



National Milk Producers Federation

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Proposal to Fund the National Air Emissions Monitoring Study As Part of the Environmental Protection Agency Consent Agreement

Background

- In 2002, the National Academy of Sciences released a report concluding that scientifically sound protocols for measuring air emissions from livestock operations were needed to guide regulatory and enforcement decisions.
- The Environmental Protection Agency (EPA) Air Quality Compliance Agreement (Consent Agreement) was developed to offer protection to livestock operations while research is done to determine the size and type of dairy farms that may have regulatory responsibilities. Currently little air emissions data exists for dairy operations.
- The Consent Agreement is a voluntary settlement between EPA and participating livestock and dairy operations.
- Those participating in the Consent Agreement were required to pay a small “penalty” fee. This fee was required so that legally EPA can release participating dairy farmers from possible past violations of the Clean Air Act (CAA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right to Know Act (EPCRA).
- As part of the Consent Agreement, a two-year air emissions monitoring study will be conducted. This gives the participating livestock species the opportunity to ensure EPA uses quality data.
- Some recent studies indicate that dairies with as few as 100 cows may exceed the EPA threshold for ammonia emissions in a 24 hour period.
- Even if a dairy operation has filed CERCLA and EPCRA reports, the research from the air study will allow producers to use a process-based model to determine if the operation needs to continue filing these reports.

Objective of Study

- The study is intended to collect air emission data and create tools that all dairies can use, whether they are participating in the consent agreement or not, to determine whether their air emission levels are in excess of the Clean Air Act thresholds and CERCLA and EPCRA reporting requirements.

Agri-Mark, Inc.
Arkansas Dairy Cooperative Association
Associated Milk Producers, Inc.
California Dairies, Inc.
Cass-Clay Creamery, Inc.
Continental Dairy Products, Inc.
Cooperative Milk Producers Assn.
Dairy Farmers of America, Inc.
Dairymen's Marketing Cooperative, Inc.
Dairylea Cooperative Inc.
Ellsworth Cooperative Creamery
Farmers Cooperative Creamery
First District Association
Foremost Farms USA
Just Jersey Cooperative, Inc.
Land O'Lakes, Inc.
Lone Star Milk Producers, Inc.
Manitowoc Milk Producers Coop.
MD & VA Milk Producers Cooperative Association, Inc.
Michigan Milk Producers Assn.
Mid-West Dairymen's Company
Niagara Milk Cooperative, Inc.
Northwest Dairy Association
Prairie Farms Dairy, Inc.
St. Albans Cooperative Creamery, Inc.
Scioto County Co-op Milk Producers' Assn.
Select Milk Producers, Inc.
Southeast Milk, Inc.
Swiss Valley Farms, Co.
Tillamook County Creamery Assn.
United Dairymen of Arizona
Upstate Farms Cooperative Inc.
Zia Milk Producers

How Industry is addressing the Study

- To address the Consent Agreement and monitoring study and to gain industry consensus, NMPF along with other dairy organizations formed the US Dairy Environmental Task Force. The Task Force is made up of about 40 dairy producer and producer representatives. The Task Force also has a scientific advisory committee to give input on the monitoring study protocol.
- The Task Force has worked closely with Purdue University, the lead university selected to oversee the study, EPA, USDA and other land grant universities to develop the protocol for the dairy study. The study protocol is in its final stages.
- The Task Force agreed that the non-profit entity which has been formed, the Agriculture Air Research Council (AARC), should be the means in which the research and funding is overseen and dairy should participate in this group.
- NMPF will be responsible for appointing dairy's two board members to the AARC. AARC will ensure that all of the money from the dairy industry goes towards only the dairy studies, not other species' studies.
- Currently the pork, poultry and eggs groups are participating in the AARC. The dairy industry will join AARC once the funding source is established.

Timeframe

- January, 2005 – EPA announced the details of the EPA Consent Agreement.
- August, 2005 – Sign-up period for Consent Agreement ends.
- December, 2005 - EPA approves Consent Agreements (EPA will hold all dairy agreements until funding is approved).
- February, 2006 - Purdue submits study plan to EPA.
- March, 2006 – EPA approval of Purdue study plan.
- March 2006 – Funding of study begins. Deadline for dairy and other participating livestock groups to make transfer of funds to AARC. AARC transfers funds to Purdue on approved schedule for equipment purchases and construction of field labs.
- August, 2006 – Purdue prepares for start of study.
- September, 2006 – Study begins. Approximate date that the two-year monitoring study officially begins.
- December, 2006 – Purdue submits quarterly technical and financial reports to EPA and AARC.
- September, 2007 – Study year 1 completed. Purdue continues to supervise field teams and data collection.
- November, 2007 – Year 1 report completed. Purdue submits technical and financial reports to EPA and AARC.
- September, 2008 – Study ends.
- November, 2008 – Study wrap-up.
- April, 2009 – AARC science consultants complete assessment of research equipment; AARC submits recommendations to Board for distribution of equipment for repair, upgrades or further research.
- May, 2009 – AARC submits interim study reports to AARC members.

- May, 2009 – EPA continues to review and interpret data and develop emissions estimating methodologies.
- March, 2010 – EPA completes data interpretation and publishes emissions estimating methodologies (“Look Up” Charts).
- July, 2010 – Final study report submitted to AARC members.
- July, 2010 – Participating producers certify their compliance with “Look Up” charts. Within 120 days after EPA publishes “Look Up” charts, participating producers must evaluate their farm and certify to EPA that they have reported any qualifying releases of hydrogen sulfide or ammonia in accordance to CERCLA and EPCRA, and if warranted, applied for any necessary Clean Air Act permits.

Study Summary

- The study will consist of 6 dairy sites around the country to be monitored for two years. Building types, manure management systems, geographical locations, etc will be considered when selecting types of dairies to participate in the study.
- Once EPA has all dairy Agreements logged into their database, and funding is approved, the Task Force will work with Purdue University to select the 6 dairy sites.
- At the conclusion of the study, EPA will use the data to develop emission-estimating methodologies. Dairy farmers will know, based on their type of operation, if they need to apply for a Clean Air Act permit or file CERCLA or EPCRA reports.

Cost and Oversight of Budget

- The cost of the study will be \$6 million for 3 years. Five million dollars will be allocated to the two-year study. Of the \$5 million, the majority will go to the study itself, including equipment, salaries and wages. \$202,250 will go towards the administrative costs of the AARC. The additional \$1 million will be allocated towards developing a process-based model, a tool for all dairy farmers to estimate their on-farm emissions.
- The research funding will go through AARC and will be distributed out to the participating research universities. EPA will not be involved with collecting funds for the research.

Status of Legislative Efforts

- The language passed through Congress allows the National Dairy Board members to vote on the one-time only funding of this specific project utilizing check-off funds.
- The language doesn’t open up the Dairy Production and Stabilization Act and is only applicable to FY 2006 appropriations.