



What to Expect When EPA Comes to Your Door? How to Prepare for Inspections....



US EPA's Emergency Planning and Accidental Release Prevention Program

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Objectives

- Overview of requirements
- What to expect when we show up.
- How to prepare for an inspection.
- What happens after the inspection?





Federal Regulations

- **EPCRA** - Emergency Planning and Community Right to Know Act (aka SARA Title III or EPCRA 304, 311 and 312)
 - Submit chemical inventory amounts on HMBP (Tier II) and report releases to State and local agencies under EPCRA 304
- **CERCLA** – Comprehensive Environmental Response Compensation and Liability Act Section 103
 - Release Reporting to National Response Center (NRC)
- Clean Air Act CAA 112r Risk Management Program (**RMP**) and General Duty Clause (**GDC**)
 - Equivalent regulation in CA is California Accidental Release Prevention Program (Cal ARPP)



What is a Release?

- In California – a “threat” or “potential” release which could cause harm.
- Federal Definition – release of a reportable quantity to the environment.





Reporting – Who & When

■ Who?

- Owner or operator (may include contractor)
- NOT fire department or CUPA

■ When?

- Regs say “Immediately”
- Immediate can 15 minutes from when you know release has occurred.





Clean Air Act Amendments Accidental Release Prevention 1990



- Process Safety Management Standard – PSM (1992)
- Risk Management Program Regulation (1994-1996) and General Duty Clause
- U.S. Chemical Safety and Hazard Investigation Board – CSB (1998)



Law says.....



- Owners & operators have a general duty to:
 - Identify hazards associated with potential accidental release,
 - Design & maintain safe facility, and
 - Minimize consequences of accidental releases.

- RMP/PSM → list of chemicals/quantities & NAICS codes
- GDC → no list, quantities or codes





RMP Requirements

- Offsite consequence analysis
- Five-year accident history
- Risk Management Plan (RMP)
- Accident prevention program
- Emergency response program





Prevention Program RMP and GDC

Seismic Hazard



- Process safety information
- Process hazard analysis
- Operating procedures
- Training
- Mechanical integrity
- Management of change
- Pre-startup review
- Compliance audits
- Incident Investigations
- Employee participation
- Hot work permit
- Contractor management

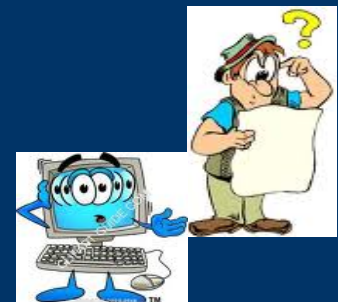




Follow-up on Recommendations



- PHA, Compliance Audit, Incident Investigations and MOC recommendations
- Standard is set by Federal OSHA guidance for Process Hazard Analysis findings.
- Allows facility management to decline to adopt a recommendation, but only for specific circumstances.



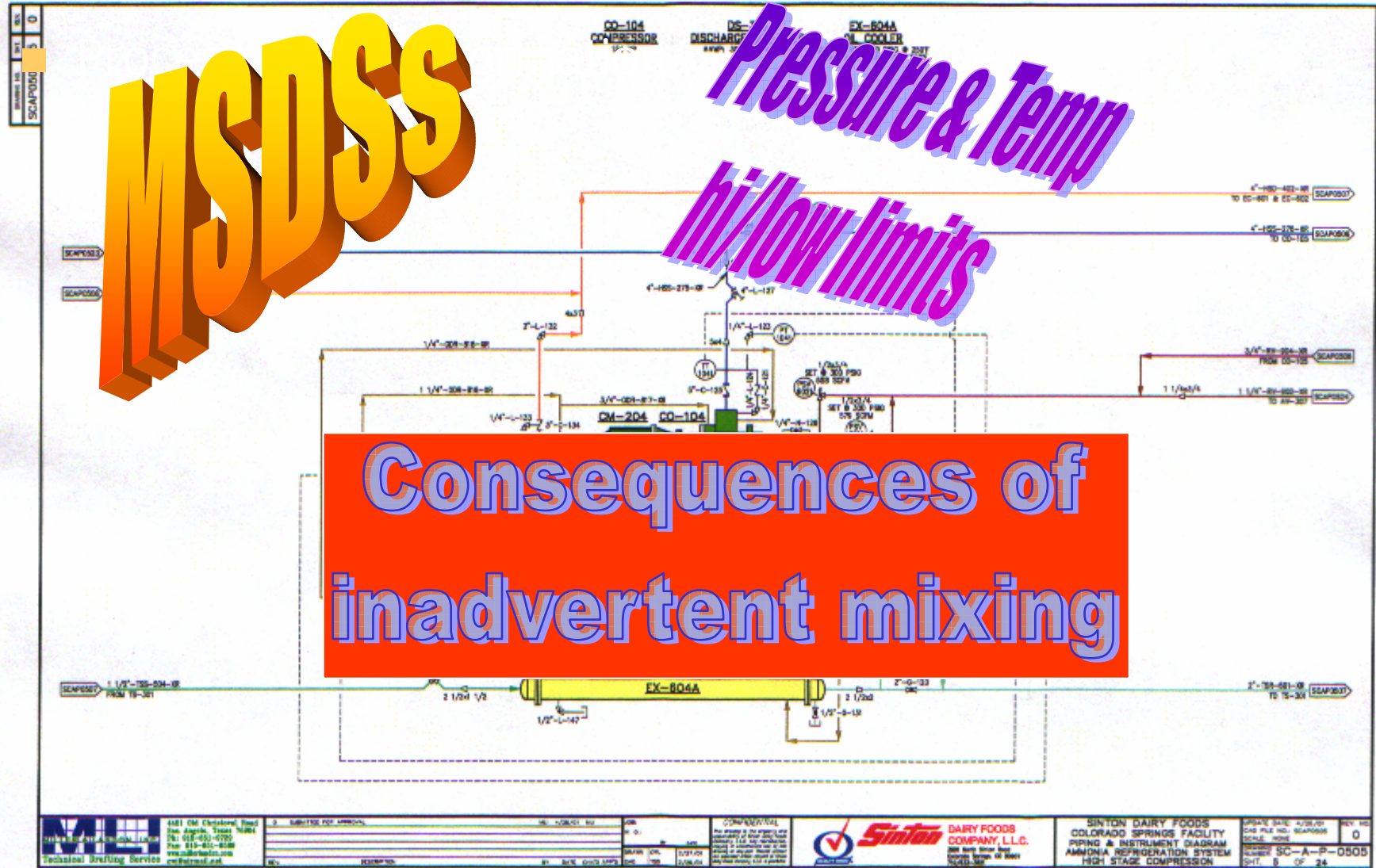


Process Safety Information

MSDSS

Pressure & Temp hi/low limits

Consequences of inadvertent mixing





We have a leak and need to close Valve 32A





Mechanical Integrity



Pressure
Relief?



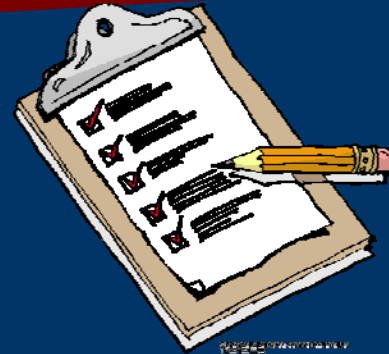
Mechanical Integrity?

Seismic Hazard?



Operating Procedures

- Initial startup
- Normal operations
- Temporary operations
- Emergency shutdown
- Emergency Operations
- Normal shutdown



- Start-up under all conditions
- Lockout/tagout
- Confined space entry
- Opening process equipment
- Entry to facility
- ANNUAL RECERTIFICATION





Contractor Management

- Qualifications verified adequately and for all new contractor employees,
- Procedures provided and understanding verified
- Lock-out/tag-out checked
- Hot work permits issued and checked
- Location of temporary staging areas and office space
- Equipment safety





Emergency Response Planning

- Responding facility
- Non-responding facility
- Training, equipment maintenance
- COORDINATION with First Responders and Community....
- Exercise!





A Better ER







Lessons Learned.....



- Review lessons learned from others
- Take advantage of industry organization forums
- Standard-setting organizations
- Chemical Safety Board, National Transportation Safety Board Investigations



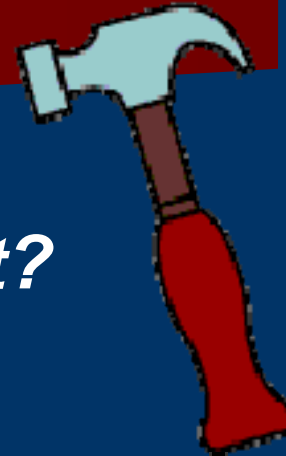
U.S. CHEMICAL SAFETY BOARD





After the Inspection.....

Congratulations or Enforcement?





If we find violations....

- Provide all requested information.
- Ask questions if you don't understand the finding.
- Identify how and when you will fix the problem
- Be cooperative!!





Enforcement



- Apply to industry, contractor owners and operators on federal facilities
- Penalties go up to \$37,500 per day, per chemical, per point of compliance
- Criminal action possible for release reporting violations with penalties of up to \$37,500 per day, 3 years in prison, or both
- Citizens suits





Enforcement Options

- Judicial referrals (BIG \$\$ and time)
- Administrative penalty orders
- Expedited Settlement Agreement (ESA) with reduced penalty for a limited universe of cases





For More Information:

www.epa.gov/compliance/resources/policies/civil





What Can You Do to Minimize Cost of Enforcement?



- **Comply.....**
- **Self-audit and disclose voluntarily**





Self-Audit and Disclose

- **National EPA Audit Policy**
- **Self-audit and disclosure of violations can result in zero penalty determination.**
- **Nine criteria must be met to qualify for penalty relief.**
- **For eligible violations, must only consider economic benefit in penalty/no penalty determination.**



Audit Policy 9 Conditions

1. Systematic discovery
2. Voluntary discovery
3. Prompt disclosure
4. Independent
5. Prompt correction
6. Prevent re-occurrence
7. No repeat violations
8. Ineligible violations
9. Cooperation



Audit Policy Information on Web

*[http://www.epa.gov/compliance/
incentives/auditing/auditpolicy.html](http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html)*



Teamwork!!!!



Industry

Responders



Community



Local

State

Federal





Got Questions?

- **RCRA, Superfund & EPCRA Call Center**
Phone: (800) 424-9346
When: Monday - Friday, 9:00 am - 5:00 pm Eastern Time
Closed Federal Holidays
Email: epacallcenter@bah.com
- Office of Emergency Management (OEM) website:
<http://www.epa.gov/emergencies>
- Mary Wesling, US EPA Region 9
wesling.mary@epa.gov