

June 29, 2011

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109 T.W. Alexander Drive  
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Dear Peter:

We are writing on behalf of the National Association of Clean Air Agencies' (NACAA) Agriculture Committee to request that you involve state and local clean air agencies in EPA's development of emission estimation methodologies that will be used to help animal feeding operations (AFOs) determine whether their air emissions meet regulatory thresholds for air permitting and emission control requirements.

In 2005, EPA concluded a settlement agreement with representatives of several trade associations representing AFOs. As part of that agreement, the AFO trade associations provided funding for a study that monitored air emissions from AFOs. EPA agreed not to sue AFOs that signed a consent agreement, paid a modest fine and agreed to have their air emissions monitored, if selected for monitoring. The covenant not to sue encompassed civil violations of major and minor source permitting requirements for emissions of particulate matter (PM), volatile organic compounds (VOCs), hydrogen sulfide (H<sub>2</sub>S) and ammonia as well as civil violations of reporting requirements for H<sub>2</sub>S and ammonia under the Emergency Planning and Community Right-to-Know Act and the Comprehensive Environmental Response, Compensation and Liability Act.

The resulting monitoring study – called the National Air Emissions Monitoring Study (NAEMS) – involved 24 sites at AFOs that raise pigs and broiler chickens, egg-laying operations and dairies. The sites were monitored for two years and EPA collected data for PM, VOCs, H<sub>2</sub>S and ammonia. NAEMS data was made available to the public on January 13, 2011.

Pursuant to the consent agreement, EPA has 18 months from the date monitoring ended to develop emission estimation methodologies. AFOs that participated in the consent agreement – whether or not their air emissions were monitored – must use these emission methodologies to determine whether their

emissions exceed regulatory thresholds. If they do, then the AFOs must meet all applicable local, state and federal permitting and emission control requirements.

The emission estimation methodologies EPA is developing thus are crucial for air regulatory purposes, as they will be used by the thousands of AFOs that signed up for the consent agreement to determine whether or not they will need to apply for permits or implement emissions controls. NACAA has informally requested several times that state and local clean air agencies be involved in developing these methodologies, since we are co-regulators of air pollutants under the Clean Air Act. Our request has not been granted. Accordingly, we are making this formal request to EPA to involve NACAA in its process of developing emission estimation methodologies prior to EPA's release of such methodologies.

We also have several questions for EPA regarding the methodologies:

- What process is EPA using to develop the air emissions estimation methodologies? Specifically,
  - Who will be involved in developing the methodologies?
  - What criteria will be used for including or excluding data?
  - What are the timelines for issuing the methodologies?
  - Will the methodologies be issued in draft form?
- Will the process result in the development of a computer model or one or more series of AP-42 tables?
- Will other emission sources at AFOs not included in NAEMS, such as silage, manure solids separation, manure solids storage, composting operations and land application, be considered in the emissions estimating methodologies? And if not, why not?
- How will EPA account for differences in species, feeding practices and climate?
- EPA issued a call for information requesting quality-assured data on emissions of ammonia, H<sub>2</sub>S, VOCs and PM, along with information about processes at the operations, for operations that raise pigs, broiler chickens, turkeys and beef cattle, and for egg-laying and dairy cattle operations.
  - What criteria is EPA using in selecting which data to incorporate in the methodologies?
  - How is EPA incorporating the data?
  - What is the process for developing methodologies for the turkey and beef cattle sector, since EPA requested data on these operations but they were not monitored under NAEMS?

We would appreciate meeting with you in the next month to review our concerns and discuss a process for NACAA participation in the development of the methodologies. Please contact either of us or Amy Royden-Bloom, Senior Staff Associate, at 202-624-7864.

Sincerely,



Shelley Schneider  
Nebraska  
NACAA Agriculture Committee co-chair



Merlyn Hough  
Lane County, OR  
NACAA Agriculture Committee co-chair