

EPA's Risk Management Program Rule Changes

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The logo for Ramboll, featuring the word "RAMBOLL" in a bold, sans-serif font. The letter "O" is stylized with a circular graphic element inside it.

Bright ideas.
Sustainable change.



Topics

01

December 2019 Risk Management Program (RMP) Reconsideration Final Rule Changes

- What happened?
 - What are you currently required to do?
 - Recommendations for implementation
 - What will be required if no regulation changes occur?
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02

Clean Air Act RMP Proposed Rule – *Safer Communities by Chemical Accident Prevention (SCCAP)*

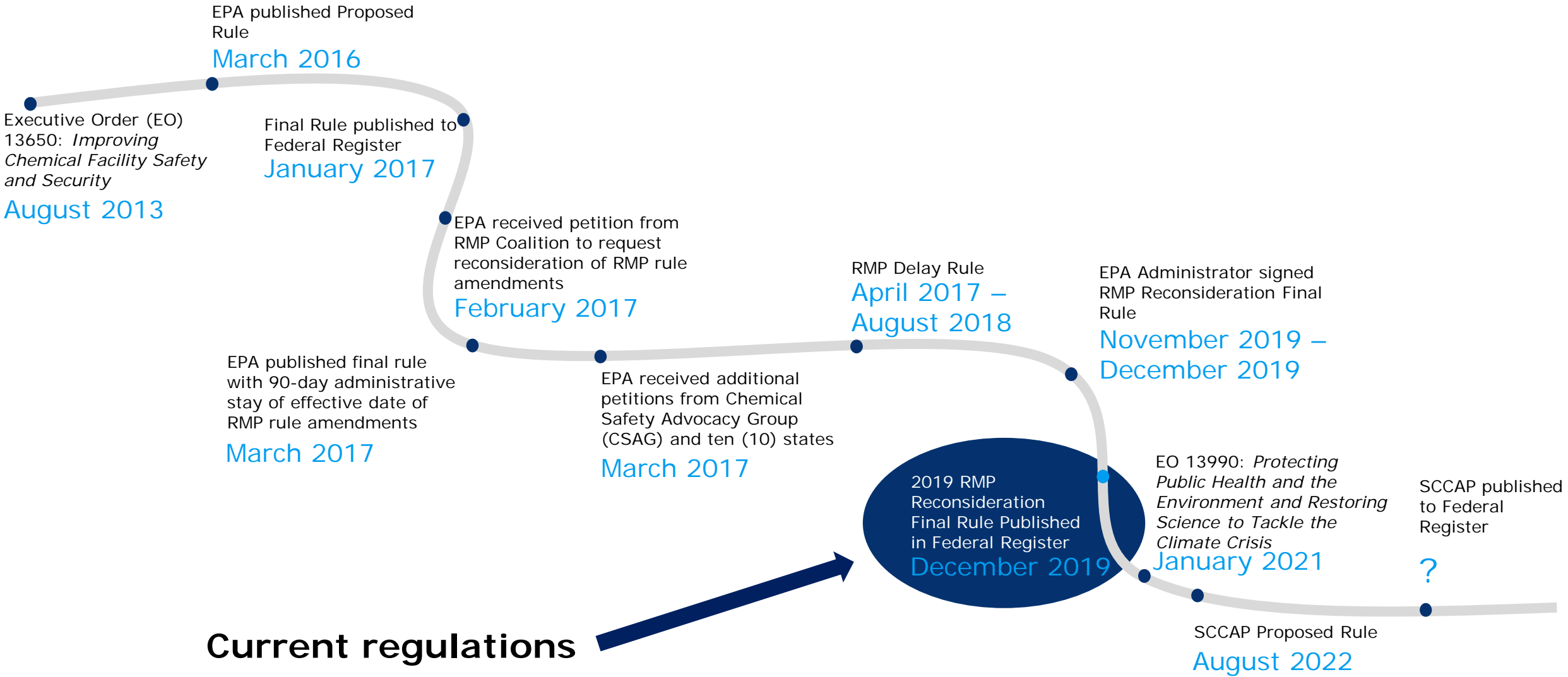
- What will be additionally required and changed?
 - When will compliance be required?
-

03

Common RMP/Process Safety Management (PSM) Compliance Issues

01 December 2019 RMP Reconsideration Rule Changes

What happened? RMP Rule Change History Since 2013



What are you currently required to do?



Public meeting

- Public meetings must be held to provide information under 40 CFR 68.42(b) no later than 90 days after an RMP reportable accident with any known offsite impacts (e.g., shelter-in-place, injury, death, environmental)
- Effective March 15, 2021

Emergency response (40 CFR 68.93¹)

- Coordination with local response organizations must occur annually, and the coordination activities must be documented
- What must be provided to local responders?
 - The facility's emergency response plan or emergency action plan
 - Updated emergency contact information
 - Other information necessary for developing and implementing the local emergency response plan
- Facilities must request an opportunity to meet with the local emergency planning committee (LEPC) or equivalent and/or local fire department
- For RMP reponding stationary sources only: consult with local emergency response officials to establish appropriate schedules for field and tabletop exercises
- What must be documented?
 - Names of individuals involved and their contacts (phone number, email, and organizational affiliations); dates of coordination; nature of coordination
- Effective September 21, 2018

Recommendations for Implementation



Public meeting

- Consider how best to incorporate public meeting requirement into incident investigation policies and procedures
- Train key personnel on requirement for public meetings and when they are required

Emergency response:

- Incorporate emergency coordination requirements into the facility emergency response plan or emergency action plan (whichever is applicable)
- Identify key personnel responsible for coordination with agencies
- Generate a compliance schedule or tracking tool to ensure timely coordination
- Develop forms to document coordination activities that include tools such as:
 - Sign-in sheets with appropriate contact information fields
 - Meeting minutes or checklists to identify what was covered
- If an agency cannot participate or will not respond to your request to coordinate, [document it](#)
- Nature of coordination can be creative

Future compliance dates if no regulation changes occur

The following table is only applicable to facilities with RMP Program Level 2 and Program Level 3 processes

| Requirement | Due Date | Stationary Source Type Affected |
|--|---|---------------------------------------|
| Develop exercise plans and schedules | December 19, 2023 | Responding sources ONLY |
| Conduct first notification drill | December 19, 2024 | Responding and non-responding sources |
| Conduct first tabletop exercise | December 21, 2026 | Responding sources ONLY |
| Conduct first field exercise | According to exercise schedule established by facility in coordination with local response agencies | Responding sources ONLY |
| Submit RMP with new information elements | With any initial RMP or RMP resubmission made after December 2024 | Responding and non-responding sources |

What will be required if no regulation changes occur

Start planning for implementation of new regulatory requirements around six (6) months out from the due date.



Develop new or modify existing policies and procedures to include new regulatory requirements



Train appropriate personnel on new or modified policies and procedures



Implement new or modified policies and procedures on or before the due date

02 SCCAP

What will be additionally required and changed?



PHA Consideration of Natural Disasters and Power Loss

- Natural disasters and power loss must be considered for RMP Program Level 2 hazard reviews and RMP Program Level 3 process hazard analyses (PHA)¹
- Requires justification in RMP when hazard evaluation recommendations are not adopted^{1,2}



Facility Siting

- Defines facility siting requirements
- Requires justification be submitted in a facility's RMP when facility siting hazard recommendations are not adopted²



Root Cause Analysis (RCA)

- Requires formal RCA incident investigation when RMP-reportable accident occurs

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions



02 SCCAP

What will be additionally required and changed?

Third-party Compliance Audits¹

- Next audit must be conducted by a third-party when one of the following criteria is met for a facility–
 1. Two (2) RMP reportable accidents within five (5) Years

OR

 2. One (1) RMP reportable accident within five (5) years if process is classified under NAICS codes 324 or 325 **and** is within one (1) mile of another RMP regulated facility with NAICS code 324 or 325
- Justification must be included in the RMP when third-party compliance audit recommendations are not adopted²

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions



02 SCCAP

What will be additionally required and changed?

Safer Technologies and Alternatives Analysis (STAA)¹

- STAA must be considered if a facility falls under one of the following categories –
 1. NAICS code 324 or 325 and is within one (1) mile of another RMP facility with 324 or 325 NAICs code

OR

 2. Hydrofluoric (HF) acid alkylation process under NAICs code 324
- Requires justification be submitted in RMP when STAA recommendations are not adopted²
- Increase public access to this information

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions



02 SCCAP

What will be additionally required and changed?

Employee participation

- Requires employee participation in resolving recommendations and findings from the following^{1,2}:
 1. Process Hazard Analyses (PHA)
 2. Compliance Audits
 3. Incident Investigations
- Outlines stop work procedures for RMP Program Level 3 employee participation plans^{1,2}
- Requires employee participation plans include opportunities for employees to anonymously report RMP-reportable accidents or other related RMP non-compliance issues for RMP Program Level 2 and Program Level 3 facilities²

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions



02 SCCAP

What will be additionally required and changed?

Emergency response¹

- Community Notification of RMP Accidents²:
 - Non-responding RMP facilities must develop procedures for informing the public about accidental releases
 - Release notification data must be provided to local responders
 - Ensures community notification system is in place for RMP-reportable accidents
- Emergency Response Exercises:
 - Requires 10-year frequency for field exercises unless local responders indicate the frequency is infeasible
 - Requires mandatory scope and reporting requirements for emergency response exercises

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions

What will be additionally required and changed?



Enhanced Information Availability²

- Requires facilities provide chemical hazard information upon request to residents living within six (6) miles of the facility, and must be in the language requested



Technical Clarifications

- RMP Program Level 3 process safety information (PSI) must be kept up-to-date
- Makes RMP Program Level 2 and 3 requirements consistent for recognized and generally accepted good engineering practices (RAGAGEP)¹
- Hot work permit retention – required for at least five (5) years
- Defines 'storage incident to transportation'¹
- Requires RAGAGEP review for PHAs¹

¹ Provisions also being considered by OSHA for the PSM standard

² Provisions that have not been addressed in prior RMP rule revisions

When will compliance be required?

| Requirement | Due Date |
|--|---|
| STAA, Incident Investigation RCA, third-party CA, employee participation, ER public notification, ER exercise evaluation reports, information availability to public | Three (3) years after the effective date of the final rule ¹ |
| Revised ER field exercise frequency | March 15, 2027, or within ten (10) years of date of an ER field exercise conducted between March 15, 2027, and date of publication of the proposed rule in the Federal Register |
| Updates and resubmission of RMPs with new and revised data elements | Four (4) years after the effective date of the final rule ¹ |

03 Common RMP/PSM Compliance Issues

PSI 01

- Equipment is not documented as complying with good engineering practices



Management of Change (MOC) 03

- Personnel not knowing when to perform an MOC, especially for temporary repairs
- Starting up modified equipment before pre-startup safety review completion



Maintenance/Mechanical Integrity 05

- Not having or implementing written procedures
- Not inspecting equipment as required (method and frequency)



Records Management 07

- Not appropriately managing records, so historical records are not readily accessible (e.g., design data, equipment inspection records)
- Operating procedures missing completed annual certifications



PHA/Hazard Reviews 02

- Facility siting or human factors are not addressed
- Not defining acceptable levels of risk for a PHA/Hazard Review



Contractors 04

- Not evaluating contractor safety performance



Action Tracking 06

- Lacking systems for action tracking of findings/recommendations from audits (agency or internal), PHAs, incident investigations, equipment inspections



Thank you! Any Questions?

Additional EPA RMP Resources:

EPA Summary of 2019 RMP Reconsideration Final Rule: <https://www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule>

EPA Summary of 2022 RMP Proposed Rule - SCCAP: <https://www.epa.gov/rmp/risk-management-program-safer-communities-chemical-accident-prevention-proposed-rule#rule-summary>



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