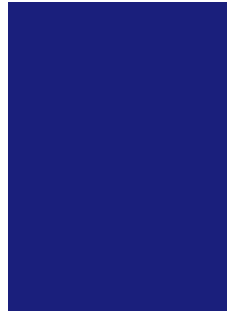


MI Safety Conference 2021

EPA Regulations EPCRA, CERCLA, RMP



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Emergency Planning and Community Right-To-Know Act (EPCRA)

- Purpose of Regulation
- Notification Requirements
- Emergency Reporting Requirements
- Inventory Reporting Requirements



Risk Management Plan (RMP) Rule

- Program Eligibility
- Components of a Risk Management Program (RMP)
- RMP Reconsideration Rule



Emergency Planning and Community Right-To-Know Act

EPCRA: Purpose of the Regulation


- Primary purpose is to improve chemical safety, protect public health, protect the environment, and increase public awareness.
- The major provisions of EPCRA are:
 - Emergency planning
 - Emergency release notification
 - Hazardous chemical storage reporting



EPCRA: Notification and Reporting Requirements

- Notifications for Emergency Planning
- Release Reporting
- Annual Inventory Reporting

EPA's "List of Lists"



United States
Environmental Protection
Agency

Office of Solid Waste
and
Emergency Response

EPA 550-B-15-001
March 2015
www.epa.gov/emergencies

LIST OF LISTS

Consolidated List of Chemicals
Subject to the Emergency
Planning and Community Right-
To-Know Act (EPCRA),
Comprehensive Environmental
Response, Compensation and
Liability Act (CERCLA) and
Section 112(r) of the Clean Air Act

- EPCRA Section 302 Extremely Hazardous Substances
- CERCLA Hazardous Substances
- EPCRA Section 313 Toxic Chemicals
- CAA 112(r) Regulated Chemicals for Accidental Release Prevention

EPCRA: Notification Requirements for Local Planning

Name	CAS/313 Category Codes	Section 302 EHS TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	CAA 112(r) TQ
Ammonia	7664-41-7	500 lbs.	100 lbs.	100 lbs.	313	
Ammonia (anhydrous)	7664-41-7	500 lbs.	100 lbs.	100 lbs	X	10,000 lbs.
Ammonia (concentration 20% or higher)	7664-41-7			1,000 lbs.	X	20,000 lbs.

Facilities must notify:

- Local Emergency Planning Committee (LEPC)
- State Emergency Response Commission (SERC) or Tribal Emergency Response Commission (TERC)

EPCRA: Notification Requirements for Local Planning

- Provide the LEPC with the name of your facility Emergency Response Coordinator
- Provide the LEPC, SERC/TERC and the local fire department (LFD) with ammonia Safety Data Sheets (SDSs) or a list of covered chemicals
- Other requested information
- Changes relevant to emergency planning

EPCRA: Emergency Notification Requirements

Name	CAS/313 Category Codes	Section 302 EHS TPQ	Section 304 EHS RQ	CERCLA RQ	Section 313	CAA 112(r) TQ
Ammonia (anhydrous)	7664-41-7	500 lbs.	100 lbs.	100 lbs	X	10,000 lbs.

- If 100 lbs. or more of ammonia is released within a 24-hour period, this is a Reportable Quantity (RQ) under EPCRA and the Comprehensive Emergency Response, Compensation, and Liability Act (CERCLA).
- Facilities must immediately notify the LEPC, the SERC/TERC, and the National Response Center (NRC) (1-800-424-8802).

What is a "release"?

- Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment.
- Under EPCRA, release likely to have offsite impacts are reportable.



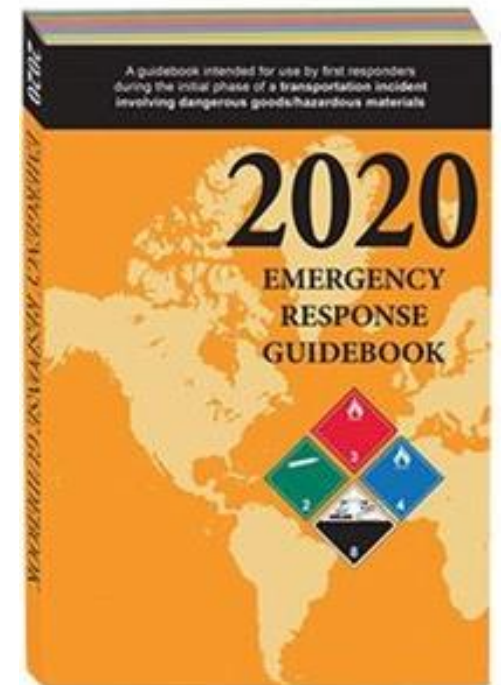
What Information Must be Provided When a Release is Discovered?

- The chemical name
- The fact that it is an extremely hazardous substance
- An estimate of the quantity released
- The time and duration
- The medium or media into which the release occurred
- Acute and chronic health risks and medical considerations
- Proper precautions for the community, such as evacuation or sheltering in place
- Name and telephone number of contact person

What Information Must be Provided when the Emergency is Over?

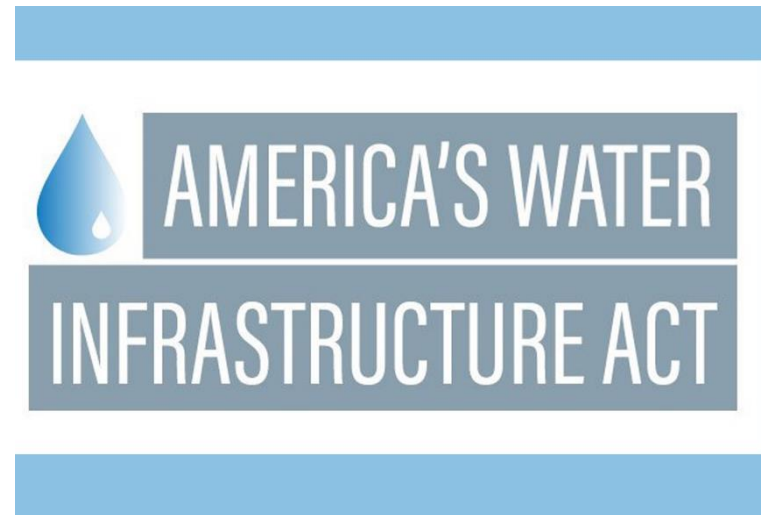
Written follow-up to the LEPC, SERC/TERC:

- Update of initial information
- Actions taken
- Known or anticipated chronic health risks
- Medical attention advice for exposed individuals



America's Water Infrastructure Act

- EPA issued a letter to SERCs & TERCs regarding implementation.
- SERCs & TERCs must notify affected state agencies or community water systems of a reportable release.
- Provide the community water systems with access to the Tier II data for the source water area.



EPCRA: Inventory Reporting Requirements

- Required for facilities that have 100 lbs. or more of ammonia onsite.
- By March 1st each year, submit inventory information to the LEPC, SERC/TERC, and LFD.
- Use state-specific Tier II form.
- Tier II information is available to the public through LEPCs, SERCs/TERCs.

Check if information below is identical to the information submitted last year. Reporting Period: January 1 to December 31, 20

Tier Two Emergency and Hazardous Chemical Inventory Specific Information by Chemical		For Official Use Only State ID#: _____ Date Received _____																																											
Facility Identification																																													
Name	Maximum No. of Occupants: _____ <input type="checkbox"/> N/A	<input type="checkbox"/> Manned	<input type="checkbox"/> Unmanned																																										
Street	County	City	State Zip																																										
Latitude	Longitude	NAICS Code	Phone Number (optional)																																										
Dun & Bradstreet Number	TRI Facility ID: <input type="checkbox"/> N/A	RMP Facility ID: <input type="checkbox"/> N/A																																											
Subject to Emergency Planning under Section 302 of EPCRA (40 CFR part 355)?		<input type="checkbox"/> Yes	<input type="checkbox"/> No																																										
Subject to Chemical Accident Prevention under Section 112(r) of CAA (40 CFR part 68, Risk Management Program)?		<input type="checkbox"/> Yes	<input type="checkbox"/> No																																										
Owner or Operator Information		Parent Company Information (optional)																																											
Name		Name	Dun & Bradstreet Number:																																										
Address		Address																																											
Phone Number	Email	Phone Number	Email																																										
Facility Emergency Coordinator (If applicable)		Tier II Information Contact																																											
Name	Title	Name	Title																																										
Email Address		Email Address																																											
Phone Number	24-hour Phone	Phone Number																																											
Emergency Contacts																																													
Name		Name																																											
Title		Title																																											
Phone Number	24-hour Phone	Phone Number	24-hour Phone																																										
Email Address		Email Address																																											
Certification (Read and sign after completing all sections)		Reporting Range: Weight Range in pounds:																																											
I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.		<table border="1"> <thead> <tr> <th>Range Code</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td>01</td><td>0</td><td>99</td></tr> <tr><td>02</td><td>100</td><td>499</td></tr> <tr><td>03</td><td>500</td><td>999</td></tr> <tr><td>04</td><td>1,000</td><td>4,999</td></tr> <tr><td>05</td><td>5,000</td><td>9,999</td></tr> <tr><td>06</td><td>10,000</td><td>24,999</td></tr> <tr><td>07</td><td>25,000</td><td>49,999</td></tr> <tr><td>08</td><td>50,000</td><td>74,999</td></tr> <tr><td>09</td><td>75,000</td><td>99,999</td></tr> <tr><td>10</td><td>100,000</td><td>499,999</td></tr> <tr><td>11</td><td>500,000</td><td>999,999</td></tr> <tr><td>12</td><td>1,000,000</td><td>9,999,999</td></tr> <tr><td>13</td><td>10,000,000</td><td>Greater than 10 million</td></tr> </tbody> </table>	Range Code	From	To	01	0	99	02	100	499	03	500	999	04	1,000	4,999	05	5,000	9,999	06	10,000	24,999	07	25,000	49,999	08	50,000	74,999	09	75,000	99,999	10	100,000	499,999	11	500,000	999,999	12	1,000,000	9,999,999	13	10,000,000	Greater than 10 million	
Range Code	From	To																																											
01	0	99																																											
02	100	499																																											
03	500	999																																											
04	1,000	4,999																																											
05	5,000	9,999																																											
06	10,000	24,999																																											
07	25,000	49,999																																											
08	50,000	74,999																																											
09	75,000	99,999																																											
10	100,000	499,999																																											
11	500,000	999,999																																											
12	1,000,000	9,999,999																																											
13	10,000,000	Greater than 10 million																																											
Name and official title of owner/operator OR owner/operator's authorized representative Signature _____ Date Signed _____																																													

The public reporting and recordkeeping burden for this collection of information is estimated to range from 6 to 120 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division, U.S. Environmental Protection Agency (2022T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

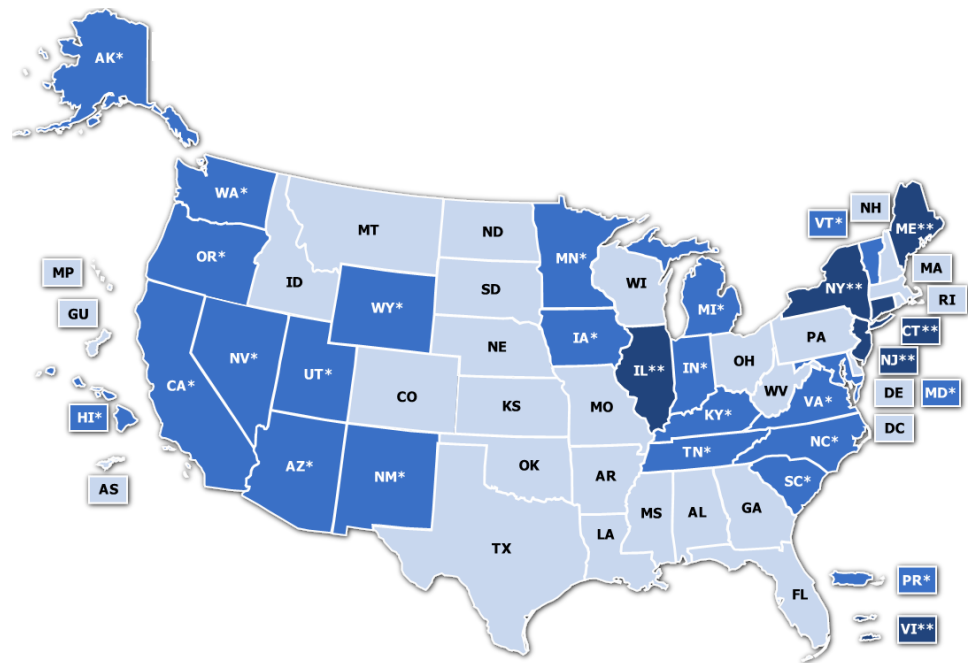
EPCRA: Inventory Reporting Requirements

State Tier II reporting requirements:

State	Facility Reporting Requirements	Link to Instructions
Illinois	Required to use Tier II Manager	https://www2.illinois.gov/iema/preparedness/serc/pages/serc_tier2.aspx
Indiana	Required to use Tier II Manager	https://www.in.gov/dhs/3893.htm
Michigan	Required to use Tier II Manager	https://www.michigan.gov/deq/0,4561,7-135-3307_29815---,00.html
Minnesota	Accepts electronic submissions via Tier II Manager and hard copy submissions using the Minnesota state-specific form	https://dps.mn.gov/divisions/hsem/epcra/Pages/default.aspx
Ohio	Requests the use of Tier2 Submit	https://www.epa.gov/epcra/tier2-submit-software
Wisconsin	Submit information via the Wisconsin Hazmat Online Planning and Reporting System	https://whopr.wisconsin.gov/Account/Login.aspx

Important!

If your facility is in Illinois, Indiana, Michigan, or Minnesota, and your facility is owned and operated by a municipality, you are required to submit SDSs and Tier II forms.



- * This state has an OSHA-approved State Plan that covers private and state and local government workplaces.
- ** This state has an OSHA-approved State Plan that covers state and local government workers only.

Summary of EPCRA Notifications & Reporting

What to Report/Submit	To Whom	When
<i>Planning</i>		
Presence of chlorine above TPQ	LEPC, SERC/TERC	One time, as soon as applicable
Emergency Response Coordinator information	LEPC	As soon as facility is required to and any time the identification changes
Information deemed necessary for planning purposes	LEPC	Upon request by the LEPC
Changes that may affect plans (e.g., change of ammonia location, change of ownership)	LEPC	Within 30 days of changes

Summary of EPCRA Notifications & Reporting

What to Report/Submit	To Whom	When
<i>Community Right-to-Know</i>		
SDSs or chemical list	LEPC, SERC/TERC, LFD	When first applicable, any time additional chemicals above threshold are acquired, and anytime significant information about existing chemicals is discovered
Tier I and Tier II reports	LEPC, SERC/TERC, LFD	By March 1 of the following calendar year (e.g., 2019 report due Mar. 1, 2020)
<i>Emergency Notification Requirements (e.g., releases)</i>		
Release of ammonia above an RQ	NRC, LEPC, SERC/TERC	Immediately (within 15 minutes)
Written follow-up report	LEPC, SERC/TERC	Within 30 days of the release

Clean Air Act Regulations

- Clean Air Act 112(r)(1) – General Duty
- Clean Air Act 112(r)(7) – Risk Management



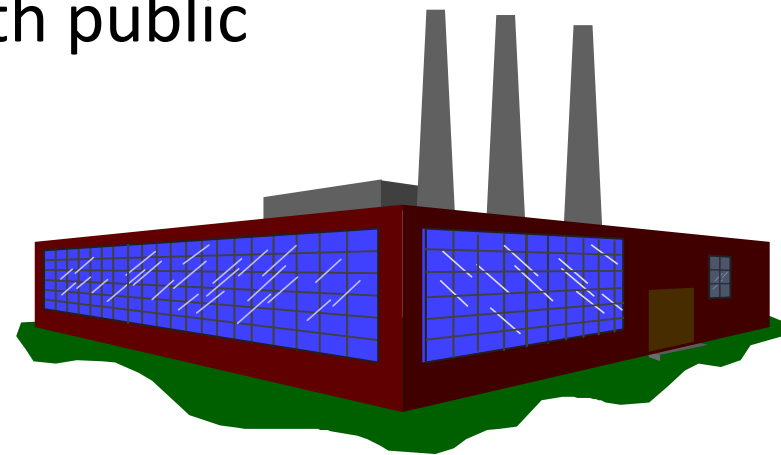
General Duty Clause (GDC) Clean Air Act §112(r)(1)



“The owners and operators of stationary sources producing, processing, handling or storing [extremely hazardous substances] have a general duty ... to **identify hazards** which may result from [accidental] releases using appropriate hazard assessment techniques, to **design and maintain a safe** facility taking such steps as are necessary to prevent releases, and to **minimize the consequences of accidental releases which do occur.**”

Key Points about GDC:

- Statutory requirement
- Effective as of November, 1990
- No list of covered substances
- No threshold quantities
- No reporting requirement
- No required information sharing with public
- No exemptions nor exclusions



Purpose of the Risk Management Rule

PREVENT	MITIGATE	INFORM
Prevent Accidental Releases	Mitigate Release Consequences	Inform the Public and Government



Risk Management Program or Plan?

- Requires covered stationary sources that use, manufacture and store hazardous chemicals to implement a **Risk Management Program**.
- Requires covered stationary sources to submit a **Risk Management Plan** summarizing the facility's Program being implemented at the facility.

WHO IS SUBJECT TO THE RMP RULE?

- Stationary source
- Regulated Substance
 - EPA developed a list of chemicals:
 - 77 toxic (anhydrous ammonia)
 - 63 flammable
- More than a Threshold Quantity (TQ)
- In a Process

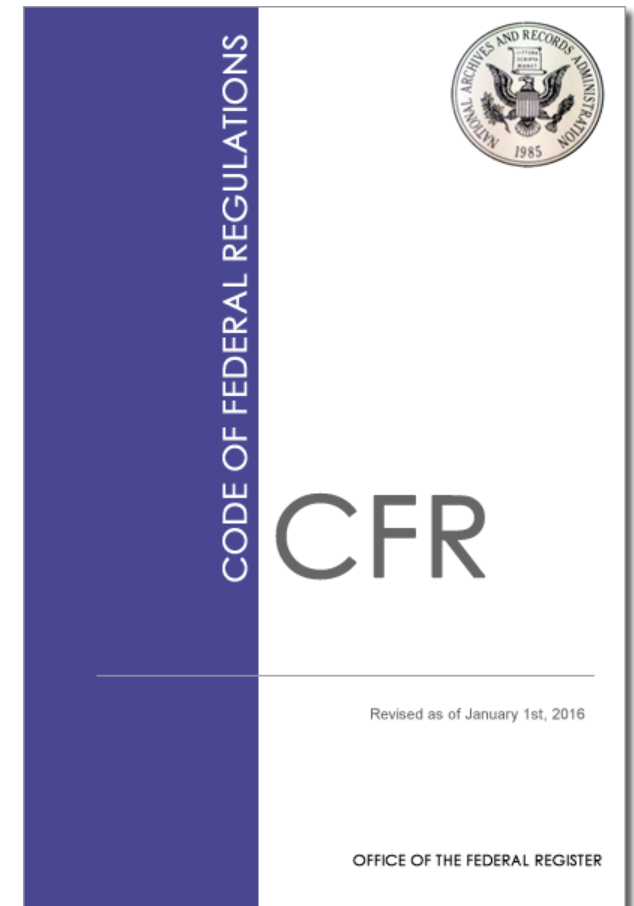
*FACILITY REQUIRED TO
SUBMIT A RMPlan*



RMP Program Levels

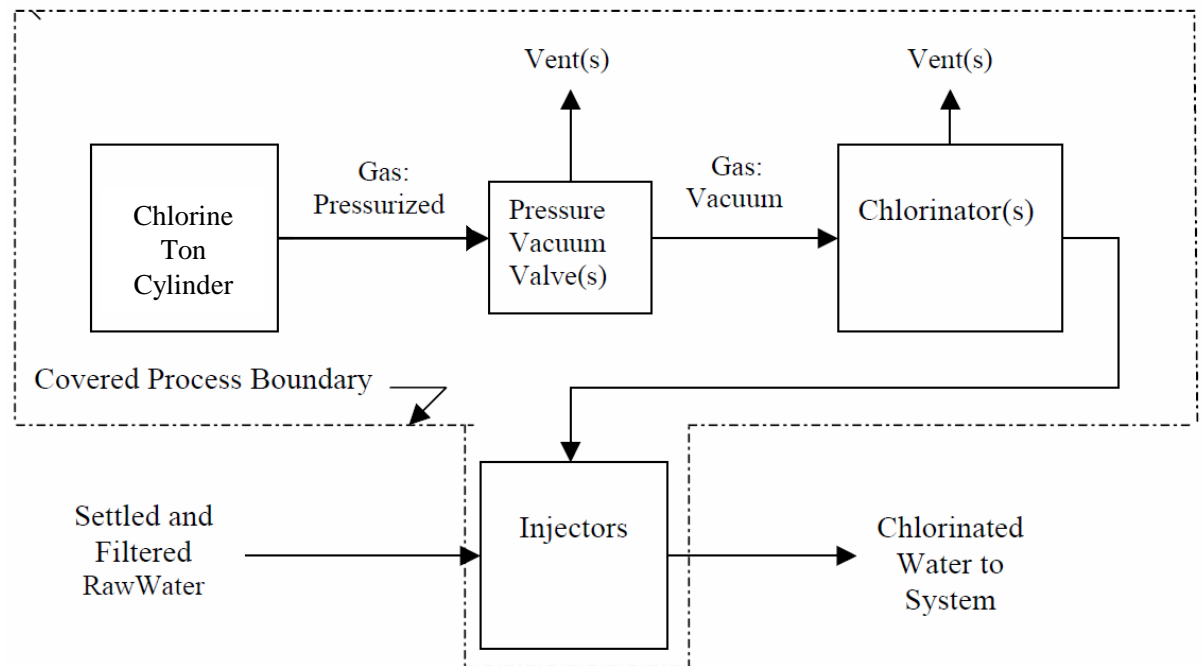
- Program 1: 40 CFR 68.10(b) and 68.12
- Program 2: 40 CFR 68 Subpart C
- Program 3: 40 CFR 68 Subpart D

(Plus other, applicable parts of the regulation)



Key Points About Program Level

- Each process is assigned a Program Level, not the facility as a whole.
- Only one Program Level applies to a process.

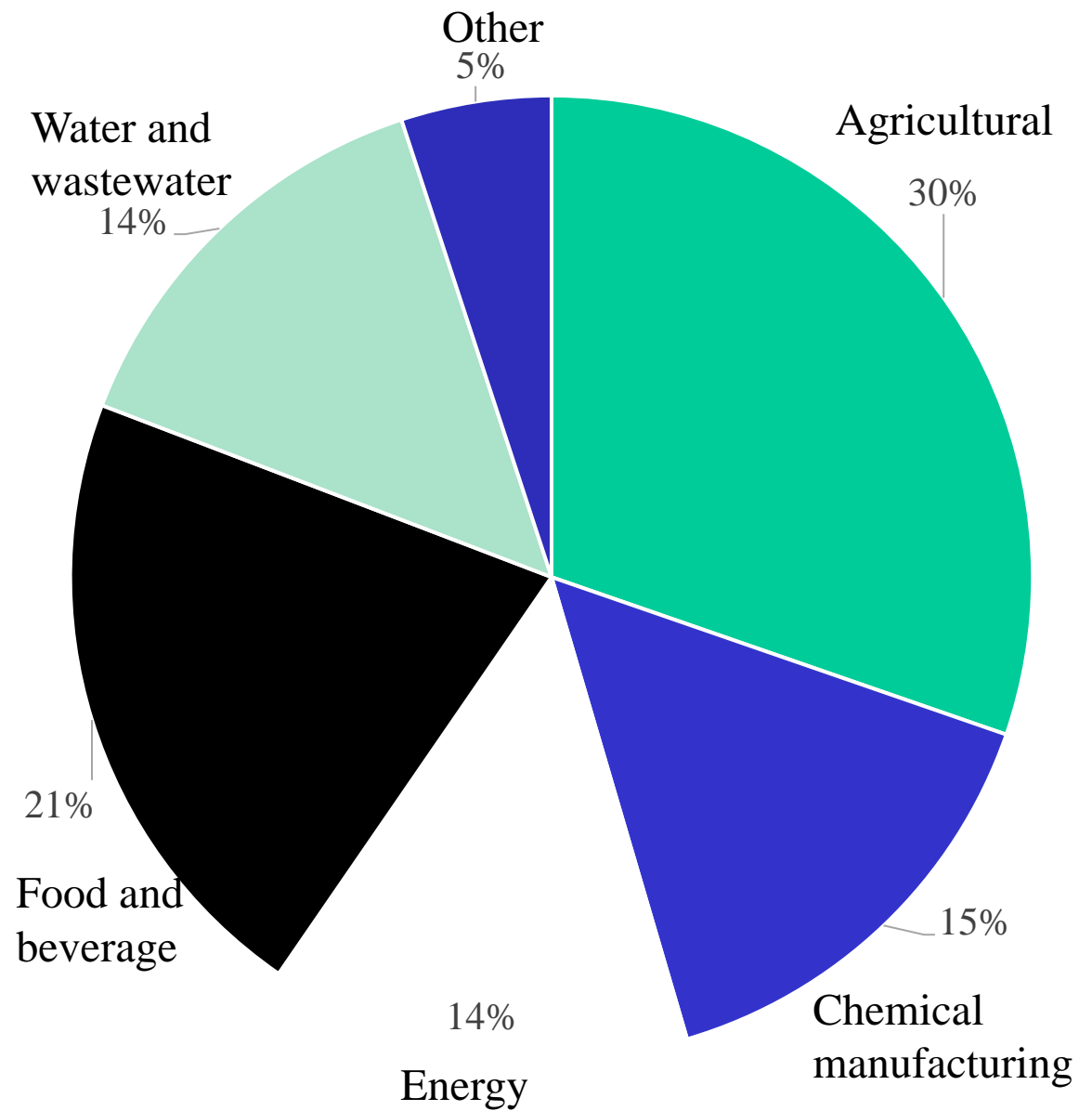


RMP Content by Program Level

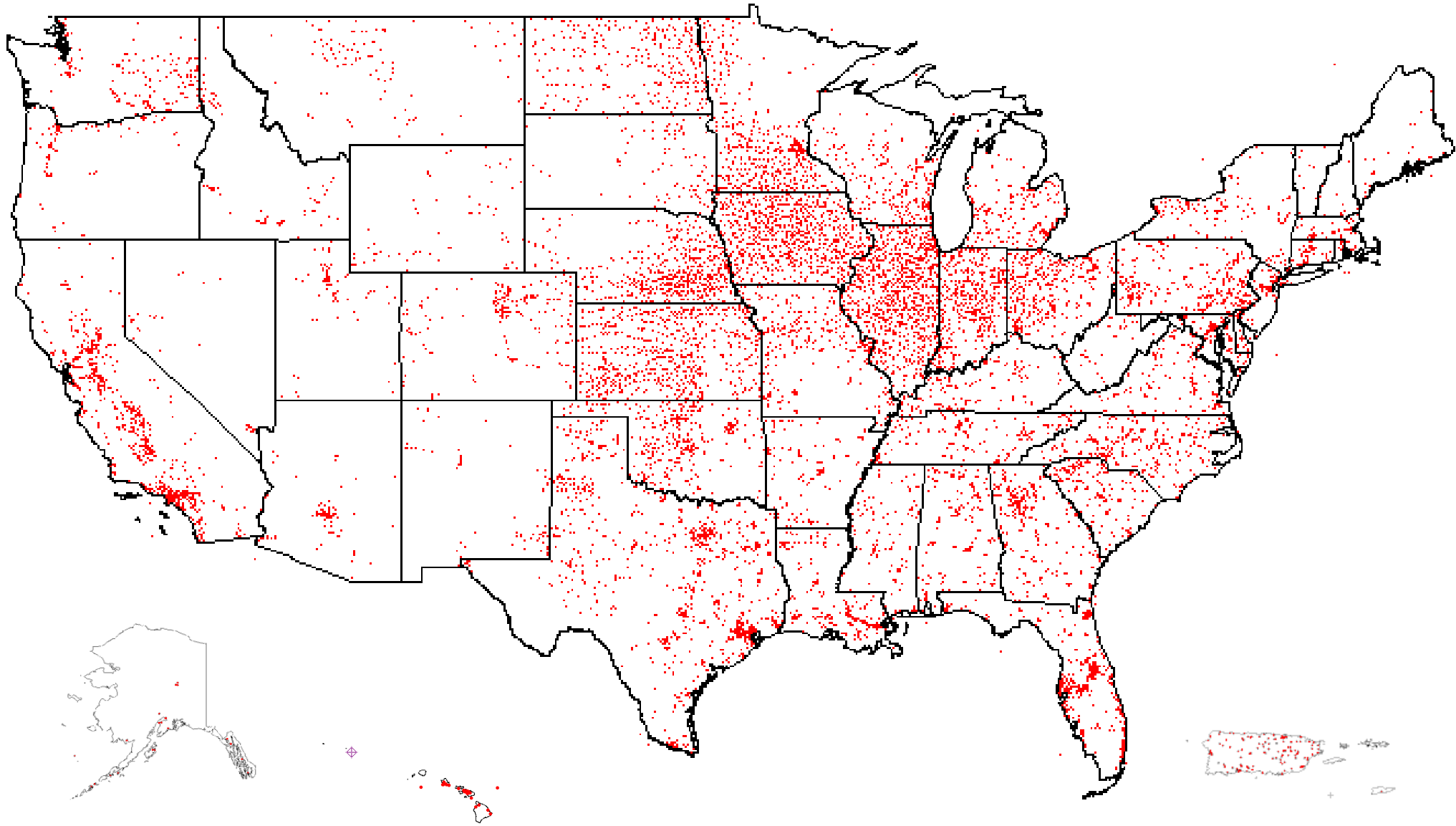
Program 1	Program 2	Program 3
	Management System	Management System
Hazard Assessment	Hazard Assessment	Hazard Assessment
	Safety Information	Process Safety Information
	Hazard Review	Process Hazard Review
	Operating Procedures	Operating Procedures
	Training	Training
	Maintenance	Mechanical Integrity
	Compliance Audit	Compliance Audit
	Incident Investigation	Incident Investigation
		Management of Change
		Pre-Startup Review
		Employee Participation
		Hot Work
		Contractors
Emergency Response Program	Emergency Response	Emergency Response

RMP Facilities by Industry

12,500
facilities



RMP Facility Locations



RMP Amendments Rule Timeline

EO13650
August 1, 2013

EPA's Administrator
signed final rule to delay
effective date of the
RMP Rule Amendments
until February 19, 2019
June 9, 2017

DC Circuit Court
vacatur/mandate to
make Amendments
Rule effective
September 21, 2018

RMP Final Amendments
Published
March 14, 2016

Proposed RMP
Reconsideration Rule
Published
May 30, 2018

Final RMP
Reconsideration Rule
Published
December 19, 2019

Program 2 Prevention Program Changes

- Safety information
 - Changes MSDS to SDS
- Incident Investigations
 - Added (c) - An incident investigation team shall be established and consist of at least one person knowledgeable in the process involved and any other persons with appropriate knowledge and experience to thoroughly investigate and analyze the incident
 - Changes “summary” to “report” throughout

Program 3 Prevention Program Changes

- Process Safety Information
 - Changes MSDS to SDS
- Incident Investigations
 - Deleted from (2) – “of a regulate substance”
 - Changed “summary” to “report”



Emergency Response Changes

Applicability (68.90)

- Added to (a) *“Responding stationary source.”*
- Added to (b) *Non-responding stationary source.”*



Emergency Response Changes

Emergency Response Program (68.95)

- Added references to emergency coordination requirements and emergency response exercises

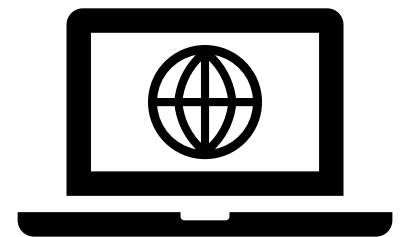
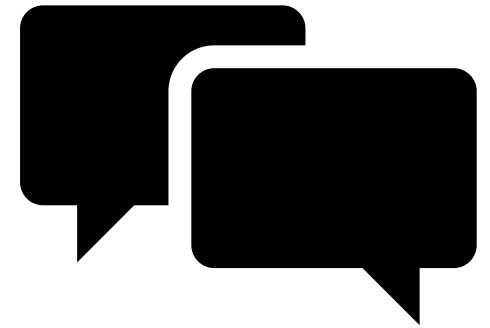


Photo courtesy of the Chlorine Institute.

Enhanced Emergency Coordination

68.93 Emergency Response Coordination Activities (New Section)

- Coordinate annually with local response organizations, and more often as necessary
- Document coordination
- Ensure emergency response planners can obtain information “necessary for” planning and implementing local emergency response plans
 - Stationary source’s emergency response plan or emergency action plan
 - Emergency Contact information
 - Any other information necessary for plan development



Requires Emergency Exercises

68.96 – Emergency Response Exercises (New Section)

- Annual notification drills
- Facilities to perform tabletop exercises every 3 years
- Facilities to conduct field exercises, at frequency to be determine in consultation with local planners/responders
- Respond to major release can take the place of a drill, as long as after-action report is completed



Added Required Public Information Meeting

- Requires a public meeting within 90 days of an RMP-reportable accident with **offsite impacts**.

Offsite Impacts include:

- Deaths
- Injuries
- Property damage
- Environmental Damage
- Evacuations
- Sheltering In Place



Risk Management Plan Changes



- Added data elements to reflect public meetings following RMP-reportable accidents
- Added data elements to reflect changes in Emergency Response Program
 - Additions of coordination and exercises

Additional Minor Changes

- Updated definitions in 68.3
- Added compliance dates for new requirements
- Renumbering/lettering of added or deleted requirements
- Added references throughout to new 68.93 – Emergency Response Coordination and 68.96 Emergency Response Exercises

RMP Reconsideration Final Rule Compliance Dates

Requirements	Due Date
Public Meetings	Within 90 days of any qualifying accident that occurs after March 15, 2021
Develop Emergency Response Program	Within three years of owner or operator determining that facility is subject to the provisions
Develop exercise plans and schedules	December 19, 2023
Conduct first notification drill	December 19, 2024
Conduct first tabletop exercise	December 21, 2026
Conduct first field exercise	According to the exercise schedule established by the owner or operator in coordination with local response agencies
Submit RMP with new information elements	The owner or operator would provide new information elements with any initial RMP or RMP resubmission made after December 19, 2024
Comply with new emergency coordination requirements	Already in effect as of September 21, 2018
Comply with remaining minor accident prevention provisions	Already in effect as of September 21, 2018



QUESTIONS?

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