

Risk Management News

Covering 112(r) of the Clean Air Act
Risk Management Plan Program

A Publication of the Division of Air Pollution Control

Ohio EPA Activities

Inspections

As of September 2003, Ohio EPA RMP auditors have conducted 141 inspections out of approximately 500 RMP subject facilities.

2000: 3 inspections
2001: 37 inspections
2002: 53 inspections
2003: 48 inspections

Ohio EPA plans to inspect all RMP facilities.

Although Ohio EPA works with facilities to help them come into compliance, there have been seven enforcement cases resolved with penalties ranging from \$5,000 to \$26,400. Only one case was due to a late submission of the RMP (over three years). The remaining enforcement cases were for facilities that had little or no prevention program at the time of the inspection and did not work with auditors to obtain compliance in a timely manner.

Findings During RMP Audits

Almost all deficiencies discovered during RMP inspections are due to missing or incomplete documentation. Below are some of the common deficiencies noted:

- Supporting documentation for the hazard assessments. This information must be kept on site, including the calculations or print out for the worst case and alternative case release scenarios and data used to estimate population and environmental receptors potentially affected.
- Management system for RMP program elements.
- Process safety information. Upper and lower safe limits for items such as temperature, pressure and flows for the process including consequences of deviations.
- Process hazard analysis. The analysis must include human factors and facility siting for a Program Level 3 process. Recommendations from the analysis must be addressed.

- Operating procedures. Procedures must be certified annually even if there are no changes. Emergency shutdown procedures must also be addressed.

- Preventive maintenance and inspection documentation. Written maintenance programs must include a list of critical equipment and frequency of inspections and maintenance.

- Written employee participation plans.

- Contractor safety programs. Contractors must submit safety information (i.e., OSHA 300 Logs, proof of insurance, training documentation) prior to hiring. Contractor performance while on site must be evaluated periodically.

Compliance assistance tools may be downloaded at: [http://www.epa.state.oh.us/dapc/atu/112\(r\)/new.html](http://www.epa.state.oh.us/dapc/atu/112(r)/new.html). Additional guidance will be added as it is developed.

continued on page 3...

In This Issue

 Ohio EPA Activities	1
 U.S. EPA Activities	2
 Questions	3

U.S. EPA Activities

Proposed Rulemaking

On July 31, 2003, U.S. EPA proposed amendments to the submission schedule and data requirements for the Accidental Release Prevention Requirements. The proposed amendments may be downloaded at: <http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/ProposedRules.htm>.

The following changes are proposed:

- Changes to RMP submission requirements

Five-year accident history:

Facilities who have an accident that meets the criteria for the five-year accident history must update and re-submit their RMP within six months of the date of the accident.

Emergency contact information:

Facilities must correct their emergency contact information within one month of a change in the information.

- Changes to executive summary

Remove of the requirement for facilities to briefly describe the off-site consequence analysis (i.e., worst-case accidental release scenario and the alternative accidental release scenario) within the executive summary of the RMP.

- New data elements

Emergency contact e-mail address:

Add a mandatory data element to the RMP for facilities to provide the e-mail address (if any) for the emergency contact.

Reason for subsequent RMP submissions:

Add a mandatory data element to the RMP for facilities to identify the purpose of submissions that revise or otherwise affect their previously filed RMPs.

Contractor information:

Add a mandatory data element in the RMP for facilities to indicate that they've used a contractor to help prepare their RMPs.

- Revisions to RMP Submit format

Expand the list of possible causes of accidental releases to the report of the facility's five-year accident history so an owner or operator can indicate whether an accident involved an uncontrolled/runaway reaction.



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Questions and Answers

Question: If my facility is not in compliance during an RMP inspection, will a penalty be issued immediately?

Answer: No. Usually within two weeks after an audit, the Ohio EPA inspector will send a letter outlining deficiencies. The company then has 30 to 60 days (depending on the number of deficiencies) to correct the RMP and/or submit supporting documentation. In some cases, a follow-up inspection will occur.

Question: How is the civil penalty calculated?

Answer: The division has developed a RMP civil penalty policy based on the risk posed by the facility, the amount of chemicals on site, the number of processes and the time out of compliance. There is also a factor for missing or incomplete RMP prevention program elements.

Question: How can I prepare for an RMP audit?

Answer: After contacting the facility for an audit, the Ohio EPA inspector will provide a copy of the RMP audit checklist. This checklist is also available on Ohio EPA's RMP Web site. After reviewing the checklist, prepare examples of the listed records (for example, completed inspection checklists, maintenance records, training sign-in sheets, compliance audits, etc.). If you have a computerized system, obtain printouts for the subject process.



Question: What if I have lost my diskette for my RMP submittal?

Answer: You may contact the division for a printed version. At this time, Ohio EPA is unable to provide electronic copies of your RMP file.

Ohio EPA Activities continued from page 1

Training

The division is conducting a survey to gauge if there is an interest in training. Proposed topics would include RMP regulations, typical deficiencies discovered during audits, documentation required for an audit, acceptable calculations for worst case and alternative release scenarios and how to prepare for an RMP audit. To download a survey, please go to [http://www.epa.state.oh.us/dapc/atu/112\(r\)/new.html](http://www.epa.state.oh.us/dapc/atu/112(r)/new.html). Depending on the response, Ohio EPA will attempt to have a training session at the end of 2003 or beginning of 2004, prior to the June 2004 re-submission deadline. If you do not have access to the Internet, please call Sherri Swihart at (614) 644-3594 or Kim Joseph at (614) 644-2187 to request a survey.

Common Errors in RMPs

Section 1.17 Process(es)

This section in your plan should clearly describe your process(es) and the maximum amount of each chemical in that process on site at any one time. For example, a water treatment plant has a 1-ton chlorine cylinder storage area that holds a

maximum of four full cylinders at one time. A separate building has two chlorine cylinders connected to the chlorination process. Therefore, this facility would have two processes. One process would be the cylinder storage area with a maximum amount of 8,000 pounds of chlorine. The second process would be the chlorination building with a maximum amount of 4,000 pounds of chlorine on site at any one time.

Section 9. Emergency Response

This section is intended to distinguish between an emergency response plan versus an emergency response program for the facility. An emergency response plan generally describes which responders facility employees would contact in the event of a release. Facility employees would only respond to incidental releases. An emergency response program includes a description of the **facility's** actions in the event of a release. Therefore, unless your facility has an incident command structure and HAZMAT trained employees in the event of a major release, Section 9.1.a would be marked "yes" in your plan and Sections 9.1.b through 9.4 would be marked "no."

Check us out on the Web:



**[http://www.epa.state.oh.us/dapc/
atu/112\(r\)/new.html](http://www.epa.state.oh.us/dapc/atu/112(r)/new.html)**

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