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TO: Local Emergency Planning Committee: Method of Delivery and Tracking No.:

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State Emergency Response Commission:

Method of Delivery and Tracking No.:

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FROM:

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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 and hydrogen sulfide 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 and hydrogen sulfide emissions from the decidedly naturally occurring processes of cattle 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 cattle 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 and hydrogen sulfide emissions from cattle 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.

## Beef Cattle Feedyard – Continuous Release Report Emergency Planning and Community Right-to-Know Act

- 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).

<b>TYPE OF REPORT:</b> <input type="checkbox"/> Initial written notification		<input type="checkbox"/> Written notification of a change to initial notification		
<b>SECTION 1. LOCATION</b>		<b>SECTION 2. INITIAL PHONE REPORTS</b>		
Feedyard 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:		
<b>SECTION 3. SOURCE AND RELEASE DESCRIPTION</b>				
Description:	This location is a beef cattle feedyard. Cattle are maintained and fed for beef 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 and hydrogen sulfide emissions are naturally-occurring and are emitted from the cattle 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"/> 101-500 persons	<input type="checkbox"/> greater than 1,000 persons	
	<input type="checkbox"/> 51-100 persons	<input type="checkbox"/> 501-1,000 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: _____			
<b>SECTION 4. SUBSTANCES CONTINUOUSLY RELEASED (ESTIMATES)</b>				
	Chemical name	CASRN#	Lower Bound (pounds/day)	Upper Bound (pounds/day)
Substance No. 1:	<input type="checkbox"/> Ammonia (NH <sub>3</sub> )*	7664-41-7		
Substance No. 2:	<input type="checkbox"/> Hydrogen Sulfide (H <sub>2</sub> S)*	7783-06-4		
*Estimates of ammonia and hydrogen sulfide emission rates are based on air quality research data collected as part of the USDA-CSREES-funded project, "Air Quality: Reducing Emissions from Cattle Feedlots and Dairies." Participating organizations include Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, Kansas State University and West Texas A&M University. Research is on-going. The estimated total annual amount released last year could be estimated as: 1) a range represented by the daily lower bound and upper bound levels multiplied by 365 days, or (2) the average of the daily lower bound and upper bound levels multiplied by 365 days.				
<b>SECTION 5. SIGNED STATEMENT</b>				
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:		

**(KEEP THIS WORKSHEET FOR FEEDYARD RECORDS)**

**Calculation Worksheet – Ammonia and Hydrogen Sulfide  
Beef Cattle Feedyards  
January 2009**

The following emissions estimates for ammonia and hydrogen sulfide are based on research data collected by Texas AgriLife Research, Texas AgriLife Extension Service, Texas A&M University, USDA-Agricultural Research Service, and West Texas A&M University. Data has been collected as part of the USDA-CSREES-funded project, "Air Quality: Reducing Emissions from Cattle Feedlots and Dairies," between the years of 2003-2008. Field measurements are on-going and as such these values are a good faith estimate of air emissions based on currently available scientific information.

The final rule on EPCRA reporting issued by EPA on Dec. 18, 2008 and effective Jan. 20, 2009 requires reporting of ammonia or hydrogen sulfide **if** (1) the feedyard is 1,000 head or larger **and** (2) the ammonia exceeds 100 lbs/day **or** the hydrogen sulfide exceeds 100 lbs/day. **DO NOT report ammonia or hydrogen sulfide values if the "upper bound" is LESS THAN 100 lbs/day.**

**Feedyard Name:** \_\_\_\_\_

**AMMONIA (NH<sub>3</sub>) EMISSIONS ESTIMATE**

The emissions estimates provided below are inclusive of ammonia emissions from the feedyard pen surfaces and the runoff holding pond(s). Ammonia emission rates are generally lower in the winter and higher in the summer.

<b>Ammonia (NH<sub>3</sub>) Emissions Estimate</b>					
	<b>Lowest</b> Head Count		NH <sub>3</sub> Emission Rate (pounds/hd/day)		<b>NH<sub>3</sub> Lower Bound</b> (pounds/day)
NH <sub>3</sub> Lower Bound =		x	<b>0.16<sup>a</sup></b>	=	
<sup>a</sup> winter emission rate from research data					
	<b>Permitted</b> Head Count		NH <sub>3</sub> Emission Rate (pounds/hd/day)		<b>NH<sub>3</sub> Upper Bound</b> (pounds/day)
NH <sub>3</sub> Upper Bound =		x	<b>0.48<sup>b</sup></b>	=	
<sup>b</sup> summer emission rate from research data					

**HYDROGEN SULFIDE (H<sub>2</sub>S) EMISSIONS ESTIMATE**

The emissions estimates provided below are inclusive of hydrogen sulfide emissions from the feedyard pen surfaces and the runoff holding pond(s). Hydrogen sulfide levels are fairly stable throughout the year, especially during dry weather conditions. Higher levels of hydrogen sulfide have been measured after rainfall/wet conditions.

<b>Hydrogen Sulfide (H<sub>2</sub>S) Emissions Estimate</b>					
	<b>Lowest</b> Head Count		H <sub>2</sub> S Emission Rate (pounds/hd/day)		<b>H<sub>2</sub>S Lower Bound</b> (pounds/day)
H <sub>2</sub> S Lower Bound =		x	<b>0.0047<sup>c</sup></b>	=	
<sup>c</sup> dry conditions emission rate from research data					
	<b>Permitted</b> Head Count		H <sub>2</sub> S Emission Rate (pounds/hd/day)		<b>H<sub>2</sub>S Upper Bound</b> (pounds/day)
H <sub>2</sub> S Upper Bound =		X	<b>0.0085<sup>d</sup></b>	=	
<sup>d</sup> rainfall/wet conditions emission rate from research data					