



**Major Existing EPA Laws and Programs That
Could Affect Agricultural Producers**

June, 2007

**Produced by the Environmental Protection Agency
Agricultural Counselor
Office of the Administrator**

Major Existing EPA Laws and Programs That Could Affect Agricultural Producers

This following matrix of information provides a succinct, general description of [EPA](#)'s requirements, and should be used as a guide or compliance assistance tool. As rules and regulations are often dynamic things, this information should not be used as the final word but rather as a fairly comprehensive starting place to try to determine which regulations you or your company may have to comply with or be aware of in the future. Programs applicable to the general public, common to multiple sectors, manufacturers of food products, and retailers may not be included. Some requirements only apply after a threshold is reached [e.g., size, geographical location]. Readers should check with their [State and/or EPA Regional Office](#) to determine which agency has responsibility for a specific program and to consult with that agency for more complete information before engaging in specific practices.

This information is designed for use by agricultural producers, Federal and State regulators and third party information providers who provide information and services to agricultural producers (also referred to here as farmers). Agricultural producers include all producers of agricultural commodities [e.g., farms, concentrated animal or fish feeding operations, forestry, and ranching].

This summary contains both regulatory and voluntary programs. The regulatory programs are those for which EPA has federal compliance authority for. Many of the regulatory programs are implemented by States and may have State compliance authority in addition to federal compliance authority. For the voluntary programs, EPA does not have federal compliance authority but there may be State compliance authority. In addition, following the listings for several statutes are "quick reference guides" for the statute arraying the information by program type (e.g., regulatory, voluntary), program requirements (e.g., get and follow permit, follow label, use best management practices, etc.) and farming practice or type of facility affected. Finally, in addition to authorities listed in this matrix, EPA has the cleanup enforcement authority under several regulations to address contaminated sites, oil spills leaking underground storage tanks and imminent endangerments to human health and the environment.

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[Safe Drinking Water Act \(SDWA\)](#)

Object is to protect public health by establishing acceptable limits ([Maximum Contaminant Limits - MCLs](#)) or treatment techniques for water used for human consumption that address contaminants that may have an adverse effect on human health, and to prevent contamination of surface and ground sources of drinking water.

Requires provision of drinking water meeting regulations if a farm serves water through pipes or other constructed conveyances to an average of 25 people, or more than 15 service connections, for more than 59 days/year. This may primarily affect farmers with their own source of water (e.g., a well) that provides water for human consumption (e.g. drinking, showering), although this may affect farmers who provide drinking water to workers as well. For the most part, the primary impact will require farms to sample for [microbiologicals](#) and nitrate based on a schedule established by the applicable primacy agency (i.e., State or EPA Region).

Requires farmers with agricultural drainage wells ([Class V](#)) to furnish inventory information to the State. In general, a regulated well is a hole which is deeper than it is wide and into which liquid waste or wastewater is injected. State could require an individual well permit.

A farmer cannot inject any contaminant into an underground source of drinking water using a well if the contaminant may cause a violation of any primary drinking water regulation or may adversely affect the health of persons. [Underground Injection Control](#)

Voluntary Programs

States may establish a [Comprehensive State Ground Water Protection Program](#) (CSGWPP) to protect an underground source of drinking water. State may require installation of best management practices.

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Clean Water Act (CWA)

Objective is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters by addressing point and [nonpoint pollutions sources \(NPS\)](#), providing assistance to [Publicly Owned Treatment Works \(POTWs\)](#) to improve wastewater treatment, and maintaining the integrity of wetlands.

[Concentrated Animal Feeding Operations \(CAFOs\)](#) - EPA's 2003 rule required all CAFOs to obtain a [National Pollutant Discharge Elimination System \(NPDES\)](#) permit. This requirement applies to operations that meet certain size (number of animals) thresholds specified for each animal sector. EPA is in the process of revising the 2003 CAFO Rule in response to the recent [Waterkeeper](#) court decision which required EPA to revise the regulations including the requirement that all CAFOs need to apply for permits. Proposed Requirements: for CAFOs that discharge or propose to discharge – submit Notice of Intent (NOI), [Nutrient Management Plan \(NMP\)](#) and meet permit conditions.

[Animal Feeding Operations \(AFOs\)](#) not required to obtain a NPDES permit may be regulated by [state programs](#).

An aquatic animal production facility such as a hatchery or fish farm that discharges directly is a [Concentrated Aquatic Animal Production \(CAAP\)](#) facility that requires a NPDES permit in certain circumstances. A pond, raceway or similar structure raising cold water aquatic animals (e.g., trout, salmon) is a CAAP if it discharges at least 30 days per year unless it produces less than 9,090 harvest weight kilograms (about 20,000 pounds) and feeds less than 2,272 kilograms (approximately 5,000 lbs) of food during the calendar month of maximum feeding. A pond, raceway or similar structure raising warm water aquatic animals (e.g., catfish, sunfish, minnows) is a CAAP if discharges at least 30 days per year unless it is a closed pond that discharges only during period of excess runoff or if it produces less than 45,454 harvest weight kilograms (about 100,000 pounds) The [EPA Regional Administrator](#) (or State NPDES Program Director) may also designate any aquatic animal production facility as a CAAP if it is determined that the facility is a significant contributor of pollution to waters of the United States.

Reporting of oil discharges - Discharges of oil to waters of the United States is prohibited. A facility owner/operator must report certain discharges of oil from the facility to the [National Response Center \(NRC\)](#). Certain discharges from NPDES permitted sources are exempted.

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Clean Water Act (CWA) – Cont'd

Oil pollution prevention - A facility with a total oil storage capacity of more than 1,320 gallons in above-ground storage where there is a reasonable likelihood that an oil spill could reach the waters of the US, must take steps to prevent oil spills and prepare an oil [Spill Prevention, Control and Countermeasure \(SPCC\) Plan](#). EPA is in the process of modifying [SPCC requirements for small facilities](#), which may include farms.

A facility that handles 1,000,000 gallons or more of oil on-shore in above-ground storage or storage of 42,000 gallons or more where transfers occur over water and such a facility meets certain harm criteria, must develop and submit to EPA a [Facility Response Plan](#) for emergency response to oil spills. Not likely to apply to individual farms.

Wetlands – [Clean Water Act section 404](#) establishes a permit program to regulate the discharge of [dredged or fill materials](#) into the waters of the U.S., including wetlands. Activities exempted from regulation include those associated with on-going, normal farming, forestry, and ranching practices. For example; plowing, seeding, cultivating, minor drainage maintenance, harvesting, maintenance of serviceable structures (dams, dikes, levees, breakwaters, causeways and bridge abutments or approaches, and transportation structures), and construction or maintenance of farm or stock ponds or irrigation ditches, and farm or forest roads in accordance with best management practices. However, such activities are not exempt if the discharge changes the use of the waters (e.g., brings a wetlands into agricultural production), impairs the water's flow or circulation, or reduces the reach of the waters (e.g., converts an agricultural wetlands to a non-wetland area).

Prior converted croplands are not waters of the U.S. under Clean Water Act section 404 and [Swampbuster](#). NOTE: Certified wetland determinations made by the [Natural Resources Conservation Service](#) for purposes of implementing the wetland conservation (i.e., Swampbuster) provisions of the [Food Security Act](#) may not be valid for identifying the extent of Army Corps of Engineers Clean Water Act jurisdiction on a particular site. A farmer should check with the local [Corps of Engineers](#) office to verify whether ongoing or planned activities that will result in a discharge of dredged or fill material into wetlands, or other waters of the U.S., are regulated under the Clean Water Act section 404 program. A separate jurisdictional determination may be required by the Corps of Engineers. Likewise, jurisdictional determinations made by the Corps of Engineers for Clean Water Act purposes may not be valid for complying with the Swampbuster provisions of the Food Security Act. Thus, farmers should also check with the Natural Resources Conservation Service before clearing, draining, or manipulating any wet areas on a farmer's land to make sure that benefits are maintained.

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Clean Water Act (CWA) –Cont'd

Voluntary Programs

Objective is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters by reducing point and [nonpoint sources of pollution](#), providing assistance to [Publicly Owned Treatment Works \(POTWs\)](#) to improve wastewater treatment, issuance of NPDES permits to assure that water quality standards are attained, and maintain the integrity of wetlands.

States assist and encourage producers through a variety of programs (including, as appropriate, non-regulatory or regulatory programs) to use best management practices designed to reduce or prevent pollution from nonpoint sources migrating into waters.

States shall manage [nonpoint source program](#) to the extent possible on a [watershed-by-watershed](#) basis.

[Wetlands](#) – States (currently, Michigan and New Jersey) that have assumed authority of the Federal [Clean Water Act Section 404](#) regulatory program for most waters in their state (except navigable waters and other specified areas). In these situations, Clean Water Act 404 actions are (in most cases) state actions. However, EPA retains Federal oversight of these state-administered programs. While the state programs must be consistent with the requirements of the [Clean Water Act](#), they may have some procedural differences, and can be more stringent than the federal program.

Farms within one of the 21 designated ["estuaries of national significance"](#) can join a local management conference with other stakeholders to identify major environmental problems and the steps necessary to remediate those problems. Steps usually collected into a comprehensive conservation and management plan. Farms may be required by States to implement [best management practices](#) to protect public water supplies, ensure an adequate habitat for fish and wildlife, and allow recreational activities.

State has to identify impaired waters and establish [Total Maximum Daily Loads \(TMDLs\)](#) for those waters at a level necessary to implement the applicable [water quality standards](#) water quality standards. TMDLs are the sum of waste load allocations for point sources and load allocations for nonpoint sources. Implementation of agricultural best management practices in a watershed might be necessary to implement the load allocations.

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[Clean Water Act \(CWA\)](#) (Continued)

Voluntary Programs

Farms located within program boundaries covered by the [Chesapeake Bay](#), [Great Lakes](#), & [Gulf of Mexico](#) programs may have additional requirements.

[Coastal Zone Management Act \(CZMA\)](#)

Controls sources of [nonpoint pollution](#) which impact coastal water quality.

States with voluntary coastal zone management programs must develop coastal nonpoint pollution control programs that are in conformity with management measures published by EPA, and that include “enforceable policies and mechanisms to implement the applicable requirements of the [Coastal Nonpoint Pollution Control Program](#) of the state.” States that fail to develop such conforming programs risk reduction in federal assistance. Farms located within the coastal zone may have additional requirements under such State programs.

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CWA/SDWA QUICK REFERENCE CHART

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
National Pollution Discharge Elimination System (NPDES) - Concentrated Animal Feeding Operation Rule	Regulatory	Permit required if meet specific conditions.	Concentrated Animal Feeding Operations that discharge or propose to discharge.
NPDES - Water Related Pesticides Rule	Regulatory	No permit required	Irrigation ditches or other instances of pesticide application on, over, or near water bodies.
NPDES – Silviculture	Regulatory	Permit required for specific forestry activities	Rock crushing, gravel washing, log sorting, and log storage facilities
NPDES - Concentrated Aquatic Animal Production (CAAP) facilities	Regulatory	Permit required if meet specific conditions	Flow through, recirculating, and net pen systems that: (1) produce more than 9,090 harvest weight kilograms (about 20,000 pounds) of cold water fish (trout, salmon); or (2) produce more than 45,454 harvest weight kilograms (about 100,000 pounds) of warm water fish (e.g., catfish, sunfish, minnows) and that discharge either continuously or more than 30 days/year.
NPDES - Biosolids	Regulatory	Federal permit generally not required, but farms must directly meet regulatory requirements for pollutant limits, management practices, operational standards, reporting and other requirements.	Anyone who land applies biosolids or who owns land on which biosolids are land applied.
Wetlands	Regulatory	Permit for non-exempt activities	Discharges of dredged or fill material into waters of the U.S.; COE makes permit decisions and jurisdictional determinations, with EPA oversight.
Underground Injection Control	Regulatory - Authorization by rule	Submit injection well inventory information; must not endanger underground sources of drinking water	Farms operating injection well(s)

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CWA/SDWA QUICK REFERENCE CHART – Cont'd

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
Drinking Water Regulations	Regulatory	Total coliform, nitrate testing most likely. Surface water source would invoke other Non Drinking Water regulations	Farms providing for human consumption (e.g., drinking, showering) from its own source to 25 people or through 15 service connections for more than 59 days/year
TMDLs for both Point and Nonpoint sources	Voluntary - technical assistance	Best Management Practices (BMPs) and controls on any point sources	Any on or near impaired water body
319 Nonpoint Source Grants	Voluntary - financial assistance	Apply, report	Grants may be used for any facility, although a certain percentage of 319 funds are focused on impaired waterbodies.
Oil Pollution Prevention	Regulatory	Report spills of oil that reach waterways to the National Response Center	Any farm that has a discharge of oil that may reach navigable waters or adjoining shoreline
Spill Prevention Control and Countermeasures (SPCC)	Regulatory	Prepare and implement an SPCC Plan	Any farm facility with the total capacity to store more than 1,320 gallons of any oil in above ground storage or more than 42,000 gallons below ground
Facility Response Plan (FRP)	Regulatory	Prepare an FRP and submit to EPA	Any farm/facility storing more than 1,000,000 gallons of oil in above ground storage or 42,000 gallons where transfers occur over water.

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Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Requires all [pesticides](#) sold or distributed in the U.S. (including imports) to be [registered](#) by EPA, although unregistered pesticides or pesticides registered for other uses can be used when approved by EPA and the [State](#) to address emergencies and special [local needs](#). Use of each registered pesticide must be consistent with use directions contained on the label or labeling.

[Labeling requirements](#) control when and under what conditions pesticides can be applied, mixed, stored, loaded or used. They also control when and under what conditions fields can be reentered after application and crops can be harvested. Requirements are also imposed on container specifications and disposal.

[Worker protection standards](#) (WPS) designed to protect the occupational safety & health of agricultural workers & pesticide handlers during and after pesticide usage. WPS requirements are an integral part of the pesticide's labeling, and include information on restricted entry intervals after pesticide usage, personal protective equipment requirements, etc.

[Certification and training regulations](#) require pesticide applicators meet certain training requirements before they apply pesticides labeled "for restricted use." The purpose is to assure proper application of the pesticide and to ensure that restricted entry provisions protecting applicators and farm worker's health are met.

Food Quality Protection Act

Under the Federal Food Drug & Cosmetics Act (FFDCA), EPA establishes Maximum Residue Levels (tolerances) (MRL) under FFDCA when registering a pesticide under [FIFRA](#), food or feed residues which lack MRL, which have residues which exceed MRL's are subject to seizure and the applicators or producers are subject to prosecution under FIFRA if misuse is found.

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Endangered Species Act (ESA)

Designed to protect [endangered and threatened species](#) from federally funded or directed activities (e.g., pesticide usage, wetlands destruction).

Through use of [FIFRA](#) , mandatory limitations will be disseminated via [pesticide labels](#) and county specific bulletins. Voluntary limitations on pesticide use to protect endangered and threatened species are conveyed through Interim Pamphlets.

[ESA](#) could also affect [forestry](#) and other operations which could adversely affect the habitat of animals on the [Endangered Species list](#).

Toxic Substances Control Act (TSCA)

Allows EPA to regulate new commercial chemicals prior to market entry and existing chemicals (1976) when they pose an unreasonable risk to health or to the environment, and to regulate their distribution and use

Prohibits use of [Polychlorinated Biphenyl \(PCB\)](#) transformers in areas that could affect food or feed. "A PCB Item poses an exposure risk to food or feed if PCBs released in any way from the PCB Item have a potential pathway to human food or animal feed. EPA considers human food or animal feed to include items regulated by US Department of Agriculture or the Food and Drug Administration as human food or animal feed; this includes direct additives." Food or feed stored in private homes excluded.

FIFRA (pesticides) QUICK REFERENCE CHART

Program Area	Program Type. Legal Tool for Enforcement Action	Requirement of Farm	Farming Practice Affected
Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) – Pesticide Label	Regulatory. Label (defines how a pesticide may be used).	Follow label instructions to apply pesticide legally.	Crop and livestock production practices that involve pest control.

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FIFRA (pesticides) QUICK REFERENCE CHART – Cont'd

Program Area	Program Type. Legal Tool for Enforcement Action	Requirement of Farm	Farming Practice Affected
Federal Food Drug & Cosmetics Act (FFDCA) – Maximum Pesticide Residue levels (pesticide tolerances in foods)	Regulatory. Food and Drug Administration is the enforcement Agency for plant-based foods. USDA's Food Safety Inspection Service enforces pesticide tolerances for meat, poultry and eggs.	Follow pesticide use directions on label. Using more than labeled rate could result in pesticide residues higher than established tolerance level. Foods that have illegal residues can be impounded by the enforcement agency.	Crops and livestock that have pesticide residues.
<u>Food Quality Protection Act (FQPA) (amended FIFRA & FFDCA in 1996)</u>	<u>Regulatory. Label. Reregistration and tolerance reassessment of older pesticides which may result in label changes. Food use pesticides were completed August, 2006. Non-food use pesticides are scheduled to be done by 2008. Older pesticides will be reevaluated on a regular basis through the Registration Review process (see below).</u>	Follow label instructions.	Crop or livestock production practices may be impacted by label changes.
<u>Worker Protection Standard (WPS)</u>	<u>Regulatory. Label.</u>	Label restrictions that typically require protective clothing and engineering controls (ex: tractors with enclosed cabs and air recirculation systems).	Mixing, loading and application of pesticides and any other farm labor that involves exposure to pesticides.

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FIFRA (pesticides) QUICK REFERENCE CHART – Cont'd

Program Area	Program Type. Legal Tool for Enforcement Action	Requirement of Farm	Farming Practice Affected
<u>Certification and training regulations</u>	Regulatory. FIFRA requirement.	Required training for farmers and/or their pesticide applicators that use 'restricted use' pesticides.	Pest control with the use of 'restricted use' pesticides.
<u>Storage and Disposal</u>	<u>Regulatory. Label.</u>	Follow label instructions for storing and disposing of pesticides and containers.	Storage and disposal of pesticides and pesticide containers.
<u>Registration Review</u>	<u>Regulatory. Label. Periodic review of pesticide data and uses to ensure safety standards are met which may result in label changes.</u>	Follow label instructions.	Crop and livestock production practices that require pest control may be impacted by label changes.
<u>Public Participation Policy</u>	OPP voluntary policy.	Voluntary. Process for farmers and other stakeholders to participate in reregistration process before final decisions are made by Agency.	Crop and livestock production practices that require pest control.
<u>Endangered Species Counterpart Regulation and the EPA/Office of Pesticide Programs Endangered Species Protection Program</u>	<u>Regulatory. Label and County Bulletins.</u>	Farmer must follow label requirements and county bulletin requirements (if available) to ensure protection of endangered species.	Crop and livestock production that requires pest control on farmland that has endangered species habitat.

Note: EPA has finalized a [rulemaking](#) stating that pesticide applications in accordance with FIFRA on, over, or near waters of the US do not require NPDES permits

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[Resource Conservation & Recovery Act \(RCRA\)](#)

The [Resource Conservation and Recovery Act](#) regulates municipal [solid waste](#), and generators of hazardous waste [hazardous waste](#) and the treatment, storage and disposal (TSD) of hazardous waste. [RCRA](#) also regulates the storage in underground storage tanks [underground storage tanks](#) of petroleum and other regulated substances.

Waste pesticides disposed of on a farmer's own property in compliance with specified waste management requirements, including the disposal instructions on the pesticide label, are not subject to the TSD facility standards. Even wastes that exhibit one or more of the characteristics of a hazardous waste are exempt from regulation when the farmer triple rinses each emptied pesticide container and disposes of the rinsate on his own farm in compliance with the disposal instructions on the label. However, if the rinsate is characterized as "[acute hazardous waste](#)," some regulations may apply. Additionally, if the pesticides have been recalled, some [RCRA](#) regulations may apply. Furthermore, disposal of hazardous waste could subject farmers to hazardous waste generator requirements. Irrigation return flows are not solid wastes. Farmers can dispose of non-hazardous waste (e.g. agricultural wastes including manure, crop residues returned to the soil as fertilizers or soil conditioners; solid or dissolved materials in irrigation return flows) on their own property unless prohibited by other State or local laws.

[Underground Storage Tanks \(USTs\): Farm and residential USTs](#) and their associated underground piping holding less than 1,100 gallons of motor fuel for non-commercial purposes, tanks holding less than 110 gallons, tanks holding heating oil used on the premises, septic tanks, and other listed tanks are excluded from regulations. Underground Storage Tanks that are not excluded must meet regulations related to design, construction, installation, notification, monitoring, operating, release detection, reporting to State or Federal regulatory agencies, owner record keeping, corrective action, closure and financial responsibility. Underground Storage Tanks in service prior to December 22, 1998, had until December 22, 1998 to meet performance standards for new tanks, upgrading requirements for existing tanks or be taken out of service.

[Used oil](#): Farmers who generate an average of 25 gallons or less per month of used oil from vehicles or machinery used on the farm in a calendar year are exempt from used oil regulations. Farmers exceeding 25 gallons are required to store the used oil in tanks meeting underground or above ground technical requirements and use transporters with EPA authorization numbers for removal from the farm. Storage in unlined surface impoundments (defined as wider than they are deep) is banned.

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RCRA QUICK REFERENCE CHART

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
Waste pesticides	Regulatory	Proper disposal of pesticide hazardous wastes	Farms that dispose of pesticide residues and rinsates off-site
<u>Underground storage tanks</u>	Regulatory	Meet design and technical requirements; report to state; recordkeeping; financial responsibilities	Farms with underground storage tanks with a capacity of more than 1,100 gallons of motor fuel. Farm and residential USTs and their associated underground piping holding less than 1,100 gallons of motor fuel for non-commercial purposes, tanks holding less than 110 gallons, tanks holding heating oil used on the premises, septic tanks, and other listed tanks are <u>excluded</u> from regulations. Underground Storage Tanks that are not excluded must meet regulations related to design, construction, installation, notification, monitoring, operating, release detection, reporting to State or Federal regulatory agencies, owner record keeping, corrective action, closure and financial responsibility.
<u>Used oil</u>	Regulatory	Meet storage and transport technical requirements	Farms storing more than 25 gallons in underground or above-ground tanks Farmers who generate an average of 25 gallons or less per month of used oil from vehicles or machinery used on the farm in a calendar year are exempt from used oil regulations. Farmers exceeding 25 gallons are required to store the used oil in tanks meeting underground or above ground technical requirements and use transporters with EPA authorization numbers for removal from the farm.
<u>Subtitle C hazardous waste</u>	Regulatory	Proper handling of listed and characteristic hazardous	Farms that generate, transport, treat, store or dispose of hazardous waste

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[Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA/Superfund\)](#)

CERCLA's goal is to provide for liability, compensation, cleanup and emergency response for hazardous substances released into the environment and the cleanup of inactive hazardous waste disposal sites.

Any person in charge of a "facility" (e.g., an agricultural establishment or agribusiness) must notify EPA's [National Response Center](#) of any non-permitted releases of any CERCLA hazardous substances above threshold amounts. Releases could be to any environmental media including atmosphere, soil, surface water, or groundwater.

Farmers should also work with their [Local Emergency Planning Committee](#) (LEPC) to ensure that the LEPC has sufficient information to respond should a local emergency occur. Notification under [EPCRA](#) may also be required.

This requirement does not apply to the application of a pesticide product registered under [Federal Insecticide, Fungicide, and Rodenticide Act](#) (FIFRA) or to the handling and storage of such a product by a farmer.

EPA can require farmers to conduct response actions to address actual or threatened releases of CERCLA hazardous substances. This may include current or previous owners of the farm, or "persons" who arranged to have their substances disposed of on the farm.

[CERCLA](#) QUICK REFERENCE CHART

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
Release reporting--episodic or continuous	Regulatory	Report releases of hazardous substances to the NRC	Any farm that has a release of a CERCLA hazardous substance above a reportable quantity (RQ)
Emergency response	Regulatory	Allow access to federal responders; hire contractor(s) for response/cleanup actions	Any farm handling CERCLA hazardous substances that has had or currently has a threat of a release that is determined to be an imminent and substantial danger to public health or welfare.

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Clean Air Act (CAA)

Objective is to protect human health, welfare, and the environment by maintaining and improving the quality of the air.

The degree to which ambient air emissions from farming practices are regulated is based in part on the requirements of [State Implementation Plans \(SIPs\)](#) and may vary depending on the air quality issues in that area. Visibility standards may also apply through the SIP. Locations which are in air non-attainment areas for the [National Ambient Air Quality Standards](#) are subject to more restrictions.

[Particulate Matter \(PM\)](#) National Ambient Air Quality Standards (NAAQS): Some agricultural sources in [PM10](#) nonattainment areas are impacted by PM10 standards to satisfy reasonably available control measures and control technologies requirements. PM2.5 SIPs will be due no later than April 2008. In those SIPs, states will evaluate, on an area by area basis, whether there is a need to regulate PM 2.5 or PM 2.5 precursors from ag related sources.

[Ozone](#) NAAQS: Some agricultural areas are already impacted by these standards which primarily deal with [nitrogen oxides \(NOX\)](#) and [Volatile Organic Compound \(VOC\)](#) emissions. These have the potential to impact some animal production practices and have potential to impact pesticide application practices. NOX emissions from stationary engines could be impacted by these standards and the corollary implementation rules.

Additions to list of [Hazardous Air Pollutants \(HAPs\)](#): The Administrator has the authority to list additional hazardous air pollutants that may cause adverse health or environmental effects. The Agency has a petition to list Diesel Exhaust, and an informal request to list hydrogen sulfide (H2S). If Diesel Exhaust were to be added to the list it could impact farm equipment. Similarly, an H2S listing could have impacts on swine operations.

[National Emission Standards for Hazardous Air Pollutants](#) (NESHAPS) for [reciprocating internal combustion engines](#) and New Source Performance Standards (NSPS) for [diesel engines](#) and [spark ignited engines](#). These rules could impact some farms depending on how the agency defines farms and aggregates the emissions from them. Permits could be required if certain air emission thresholds are exceeded.

[Mobile sources](#): Producers are subject to various mobile source requirements, similar to other similar users/operators of highway and off-road vehicles, engines, equipment, and fuel.

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Clean Air Act (CAA) - Cont'd

Title V permits: These rules could impact some farms depending on how the agency defines farms and aggregates the emissions from them. Permits could be required if certain air emission thresholds are exceeded. Generally, sources that are major under Section 112, Section 302, or Part D of title I are also considered major under title V and required to obtain a title V permit. In addition, certain other sources, including certain area sources, are required to obtain permits unless they are specifically exempted from title V applicability.

New Source Review (NSR) and Prevention of Significant Deterioration (PSD) : These rules could impact some farms depending on how the agency defines farms and aggregates the emissions from them. Permits could be required if certain air emission thresholds are exceeded. The applicable thresholds depend on the attainment status of the area in which the farm is located. NSR and PSD air pollution control requirements (e.g., Best Available Control Technology (BACT) and Lowest Achievable Emission Rate (LAER)) could have a significant impact on ag operations. Guidance on management practices will provide opportunities to address cross-media implications.

The Clean Air Act also seeks to prevent the accidental releases of listed and other extremely hazardous substances, which includes anhydrous ammonia. Owners and operators of stationary sources producing, processing, handling, or storing such substances must identify potential hazards, design and maintain a safe facility, and minimize the consequences of accidental releases. Owners and operators must also comply with accident prevention regulations for listed substances stored or used in excess of threshold quantities (e.g., 10,000 lbs for anhydrous ammonia). There is a limited exemption from the regulations when ammonia is directly held by a farmer for use as an agricultural nutrient.

The Asbestos National Emissions Standards for Hazardous Air Pollutants (NESHAP) is intended to minimize the release of asbestos fibers during activities involving the handling of asbestos. Accordingly, it specifies work practices to be followed during renovations of buildings which contain a certain threshold amount of friable asbestos, and during demolitions of all structures, installations, and facilities (except apartment buildings that have no more than four dwelling units).

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CAA QUICK REFERENCE CHART

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
Title V Permit	Regulatory	The source must apply for a permit if aggregate of non-fugitive emissions of any regulated pollutant exceeds 100 tpy. Also, generally, sources that are major under Section 112, Section 302, or Part D of title I are also considered major under title V and required to obtain a title V permit.	Any stationary source.
New Source Review / Prevention of Significant Deterioration permit	Regulatory	The source must apply for a permit if aggregate of non-fugitive emissions of any regulated pollutant exceeds a certain threshold amount depending on the attainment/non-attainment status of the area and on the pollutant. This requirement applies to new sources as well as to major modifications of sources.	Any stationary source.
Reciprocating Internal Combustion Engines (Maximum Available Control Technology Subpart ZZZZ)	Regulatory	The engine must comply with this regulation if it is located at a facility whose emissions are at least 10tpy of one HAP or 25tpy of total HAP and if the engine itself is at least 500 HP.	Stationary reciprocating internal combustion engines

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CAA QUICK REFERENCE CHART – Cont'd

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
<u>General duty for chemical accident prevention (2 page PDF fact sheet, 50.2 KB)</u>	Regulatory	The owners and operators of stationary sources (facility) that handle any extremely hazardous substance in any quantity have a general duty to identify hazards, design and operate a safe facility and to prevent and/or mitigate accidental releases	Agricultural nutrients when held by a farmer excluded (ammonia)
<u>Risk Management Program and Plan (RMP)</u>	Regulatory	The owners and operators of stationary sources (facility) that handle more than a threshold quantity of certain toxic and/or flammable substances must implement a chemical accident program and prepare and submit a Risk Management Plan (RMP) to EPA	Listed agricultural nutrients when held by a farmer are excluded (e.g. ammonia); flammables used as a fuel

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[Emergency Planning & Community Right to Know Act \(EPCRA\)](#)

EPCRA establishes requirements for Federal, State and local governments, Indian Tribes and industry regarding emergency planning and “Community Right-To-Know” reporting on hazardous and toxic chemicals.

Requires businesses which store threshold amounts of chemicals subject to [Occupational Safety and Health Administration's Hazard Communication Standard](#) to submit information (including [Material Data Safety Sheets](#) and facility point of contact) or a chemical list of those chemicals to State and local authorities to facilitate emergency planning and response. Annual reporting to State and local authorities required for all covered facilities having those chemicals present at the facility in amounts above threshold.

Hazardous chemicals used in routine agricultural operations or a fertilizer held for resale by a retailer are excluded.

Businesses which produce, store or use "[Extremely Hazardous Substances](#)" or [Comprehensive Environmental Response, Compensation, and Liability Act hazardous substances report](#) to Federal, State, and local authorities non-permitted releases (unless it is a federally permitted release) of the Extremely Hazardous Substance at or above its reportable quantity. Releases could be into the atmosphere, surface water or groundwater. Farmers should also work with their [local emergency planning committee](#) (LEPC) to ensure that the LEPC has sufficient information to respond should a local emergency occur.

Proper application of [FIFRA](#) (Federal Insecticide, Fungicide, and Rodenticide Act) regulated pesticide products as well as handling and storage of these pesticide products by an agricultural producer are excluded.

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EPCRA QUICK REFERENCE CHART

Program Area	Program Type	Requirements of Farm	Type of Facility Applies To:
Emergency Planning & Community Right to Know Act (EPCRA)	Regulatory	Report inventory of certain extremely hazardous substances to State and local planning entities	Any farm handling more than a threshold quantity of extremely hazardous substances or substances requiring an Occupational Safety and Health Administration (OSHA) material safety data sheet (MSDS)
Emergency release reporting	Regulatory	Report releases of extremely hazardous substances or CERCLA hazardous substances to state and local emergency planning entities	Any farm that releases more than a reportable quantity or more of an extremely hazardous substance or a CERCLA hazardous substance.

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