

Federal Register language - What Is the Scope of This Final Rule?

The scope of this rule is limited to releases of hazardous substances to the air from animal waste at farms. Specifically, the Agency is issuing an administrative reporting exemption from the CERCLA section 103 notification requirements to the NRC (Federal government) as implemented in 40 CFR 302.6 and a limited administrative reporting exemption from the EPCRA section 304 notification requirements as implemented in 40 CFR Part 355, Subpart C--Emergency Notification Requirement. (See Section III.B.ii. for the thresholds that limit the administrative reporting exemption for EPCRA section 304.) The scope of this rule is intended to include all hazardous substances that may be emitted to the air from animal waste at farms that would otherwise be reportable under those sections. The Agency is not, in this rule, defining facility, normal application of fertilizer, or routine agricultural operations.

Animals that reside primarily outside of an enclosed structure (i.e., a barn or a feed lot) and graze on pastures are not stabled or confined. Animals that are not stabled or confined at concentrated animal feeding operations are not counted toward the threshold. Any emissions to the air of hazardous substances from the waste of such animals while they are not stabled or confined are not counted towards the calculation of a reportable quantity at a farm that is above the threshold and subject to reporting, unless such waste is consolidated into a storage unit.

A farm is above the threshold if it stables or confines \3\ animals in numbers equal to or more than the numbers of animals specified for each category given in the NPDES program regulations for large CAFOs. These thresholds are discussed further in section III.E. below.

- (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 a liquid manure handling system.
- (12) 30,000 ducks (if the farm uses other than a liquid manure handling system).
- (13) 5,000 ducks (if the farm uses a liquid manure handling system).

Continuous Release Reporting

Continuous release reporting is available for those farms that are at or above the threshold described above in section II.B.ii. In

general, the Agency believes that emissions from animal waste into the air are usually continuous and stable in quantity and rate to qualify as continuous releases pursuant to 40 CFR 302.8. The regulations implementing EPCRA section 304 are found in 40 CFR Part 355, Subpart C--Emergency Release Notification and describe the information required for the EPCRA emergency notifications. At the present time, EPA has not adopted conversion factors from which to derive quantities of common hazardous substances from numbers of particular species of farm animals. One purpose of the air monitoring study is to develop estimating methodologies. In the meantime, when reports are submitted pursuant to EPCRA section 304 for animal waste from farms, the Agency expects reports to reflect good faith estimates from reporting entities. In addition, EPA intends to issue guidance to assist those farms that are required to submit reports under EPCRA section 304 with continuous release reporting, as provided in 40 CFR 355, Subpart C--Emergency Release Notification.