Air Consent Agreement &
Emissions Monitoring Study

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What’s It All About?

- **Lawsuits**: OECA, states & citizens began suing for past violations of CERCLA, EPCRA and CAA
- **Surprised**: Ag, Congress, USDA & EPA Air Office
- **NAS**: Urged additional studies & new models
- **Vulnerability**: Unknown past emissions, inadequate emissions factors and no guidance to producers on compliance thresholds
- **Consent Agreement**: Mechanism to undertake a national air study without fear that new data will be used to sue producers for past emissions
What Do Producers Agree to Do?

- Submit information on their farms, pay penalty, make farm available for study, possibly contribute funds to study
- When EPA publishes “look up” charts, determine whether their farm is over CERCLA, EPCRA or CAA thresholds
- Certify to EPA whether their farm is “above” or “below” compliance thresholds (see ¶64)
- If “above” thresholds, do what’s required
  - Report continuous emissions under CERCLA, EPCRA
  - Apply for an air permit under CAA
Benefits to Producers? (¶ 26, 35)

- Regulatory assurance, compliance awareness
- Release from possible past violations of:
  - CAA preconstruction requirements in Title 1
    - Part C -- Prevention of Significant Deterioration (PSD);
    - Part D -- New Source Review (NSR),
  - Past Operating Permit requirements in Title V
  - State Implementation Plans (SIPs)
  - Past CERCLA section 103 and EPCRA section 304 hazardous substance reporting requirements
- Won’t exempt criminal actions or imminent & substantial endangerment situations
Penalty Fees to Sign Up

**Single Farm Fees**
- $200 if one farm is below CAFO threshold
- $500 if more than one farm and less than 10x CAFO threshold
- $1000 per farm if >10x CAFO threshold

Payment isn’t made until EPA signs agreements

**Multiple Farm Fees**
- $10k for 1-10 farms
- $30k for 11-50 farms
- $60k for 50-100 farms
- $80k for 101-150 farms
- $90k for 150-200 farms
- $100k for >200 farms

Non-refundable, all penalty fees go to US Treasury
National Air Monitoring Study

- Ammonia, Hydrogen Sulfide, Total Suspended Particulates, Particulate Matter (PM$_{10}$, PM$_{2.5}$), VOCs
- **Portable equipment** will monitor lagoon emissions and open-sided dairy barns using a “circuit rider” approach
- **Field labs** [see arrow in picture] will monitor up to four barns simultaneously at farms
- Pork ($6M); Dairy ($6M); Eggs ($2.8M); Poultry
Funding the Study

- Each species funds its own study portion by industry funds or individual contributions
- Pork, eggs & dairy will use industry funds
- Producers may also have to contribute if industry funds are inadequate: individuals are responsible for the lesser of:
  - $2,500 per farm, or
  - Pro rata share of unfunded costs not covered by industry
- Contingency funds, spare parts are built into each budget
- Insurance policies protect against loss, liability
- Multiple layers of accounting, oversight, approvals, independent audits & reports
- Tax-free, non-profit fiduciary entity serves as the “bank”
Conduct of the Study

AARC administers funds and transfers to Purdue according to approved budgets. Board of directors represents each industry sector. AARC is legal entity before EPA, holds titles to mobile labs, lets contracts, audits expenses and budgets, and coordinates equipment use for later studies.

Producer Groups
Industry or Producer funds

Ag Air Research Council

Reports

Purdue University
Monitoring Contractor

Raw Data

Scientific Teams
From Various Universities
Daily Operations

Processed Data and Reports

EPA Air Office
Data interpretation

Monitored Farms

New Air Policy