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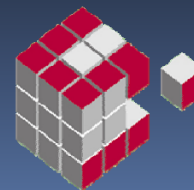
# AIR EMISSIONS AND LIVESTOCK PRODUCTIONS

2010 Annual Agricultural Law Symposium  
American Agricultural Law Association  
October 2010



# Overview

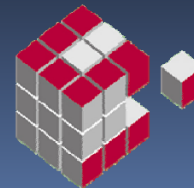
- Air Quality Compliance Agreement
- EPCRA/CERCLA
- Greenhouse Gases



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# Air Quality Compliance Agreement

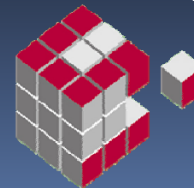
- Announced by EPA on Jan. 21, 2005
- Four Primary Goals
- Environmental Appeals Board approves two final voluntary agreements to gather air emissions data from agricultural AFOs



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# CERCLA/EPCRA

- February 2009: EPA issues final rule on CERCLA/EPCRA Reporting for Air Releases of Hazardous Substances from Animal Waste at Farms
- All Farms Exempt from CERCLA Reporting
- Also Exempts Farms that Stable or Confine Fewer than Certain Prescribed Number of Animal Species from EPCRA Reporting



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# EPCRA

- Section 304 Requires Reporting of Releases of Hazardous Substance that Meets or Exceeds Reportable Quantity
- State-Specific Guidance on Reporting:

- Iowa

<http://www.iowadnr.gov/epcra/index.html>

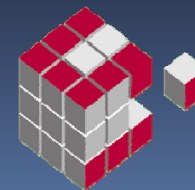
- Missouri

[http://nmplanner.missouri.edu/regulations/CERCLA\\_EPRCA.asp](http://nmplanner.missouri.edu/regulations/CERCLA_EPRCA.asp)

- Nebraska

<http://water.unl.edu/epcrareporting>

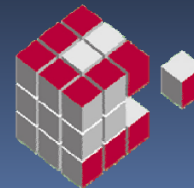
- Civil Penalties and Imprisonment for Failure to Report



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# Greenhouse Gases

- *Massachusetts v. EPA* (2007)
- Dec. 2009: Endangerment Finding
- National Cattlemen's Beef Association Lawsuit
- Sept. 2009: Final GHG Mandatory Reporting Rule
- Congress Suspends Reporting Req. for MMS' for FY2010; also Prohibits EPA in FY2010 from Requiring Title V Permits Under CAA for GHG Emissions from Livestock Production
- March 31, 2012: GHG Report Due



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