

**Questions and Answers
Concerning the EPA Air Quality
Compliance Agreement for
Animal Feeding Operations**

IOWA STATE UNIVERSITY
University Extension

**Prepared by the ISU College of Agriculture and College of Veterinary Medicine
Air Quality and Animal Agriculture Issue Team**

Q 1) Can producers and others provide comments to EPA concerning the Air Quality Compliance Agreement?

A 1) Yes, EPA has announced that it will re-open the comment period beginning April 1 and extend it until May 2, 2005. Comments can be mailed to:

Air Docket
Animal Feeding Operations Consent Agreement and Final Order
U.S. Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Ave., NW
Washington, DC, 20460,
Attention Docket ID No. OAR-2004-0237

Full information on how to submit electronic comments or to have comments hand delivered can be found at http://www.epa.gov/airlinks/afo_howtocomment.html

Q 2) What is the deadline for producers to sign the Air Quality Compliance Agreement?

A 2) The deadline for signing the Air Quality Compliance Agreement has been extended to July 1, 2005. To sign up, producers need to complete the Farm and Emission Unit Information sheets found in Attachment A of the Federal Register notice. This information can be downloaded from www.epa.gov/compliance/resources/agreements/caa/cafo-agr-050121.pdf

The completed form should be signed and mailed the address below to participate in the agreement.

Special Litigation and Projects Division (2248A)

Attn: Air Compliance Agreements
Office of Regulatory Enforcement
Office of Enforcement and Compliance Assurance
U.S. EPA
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Q 3) Can any type of animal feeding operation participate in the Compliance Agreement?

A 3) No, the agreement specifically deals with confined animal housing and manure storage air emissions. The agreement covers production systems such as layer chicken, broiler chicken, turkey, dairy and swine that house animals under roof. The agreement does not cover operations such as cattle feedlots where animals are not confined under a roof.

Q 4) What benefits do I gain as a producer by signing the Compliance Agreement?

A 4) EPA agrees that it will not pursue lawsuits against producers that enter into a contract as part of the Air Quality Compliance Agreement for violations of the Clean Air Act Amendments that occurred in the past, or that may occur while the Compliance Agreement monitoring study and data analysis are under way. It is anticipated that this protection will extend until approximately 2009. At this time all producers will need to certify their compliance status with the Clean Air Act to EPA based on the emission estimation methodologies developed by EPA from the monitoring study.

Q 5) What Clean Air Act Amendment rules does the EPA believe animal feeding operations may be violating?

A 5) The Clean Air Act Amendments require that sources that emit over 100 pounds per day of ammonia or hydrogen sulfide report these emissions under the CERCLA and EPCRA rules. Sources that emit more than 250 tons of an individual air pollutant per year in attainment areas are required to be permitted under Title I of the Clean Air Act Amendments. In non-attainment areas the air emissions permit threshold varies from 10 to 100 tons per year depending upon the pollutant in question and the severity of the non-attainment classification. Currently, there are no non-attainment areas in Iowa, so the 250 tons/year threshold would trigger Clean Air Act permits for

major sources in Iowa. Maps of non-attainment areas by pollutant in the US can be found at:

www.epa.gov/oar/oaqps/greenbk/

Q 6) What happens if I sign the Compliance Agreement and my state already has or passes air pollutant regulations?

A 6) You must follow the state regulations. Existing or future state regulations concerning air emissions from Animal Feeding Operations will take precedence over the Air Quality Compliance Agreement.

Q 7) Does participating in the Compliance Agreement protect me from odor and nuisance lawsuits from the public or environmental groups?

A 7) No. The lawsuit protection provided under the agreement is specifically from EPA lawsuits concerning Clean Air Act violations. The agreement does not cover lawsuits that may be filed by others concerning odor or nuisance.

Q 8) What is the actual risk of producers who do not participate in the agreement being assessed penalties for failure to report emissions of ammonia or hydrogen sulfide while emissions methodologies are under development during between now and 2009?

A 8) While many producers are asking this question, the actual risk of animal feeding operations being fined for failing to report emissions under the CERCLA and EPCRA rules during this period is unknown.

Q 9) Are estimates of ammonia release from livestock facilities currently available?

A 9) While many researchers are currently measuring ammonia emissions, no commonly accepted ammonia emission factors from livestock facilities have been developed to date. Extension specialist at the University of Nebraska have developed an Ammonia Emission Estimator tool based on book values of manure nitrogen content and best guesses of ammonia loss from various manure storage system types. The Ammonia Emission Estimator document can be accessed at <http://cnmp.unl.edu/> under the "Consent Agreement" heading. This tool provides an estimate of average rather than peak emissions from facilities, as such producers should realize that the maximum daily ammonia emissions that may need to be reported to the EPA

may not be reflected by this estimation tool.

Q 10) Are estimates of hydrogen sulfide release from livestock facilities available?

A 10) No emissions estimation tool has been developed for hydrogen sulfide. While no emissions estimation tool is available for hydrogen sulfide, research data indicates that hydrogen sulfide emissions from animal production systems are typically much lower than ammonia emissions.

Q 11) Is a system currently in place to report potential emissions over 100 pounds per day? Is there a standard form for this reporting?

A 11) Yes. Releases required to be reported under CERCLA can be reported directly to the National Response Center via phone, or to EPA Regional Offices. Complete information on CERCLA reporting can be found at www.epa.gov/superfund/programs/er/triggers/haztrigs/hazhow.htm

Under EPCRA, releases can be reported annually using the forms found at www.epa.gov/tri/report/index.htm#forms

Q 12) Will many livestock farms qualify as “Major Sources” under the Clean Air Act Amendments?

A 12) The EPA defines “Major Sources” under Title I of the Clean Air Act Amendments as sources that emit over 250 tons of air pollutants per year in attainment areas. Most animal feeding operations will not emit enough air pollutants on an annual basis to be considered major sources.

Links to other information concerning the Air Quality Compliance Agreement:

The Iowa State University Animal Agriculture and Air Quality webpage contains several links to information on the Air Quality Compliance Agreement and can be accessed at: www.extension.iastate.edu/airquality/

An EPA Frequently Asked Question document about the Air Quality Compliance Agreement Monitoring Study can be found at: www.epa.gov/air/oaqps/airlinks/

[afo_monitoringqa.html](#)

Two documents prepared by the University of Missouri Extension on the Air Quality Compliance Agreement can be found at <http://agebb.missouri.edu/commag/epa.htm>

The University of Nebraska maintains a webpage concerning the Air Quality Compliance Agreement that has links to several presentations on the agreement as well as the Ammonia Emission Estimator. This information can be found by going to:

<http://cnmp.unl.edu/>

and clicking on the “EPA Consent Agreement” link.

A Question and Answer sheet prepared by The University of Kentucky can be viewed at: www.uky.edu/Agriculture/AnimalSciences/NutrientManagement/