



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

JUN 3 2003

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Mr. Pat Gallagher
Sierra Club
85 Second Street
San Francisco, CA 94104

Subject: Freedom of Information Act (FOIA) Request No. RIN-01428-03

Dear Mr. Gallagher:

We are in receipt of your FOIA Request RIN-01428-03 in which you request records related to:

- a. All "safe harbor" agreements or other type of agreements relating to enforcement of the Clean Air Act (CAA) or Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) requirements at concentrated animal feeding operations (CAFO).
- b. All air emissions monitoring information from any part of the CAFO industry, including but not limited to, any records submitted to the Environmental Protection Agency (EPA) by a CAFO in response to a section 114 information request or order that requires emissions monitoring.
- c. All EPA headquarters or regional policy, guidance, interpretation or other determination or decision defining or interpreting emissions from any source in the CAFO industry as "fugitive" emissions.
- d. All requests for information issued pursuant to section 114 of the CAA to any CAFO and all EPA settlement documents or orders that require a CAFO to monitor its emissions.

The Office of Air Quality Planning and Standards (OAQPS) has coordinated its document search with the Office of Enforcement and Compliance Assurance (OECA). Documents from each office will be sent under separate cover. This search has resulted in the following information relevant to your request:

2

The OAQPS has not identified any records that are responsive to your requests for information in paragraphs (a) and (c). To date, EPA has not entered into any "safe harbor" agreement or other type of agreement relating to enforcement of CAA or CERCLA requirements at CAFO. Similarly, EPA has not adopted or issued a "guidance, interpretation or other determination of decision of any kind . . . defining or interpreting air emissions from any source in the CAFO industry as 'fugitive' emissions." In the absence of any such agreement or interpretation of CAFO air emissions as fugitive, there are also no draft or other underlying records "relating to the topics described above at any stage of development."

The OAQPS has not identified any records that are responsive to your request for information in paragraph (d). The OECA will send, concurrently with this letter, copies of information requests under section 114 of the CAA sent to Buckeye Egg Farms (Buckeye) and Seaboard Farms and the section 113 order sent to Buckeye requiring these companies to monitor emissions coming from their farms. In addition, you can obtain a copy of the federal consent decree requiring Premium Standard Farms to monitor emissions from its facilities by downloading it from EPA's website at "www.epa.gov/compliance/resources/cases/civil/nm/psfcd.pdf."

In response to your request for information in paragraph (b), OAQPS is providing an emission testing report for Buckeye Egg Farm. The OECA is currently compiling the emissions monitoring information responsive to your request that it has received from several CAFO facilities and will provide within the next 2 weeks all relevant documents that can be immediately released.

If you have any questions concerning your request, please contact Michele Laur at (919) 541-5256. We appreciate this opportunity to be of service to you.

Sincerely,

Penny C. Lassiter
for Sally L. Shaver
Director
Emission Standards Division

Attachments