

NATIONAL ANIMAL FEEDING OPERATIONS CONSENT AGREEMENT, MONITORING STUDY IMPACT KENTUCKY PRODUCERS

By Laura Skillman

PRINCETON, Ky. (March 2, 2005) – Air emissions from animal feeding operations are the subject of a U.S. Environmental Protection Agency consent agreement and national monitoring study and Kentucky's swine, poultry and dairy farmers need to understand its' potential impact on their operations.

To help farmers understand the agreement, University of Kentucky College of Agriculture swine, dairy and poultry specialists along with agricultural engineers have developed a fact sheet and Web site on the agreement and are planning a series of informational meetings that will be held at various locations around the state later this month.

The EPA has chosen to use the agreement in an effort to ensure that animal feeding operations are complying with air quality laws which include the Clean Air Act, Comprehensive Environmental Response, Compensation and Liability Act and Environmental Planning and Community Right-to-Know Act, said Richard Coffey, UK Extension swine specialist.

However, EPA has acknowledged that data needed to determine if animal feeding operations are exceeding emission thresholds is limited. As a part of the agreement a two-year national monitoring study will be conducted to establish regulatory thresholds for emissions from animal housing structures and manure storage areas. From the study, threshold emissions will be established for ammonia, hydrogen sulfide, total suspended particulates, particulate matter and volatile organic compounds. Under present rules, animal feeding operations are required to report any emissions of ammonia or hydrogen sulfide exceeding 100 pounds in a 24-hour period.

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<http://www.ca.uky.edu>

The air compliance agreement is being offered to swine, poultry and dairy industries but does not include open-air feedlots such with beef cattle, Coffey said.

Producers whose operation is comprised of a single farm that enters into the agreement with EPA will pay a civil penalty between \$200 and \$1,000 depending on the size of their operation. Producers with multiple farms will pay a civil penalty that ranges from \$1,000 to \$100,000. In addition, producers entering into the agreement will pay up to \$2,500 to help fund the monitoring study. Some commodity organizations may cover this amount for their producers, he said.

Air emissions from a limited number of farms across the country will be sampled as part of the monitoring process. EPA will select the sites that will be used in the monitoring study, and farmers signing the agreement must make their farms available for the study, if selected by EPA. In addition, producers signing the agreement must apply for and comply with all applicable air permits, install the technologies that are needed to bring their operation into compliance with established emissions thresholds, and report any qualifying releases of ammonia and hydrogen sulfide as required under current air laws.

As a benefit of signing the agreement, the farmer is afforded some legal protection against certain enforcement actions or lawsuits brought by EPA. Signing the agreement is not an admission of specific past violations. The protection would cover all prior history of an animal feeding operation and extends to approximately 2009 when the monitoring study is expected to be complete. The agreement does not exempt producers from odor or nuisance actions.

The exact size of an animal feeding operation that will likely exceed the emissions threshold will vary depending on the type of animal housing and manure storage being used, genetics of

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the animals, diets fed and other production practices will influence emissions, said Doug Overhults, UK Extension agricultural engineer. Not all operations in Kentucky have emissions above the threshold reporting limit, but some moderate sized operations may exceed the limit. UK Extension specialists have developed some size estimates for various animal operations that producers can use as a guide. Producers should keep in mind that these are only estimates. These estimates are a part of the fact sheet and can be found at <http://www.uky.edu/Agriculture/AnimalSciences/NutrientManagement/>. Additional information on the agreement and monitoring study can also be found at this Web site.

Participating in the agreement is not mandatory but a producer that decides not to participate may be subject to enforcement action by EPA. Producers also should realize that the offer to participate will not be extended again, Overhults said. The signup period runs through May 1.

Informational meetings are being planned in several areas of the state to provide additional details on the agreement and national monitoring study. To find the closest location, contact the county Cooperative Extension Service or visit the Web site mentioned above.

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