAFO, is defined by EPA as a farm has animals in number equal to or more than the following thresholds:

- 700 mature dairy cows, milked or dry
- 1,000 veal calves
- 1,000 cattle other than mature dairy cows or veal calves
- 2,500 swine, each weighing 55 pounds or more
- 10,000 swine, each weighing 55 pounds or less
- 500 horses
- 10,000 sheep or lambs
- 55,000 turkeys
- 30,000 laying hens or broilers and the farm uses a liquid manure handling system
- 125,000 chickens (other than laying hens, and the farm does **not** use a liquid manure handling system
- 82,000 laying hens, if the farm does not use a liquid manure handling system
- 30,000 ducks, if the farm does **not** use a liquid manure handling system
- 5,000 ducks, if the farm uses a liquid manure handling system

How do you report?

The owner or operator of any facility that is a CAFO should immediately notify the State Emergency Response Commission (SERC) and their Local Emergency Planning Committee (LEPC) by telephone and will need to follow-up within 30 days with a written form. A written report to the SERC and the LEPC is required on the 1-year anniversary of the initial notification.

The required information for the initial notification is straightforward and shown on the one page notification form attached to this fact sheet. MDE has partially completed the form to assist with the process. The suggested format for the written follow-up report is the EPA's CR-ERNS (Continuous Release-Emergency Response Notification) form. That form and the EPA guidance for its completion can be found by following this link: <http://www.epa.gov/superfund/policy/release/faciliti.htm>

Continuous Release Reporting

Because the releases from a CAFO are generally stable in quantity and concentration by reporting the release as a continuous release, the owner or operator would make the initial report as required above, but would indicate that they are reporting a continuous release. The written follow-up, is required within 30 days of the initial report should be made using the EPA's CR-ERNS form. Then one year after the initial notification, a second follow-up report would be submitted to the SERC and the LEPC.

To whom should you provide the reports?

The initial notification to the SERC can be made by calling the MDE's Community Right-To-Know Section at 410-537-3800. The written follow-up report should be sent to:

Patricia Williams
Maryland Department of the Environment
Science Services Administration
1800 Washington Blvd
Baltimore, MD 21230

The initial notification and the written follow-up reports to the LEPC should be made to the committee for the county in which the facility is located. A list of the LEPCs that includes the name of the chairperson and the mailing address can be found on the MDE website. Follow this link to see the LEPC contact list for Maryland: <http://www.mde.state.md.us/assets/document/PIA/LEPC.pdf>.

For further information about this topic contact:

Patricia Williams in the Community Right-to-Know Section at 410-537-3800 or by email pwilliams@mde.state.md.us.

**SARA SECTION 304
EMERGENCY CHEMICAL RELEASE NOTIFICATION**

Report for Continuous Discharge to Air from Animal Waste

GUIDANCE: DEFAULT ANSWERS ARE PROVIDED FOR THIS TYPE OF DISCHARGE AND MUST BE CONFIRMED WHEN RESPONDING.

COMPANY NAME:

PERSON CALLING:

PHONE NUMBER:

DATE OF NOTIFICATION:

QUANTITY RELEASED (TYPE OF LIVESTOCK AND NUMBER EXCEEDED):

MANURE HANDLING: *LIQUID* *OR* *NON-LIQUID* (*SELECT ONE*)

DATE OF RELEASE: *CONTINUOUS*

TIME AND DURATION OF RELEASE: *CONTINUOUS RELEASE*

CHEMICAL RELEASED: *AMMONIA, HYDROGEN SULFIDE*

EXTREMELY HAZARDOUS SUBSTANCE: *YES*

MEDIUM INTO WHICH RELEASE OCCURRED: *AIR*

DATE FOLLOW-UP RECEIVED: (*TO BE COMPLETED BY MDE*):