

TO: Local Emergency Planning Committee:

Method of Delivery and Tracking No.:

State Emergency Response Commission:

Method of Delivery and Tracking No.:

FROM: _____

RE: Continuous Release Report

Dear Sir or Madam:

This continuous release report is submitted pursuant to 40 CFR 355.32 and the final rule published on December 18, 2008, 73 Fed. Reg. 76948 (EPA Final Rule). This final rule exempted our facility from reporting hazardous substance releases under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), but did not provide such an exemption for reporting under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA). The attached reporting information reflects our good faith estimate of ammonia emissions from our operations, in accordance with the EPA Final Rule.

While we do not believe that agricultural operations such as ours are required to report ammonia emissions from the decidedly naturally occurring processes of livestock urination, defecation and flatulence under either CERCLA or EPCRA, we are nonetheless filing the enclosed report under EPCRA given the uncertainty created by the EPA Final Rule over whether EPA believes that we have a legal obligation to report these naturally occurring releases which happen during routine agricultural operations. The EPA Final Rule pointedly noted that it was not "defining facility, normal application of fertilizer, or routine agricultural operations", 73 Fed. Reg. at 76951, and yet each of these definitions is key to a determination of whether we have a legal obligation to report these releases under either CERCLA or EPCRA.

In the past, we have relied on legal analyses concluding that we do not have an obligation to report these releases under either CERCLA or EPCRA because of the various exemptions and exceptions for naturally occurring substances, normal application of fertilizers and pesticides, and routine agricultural operations, as well as the intended focus of the statutes and the protections contained in the statutes and legislative history for agricultural operations suggesting that Congress never intended that emissions from livestock defecation, urination and flatulence be required to be reported in the same manner as manmade chemical accidents, spills and releases. Since the publication of the EPA Final Rule and the uncertainty it created over whether we are required to report ammonia emissions from livestock operations, we have assembled available data to make our good faith estimates of these emissions for the purposes of making the attached continuous release reports.

Thank you.

Swine Operation – Continuous Release Report Emergency Planning and Community Right-to-Know Act (EPCRA)

- Complete and sign this form.
- Call the Local Emergency Planning Committee (LEPC) and State Emergency Response Commission (SERC).
- Mail this one-page form to the LEPC and SERC (certified mail—return receipt or other verifiable means).

TYPE OF REPORT: <input type="checkbox"/> Initial written notification <input type="checkbox"/> Written notification of a change to initial notification				
SECTION 1. LOCATION			SECTION 2. INITIAL PHONE REPORTS	
Operation name:			LEPC Location:	
Person in charge:			Person contacted:	
Physical address:			Date:	
Mailing address:			Signature:	
City:				
State:			SERC Location:	
Zip:			Person contacted:	
Office phone:			Date:	
Cell phone:			Signature:	
Latitude:				
Longitude:			Dun and Bradstreet Number, if available:	
SECTION 3. SOURCE AND RELEASE DESCRIPTION				
Description:	This location is a swine operation. Swine are maintained and fed for pork production. This report is being submitted in response to a clarification of EPCRA provided by EPA in a final rule effective January 20, 2009. Ammonia emissions are naturally occurring and are emitted from the swine digestive process and decomposition of manure.			
Type of release:	<input checked="" type="checkbox"/> Air	Health effects:		<input checked="" type="checkbox"/> None
Time & duration:	<input checked="" type="checkbox"/> Continuous, low level	Precautions:		<input checked="" type="checkbox"/> None
Population Density (within 1 mi. radius):	<input type="checkbox"/> 0-50 persons <input type="checkbox"/> 51-100 persons	<input type="checkbox"/> 101-500 persons <input type="checkbox"/> 501-1,000 persons	<input type="checkbox"/> greater than 1,000 persons <input type="checkbox"/> Other:	
Sensitive population or ecosystems (within 1 mi. radius):	<input type="checkbox"/> Elementary school: _____		<input type="checkbox"/> Hospital: _____	
	<input type="checkbox"/> Retirement community: _____		<input type="checkbox"/> Wetland: _____	
	<input type="checkbox"/> Other: _____			
SECTION 4. SUBSTANCES CONTINUOUSLY RELEASED (ESTIMATES)				
	Chemical name	CASRN#	Lower Bound (pounds/day)	Upper Bound (pounds/day)
Substance No. 1:	<input type="checkbox"/> Ammonia (NH ₃)*	7664-41-7		
*Estimates of ammonia emission rates are from USDA-NRCS Agricultural Waste Management Field Handbook, LPES Lesson 21: Manure Storage Structures and 2005 ASAE Standard excretion estimates.				
SECTION 5. SIGNED STATEMENT				
The hazardous substance releases described above are continuous and stable in quantity and rate as determined by EPA in its final rule, 73 FR 76948 (Dec. 18, 2008). To the best of my knowledge, I certify that all information submitted in this report is a good faith estimate of air emissions based on currently available scientific information. I reserve the right to raise any objections to the application of these laws and regulations to the facility listed.				
Name (printed):			Title:	
Signature:			Date:	