



Poultry Industry

CERCLA Reporting Guide

Comprehensive Environmental Response,
Compensation and Liability Act (CERCLA) of
1980

PROVIDED BY:

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Definitions

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)

Under CERCLA, also known as Superfund, Congress established an initial reportable quantity for various Superfund hazardous substances. The Environmental Protection Agency (EPA) also issued regulations to adjust these initial reportable quantities to more accurately reflect their potential to threaten public health and the environment. Under CERCLA, hazardous substances that exceed the reportable quantity require the owner to report to the federal, state, and local emergency planning entities.

Hazardous Substance in the Poultry Industry

Under CERCLA poultry and egg producers are required to report if they emit more than 100 pounds of ammonia per day from their facility. Ammonia is emitted as a by-product of poultry litter. Do to the different variables that effect the production of ammonia as manure breaks down, currently there is no scientifically verified methodology to estimate the volume of ammonia generated on individual poultry and egg farms. This will require poultry and egg farmers to file reports that infer they have exceeded the daily reporting threshold of 100 pounds of ammonia.

Background Information As of December 2017

In 2004, USPOULTRY, National Turkey Federation and the National Chicken Council formally requested EPA to exempt poultry farms from the requirement to report the emission of ammonia under CERCLA and EPCRA. The request emphasized the belief that the CERCLA and EPCRA programs were never meant to cover the release of naturally occurring substance into the air that originates from the breakdown of animal waste. The request also pointed out that many emergency responders, particularly those responders from poultry production states, questioned the reasoning and need for poultry farmers to submit emission reports.

In December 2008, EPA agreed with the rationale behind the request and provided the animal agriculture industry with a full reporting exemption under CERCLA and partial reporting exemption under EPCRA for the emission of ammonia and hydrogen sulfide into the air that is generated from the natural breakdown of manure.

In 2015, Environmental groups petitioned to vacate the reporting exemption for CERCLA and the partial EPCRA reporting exemption. In April of 2017 the U.S. Court of Appeals for the District of Columbia Circuit vacated the reporting exemptions. Both reporting programs require notification of release of any hazardous substance, including ammonia and hydrogen sulfide.

EPA Reporting Guidance

In October of 2017, EPA issued reporting guidance as a result of the DC Circuit Court’s decision to vacate the exemption. This reporting guidance explained that the emission of ammonia that results from the breakdown of manure is exempt from EPCRA reporting requirements because these emissions result from “Routine Agricultural Operations.”

The October 2017 guidance also indicated the court’s decision to vacate the CERCLA exemption would require the submission of CERCLA emission reports, however it is sufficient to submit one-time continuous release reports.

The following guidance document provides step-by-step instructions on how to notify and submit continuous release reports for the emission of ammonia that results for the natural breakdown of manure into the air.

CERCLA: Overview of how to File a Continuous Release Report

1. Initial Email Notification to the National Response Center (NRC)

An email must be sent to the NRC via NRC-CERCLA-EPCRA-REPORT@uscg.mil as soon as you have a sufficient basis for establishing that the release is continuous and stable in quantity and rate.

After sending the email notification to NRC, you will be assigned a CR-ERNS number, which is assigned to you specifically.

NOTE: *Remember the CR-ERNS number assigned for each report that is made. This Number will not change and is used to track each report for the facility that is submitted to NRC.*

2. Initial Written Report

Must be submitted within 30 days of the initial email notification to NRC. Send one copy of the completed initial written report to the following:

- The EPA Regional Office for the region in which your facility is located

3. One Time Follow Up Report

Must be submitted to the appropriate EPA regional office (same office as Step 2) within 30 days of the first anniversary of the initial email notification. Follow the same guidelines for writing the follow up report as seen in Step 2.

4. Change in Source Review

Conducted as needed

Preliminary Information Required Checklist

Make sure to find this information before conducting email and written reports

Contact Information

National Response Center

Email: NRC-CERCLA-EPCRA-REPORT@uscg.mil

EPA Regional Office

Mailing Address: _____

CERCLA: Step 1 – Initial Email Notification to National Response Center (NRC)

An initial email notification must be made to the NRC stating that you may be releasing ammonia in excess of 100 lbs.

Contact Information

National Response Center (NRC)	Email NRC at: NRC-CERCLA-EPCRA-REPORT@uscg.mil Make sure to put “INITIAL CONTINUOUS RELEASE INFORMATION” on the subject line of the email.
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Required Information

Make sure to provide the following information when providing the email notification to the NRC.

- | |
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| 1. Identify your report as an “initial continuous release notification” under CERCLA Section 103(f)(2). |
| 2. Identify the name and location of the facility responsible for the release. Address is not required – City/town and State is sufficient. |
| 3. Identify hazardous substance released – In this case Ammonia |

- Example Email Notification to the NRC -

To: NRC-CERCLA-EPCRA-REPORT@uscg.mil

Subject: **INITIAL CONTINUOUS RELEASE NOTIFICATION**

To whom it may concern,

I am sending this email as an initial continuous release notification of ammonia from a farm on which I have animal manure. I am reporting this emission in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act. I want to clarify that this is a notification of a continuous release. The cause of the ammonia is the natural breakdown of animal manure. I want to clarify that I do not have an emergency.

The following information is personal information subject to exemption number 6 under the Freedom of Information Act and is confidential business information.

The name of the farm is **(NAME OF FARM)** and the farm is located in **(CITY/TOWN,STATE)**. Currently, I have no way of estimating my emissions but I may be exceeding the threshold of 100 pounds of ammonia per day.

(FARM OWNER’S NAME)

Note: Ask for and record the CR-ERNS number the NRC assigns to your farm. Each additional correspondence to the NRC will require the CR-ERNS number that was assigned to you during the initial email notification. Make sure to provide the CR-ERNS number on the initial written report, the one-time 12-month follow up report and any time you contact the NRC after the initial email notification.

CERCLA: Step 2 – Initial written report to EPA Regional Office

Must be submitted within 30 days of the initial email notification to the NRC.

Contact Information

The EPA Regional Office for the region in which your facility is located	You can find your EPA Regional office using the following link: https://www.epa.gov/aboutepa/visiting-regional-office Once the state is selected, your regional office information will load.
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Required Information

Make sure to provide the following information for the following sections within your initial written report.

	Important Notes/Requirements
Section I General Information	Part A: Facility Information <ol style="list-style-type: none"> Clearly identify the type of written report you are submitting (initial or follow up report) Include the information from the initial email notification such as the date of the release, and the date of the initial email. Name of the facility, full address of the facility - including the street address and the latitude and longitude coordinates Name and phone number of the person in charge of the facility. Include the CR-ERNS number assigned to you by the NRC. NOTE: PUT THIS NUMBER EACH REPORT SUBMITTED!
	Part B: Population Information <ol style="list-style-type: none"> Choose a population density within a one-mile radius of your facility Identify and describe the location of sensitive populations or ecosystems (hospitals, schools, wildlife refuges, wetlands)

Latitude and Longitude Information

Latitude and Longitude Information needed for your report can be obtained at the following web address: <http://www.satsig.net/maps/lat-long-finder.htm>

This information can also be obtained from the United States Geological Survey Topographic Map. The maps can be obtained from a USGS distribution center at your local library.

Map Contact: U.S. Geological Survey Branch of Distribution
PO Box 25286 Federal Center
Denver, CO 80225

CERCLA: Step 3 – One Time Follow up written report to EPA

Must be submitted to the appropriate EPA regional office within 30 days of the first anniversary of the initial email notification.

Contact Information

You will use the same EPA regional office used when submitting the initial written report in Step 2.

Required Information

You will submit the same information that you submitted in Step 2 when submitting the one time follow up report.

CERCLA: Step 4 – Change in Source Review

Conducted as needed

If there are any significant increases of emission on your farm, you will need to report this. A change of release information is treated like a “new release”. Therefore, the owner or operator of the facility must first make an initial email notification to the NRC to report the change. When emailing the NRC to notify of the change, make sure to provide the original CR-ERNS number given to you by the NRC during the initial email notification.

The farm must then send a written report within 30 days of the initial email notification to the NRC. Finally, the owner or operator of the facility must submit the “Follow-up Report” to the appropriate EPA regional office within 30 days of the first anniversary of the written report.

On the reports, make sure to specify whether you are:

- Adding a new source(s)
- Deleting a source(s)
- Modifying the list of hazardous substances previously reported

Also ensure that you show the updated information by highlighting, check marking, or underlining to clearly identify the new or changed information.

An example of a significant increase in emission would be the addition of a new poultry house or acquiring a new farm. For best management practices keep an annual signed record that no significant increases have been made on your farm

CERCLA Continuous Release Reporting Form

To be used for initial and One Time Follow up written report under the CERCLA reporting program. Be sure to mark which report you are submitting under “Type of Report Submitting.”

Fill in any areas with a [example] surrounding the field with your information.

NOTE: This form can be found in the same folder as the reporting guidance document as a separate fillable word file.

[Name of Company]

CERCLA CONTINUOUS RELEASE REPORTING FORM

Today's Date: [Date]		Date of Initial Notification Call: [Date]		CR-ERNS #: [CR-ERNS Number]	
REPORTING INFORMATION					
Reporting Program:		CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act)			
Type of Report Submitting		<input checked="" type="radio"/> Initial Written Report <input type="radio"/> Follow up Report (ONLY FOR CERCLA USE) <small>*The follow up report must be submitted within 30 days of the first anniversary of the initial written report.</small>			
NATIONAL, STATE, AND LOCAL ENTITIES TO BE CONTACTED					
National Response Center (NRC)		Contact Name: [Full Name]		Address: [Address/ P.O Box, City, ST ZIP Code]	
State Emergency Response Commission (SERC)		Contact Name: [Full Name]		Address: [Address/ P.O Box, City, ST ZIP Code]	
Local Emergency Planning Committee (LEPC)		Contact Name: [Full Name]		Address: [Address/ P.O Box, City, ST ZIP Code]	
SECTION I: GENERAL INFORMATION					
Facility Information					
Farm Owner's Last Name: [Last Name]		First: [First Name]	Middle: [Initial]	[Choose an item]	Telephone Number:
Farm Address: [Address/ P.O Box, City, ST ZIP Code]					
Location of the Farm:		Latitude: [Degrees/Min/Sec]		Longitude: [Degrees/Min/Sec]	
Population Information					
Range that most accurately describes population within one mile of your farm (Pick one from the drop down box):				Choose an item.	
To the best of your knowledge, are there any schools or daycare centers within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ½ mile northwest): [Location]		
To the best of your knowledge, are there any hospitals within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ½ mile northwest): [Location]		
To the best of your knowledge, are there any retirement communities within one mile of your farm?		Choose an item.	If yes, estimate distance in miles and direction (ex: ½ mile northwest): [Location]		
SECTION II: SOURCE INFORMATION					
Source Information		Poultry Grow-Out Houses [] Litter Storage Area			
Environmental Medium		Ammonia from poultry operations is generated from the natural breakdown of manure. The process is continuous and stable. The medium affected from ammonia generated during this breakdown is air.			
Identity and Quantity of Hazardous Substance:		Source: Ammonia Although it is possible that I may be releasing more than the reporting threshold quantity of 100 pounds of ammonia per day, I do not have scientific equipment to measure how much I emit on a daily basis. A study titled "Tyson Broiler Ammonia Emission Monitoring Project" performed by Burns, et. al. indicated that the average daily ammonia emission was roughly 31 lbs. / day per house. While this value may be appropriate for the specific farm studied, release from my farm may vary based on several factors, including the final age of the birds, on farm maintenance and atmospheric conditions. Based on these factors, I am making a good faith effort to submit this written notification under the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act.			
SECTION III: HAZARDOUS SUBSTANCE INFORMATION					
Although it is possible that I may be releasing more than the reporting threshold quantity of 100 pounds of ammonia per day, I do not have scientific equipment to measure how much I emit on a daily basis. Furthermore, there is no published estimation methodology that allows me to estimate total daily emissions that may come from the natural breakdown of manure on my farm. Based on these factors, I am making a good faith effort to submit this written notification under the reporting requirements of the Comprehensive Environmental Response, Compensation and Liability Act.					
CERTIFICATION STATEMENT					
I certify that the hazardous substance release described herein is continuous and stable in quantity and rate under the definition in 40 CFR 302.6 (b) OR 355.32 and that all submitted information is accurate and current to the best of my knowledge.					
Print Name:		Position:			
Signature:		Date:			



This document was produced by the U.S. Poultry & Egg Association. The guidance provided in this document has not been approved or endorsed by the EPA or State regulatory agencies responsible for administering EPCRA / CERCLA reporting programs.



This document was developed by the U.S Poultry & Egg Association and is intended to provide poultry & egg farmers assistance with reporting the possible emission of ammonia that results from the natural breakdown of manure for which there is no scientific methodology for calculating. The guidance provided in this document has not been approved or endorsed by the EPA or State regulatory agencies responsible for administering CERCLA and EPCRA reporting programs.

USPOULTRY'S CERCLA Reporting Video Tutorial

Video tutorial showing the step by step process on how to report for emissions under the CERCLA reporting requirement. This video can be found on USPOULTRY's website: <http://www.uspoultry.org/environment/regulatory.cfm>

