

Message

From: Christian Richter [crichter@thepolicygroup.com]
Sent: 11/9/2017 7:18:17 PM
To: Bennett, Tate [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1fa92542f7ca4d01973b18b2f11b9141-Bennett, E]
Subject: Re: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

Thanks, Tate.

Just finished call with OGC re the DC Circuit extension and latest concerns and possible solutions.

Will be back in touch.

From: Bennett, Tate <Bennett.Tate@epa.gov>
Sent: Thursday, November 9, 2017 2:02:52 PM
To: Bennett, Tate
Subject: Fwd: URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms

FYI we will move to a email process for reporting requirements. The latest below.

Begin forwarded message:

From: "Cheatham, Reggie" <cheatham.reggie@epa.gov>
Date: November 9, 2017 at 1:49:10 PM EST
To: "Lewis, Jen" <Lewis.Jen@epa.gov>, "Simon, Nigel" <Simon.Nigel@epa.gov>, "Breen, Barry" <Breen.Barry@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Sands, Jeffrey" <sands.jeffrey@epa.gov>, "Michaud, John" <Michaud.John@epa.gov>
Cc: "Clark, Becki" <Clark.Becki@epa.gov>, "Salo, Earl" <Salo.Earl@epa.gov>, "Swenson, Erik" <Swenson.Erik@epa.gov>, "Brooks, Becky" <Brooks.Becky@epa.gov>, "Taylor, Trish" <Taylor.Trish@epa.gov>, "Cogliano, Gerain" <Cogliano.Gerain@epa.gov>, "Noggle, William" <Noggle.William@epa.gov>, "Jacob, Sicy" <Jacob.Sicy@epa.gov>, "Hostage, Barbara" <Hostage.Barbara@epa.gov>, "Hull, George" <Hull.George@epa.gov>, "Principe, Vanessa" <Principe.Vanessa@epa.gov>
Subject: **URGENT: The latest info on CERCLA/EPCRA reporting requirements for farms**

I want to provide the latest information on our efforts to assist farmers to comply with CERCLA/EPCRA reporting requirements. As you are aware, we recently provided a [website](#) for farmers who, on November 15th, may have to report their air releases from animal waste on their farms. This website provides guidance for farmers on how to estimate their releases from animal waste and how to report those releases if they meet or exceed the reportable quantity for that release. Prior to and since the release of this guidance, we have been working closely with the Ag community (including Ag Trade Association, Regional/State Ag Advisors, etc.), to make them aware of this guidance, get feedback, and identify issues.

Several issues that have arisen relate to the initial notification to the National Response Center (NRC). First, there is the potential for the NRC to be overwhelmed with calls on November 15th due to the number of farm owners/operators that will need to

report. Second, some farm owners/operators have begun reporting to the NRC. The automated system the NRC uses to ensure release notifications get to the appropriate Federal, State, and local response officials, has resulted in some State and local officials calling the farm owners/operators to get more information about the release they reported and what response is needed. In order to resolve these issues, we (OEM and OGC) have been working with the NRC program officials and attorneys, and have identified the following solution:

- The NRC will establish an email notification system so farm owners/operators can email their continuous release reports to the NRC rather than calling the NRC 800 number. Farmers who have multiple farms can list the name and location of all farms, as well as the associated name(s) of hazardous substance(s) released, in one e-mail.
- Once the email is received by the NRC email notification system, it will generate an automatic response e-mail with a generic identification number (CR-ERNS) for the farm. The farm owner/operator will place that CR-ERNS number on the follow-up written notification report that is required to be submitted to EPA Regional Office within 30 days.
- Additionally, the NRC will email the farm owner/operator's continuous release notification to the EPA who will organize the notification in a spreadsheet and make that information available to the EPA Regional offices. This will alleviate inundating the EPA Regional office with continuous release reports.

The initial notification by e-mail, rather than by telephone, will help to avoid expected long hold delays, telephone system "crashes," and related inconveniences when reporting for farmers starts on November 15, 2017. EPA and the NRC consider the use of e-mail in this instance as complying with the immediate notification requirement of CERCLA section 103.

We are working to have this system in place by Tuesday, November 14th or sooner if possible. We will be revising have updated our website and guidance to communicate this streamlined reporting option for farmers:

"Due to the potential for large call volumes to the National Response Center (NRC), we are establishing an email option for initial continuous release notifications. The system should be available by November 15, 2017. Farm owners/operators should consider using the email option once it is available. This expedited option will allow one email notification for owners/operators with multiple farms."

Please let us know if you have any questions.

Thanks

Reggie Cheatham, Director
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