

NEWS RELEASE

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Court Decision Delayed for Reporting Emissions from Livestock Waste

BISMARCK, N.D. – On Feb. 1, 2018, the U.S. Court of Appeals for the District of Columbia Circuit granted a motion from the U.S. Environmental Agency to delay the Court’s decision on reporting requirements for air emissions from farms that are animal feeding operations.

A 2008 Environmental Protection Act (EPA) rule exempted most farms from certain release reporting requirements in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA).

A number of citizen groups challenged the validity of the 2008 EPA rule in the U.S. Court of Appeals for the District of Columbia Circuit, and on April 11, 2017, the Court struck down the rule, eliminating the reporting exemptions for farms. If a farm releases ammonia and/or hydrogen sulfide in amounts greater than or equal to the reportable quantity (100 pounds) within a 24-hour period, the farm owner or operator must notify the National Response Center (NRC).

EPA sought additional time from the Court to delay the effective date, so the agency could develop guidance materials to help farmers understand their reporting obligations. The new effective date is now May 1, 2018, and no reporting is required until the Court issues the mandate enforcing its decision.

For more information on reporting to the NRC, visit: <https://www.epa.gov/animalwaste>. Questions may also be addressed to Marty Haroldson, Environmental Health Section, North Dakota Department of Health, at 701.328.5234.

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