

Date: _____

TO: Local Emergency Planning Committee:

Method of Delivery and Tracking No.:

Michigan SARA Title III Program
Department of Environmental Quality
Constitution Hall, 1 North
525 West Allegan
Lansing, MI 48933

Method of Delivery and Tracking No.:

FROM: _____

RE: Continuous Release Report

Dear Sir or Madam:

This continuous release report is submitted pursuant to 40 CFR 355.32 and the final rule published on December 18, 2008, 73 Fed. Reg. 76948 (EPA Final Rule). This final rule exempted our facility from reporting hazardous substance releases under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), but did not provide such an exemption for reporting under the Emergency Planning and Community Right to Know Act of 1986 (EPCRA). The attached reporting information reflects our good faith estimate of ammonia and hydrogen sulfide emissions from our operations, in accordance with the EPA Final Rule.

While we do not believe that agricultural operations such as ours are required to report ammonia and hydrogen sulfide emissions from the decidedly naturally occurring processes of cattle urination, defecation and flatulence under either CERCLA or EPCRA, we are nonetheless filing the enclosed report under EPCRA given the uncertainty created by the EPA Final Rule over whether EPA believes that we have a legal obligation to report these naturally occurring releases which happen during routine agricultural operations. The EPA Final Rule pointedly noted that it was not "defining facility, normal application of fertilizer, or routine agricultural operations", 73 Fed. Reg. at 76951, and yet each of these definitions is key to a determination of whether we have a legal obligation to report these releases under either CERCLA or EPCRA.

In the past, we have relied on legal analyses concluding that we do not have an obligation to report these releases under either CERCLA or EPCRA because of the various exemptions and exceptions for naturally occurring substances, normal application of fertilizers and pesticides, and routine agricultural operations, as well as the intended focus of the statutes and the protections contained in the statutes and legislative history for agricultural operations suggesting that Congress never intended that emissions from cattle defecation, urination and flatulence be required to be reported in the same manner as manmade chemical accidents, spills and releases. Since the publication of the EPA Final Rule and the uncertainty it created over whether we are required to report ammonia and hydrogen sulfide emissions from cattle operations, we have assembled available data to make our good faith estimates of these emissions for the purposes of making the attached continuous release reports.

Thank you.