



ACCIDENTAL RELEASE PREVENTION REQUIREMENTS

Division of Air Pollution Control

Summary of Final Rule

Background

The intent of section 112(r) is to prevent accidental releases to the air and to mitigate the consequences of such releases by focusing prevention measures on chemicals that pose the greatest risk to the public and the environment. Section 112(r)(3) mandates that the U.S. EPA promulgate a list of regulated substances with threshold quantities. U.S. EPA met this mandate by promulgating the "List Rule" on January 31, 1994 (59 FR 4478).

Program Criteria and Requirements

Processes subject to the 112(r) requirements are divided into three tiers, labeled Programs 1, 2, and 3. Eligibility for any given Program is based on process criteria so that classification of one process in a Program does not influence the classification of other processes at the facility.

Program Eligibility Criteria

Program 1 is available to any process that has not had an accidental release with offsite consequences in the five years prior to the submission date of the RMP **and** has no public receptors within the distance to a specified toxic or flammable endpoint associated with a worst case release scenario. Program 3 applies to processes in North American Industry Classification System (NAICS) codes: 32211 (pulp mills), 32411 (petroleum refineries), 32511 (petrochemical manufacturing), 325181 (alkalies and chlorine), 325188 (all other inorganic chemical manufacturing), 325192 (other cyclic crude and intermediate manufacturing), 325199 (all other basic organic chemical manufacturing), 325211 (plastics and resins), 325311 (nitrogen fertilizer), and 32532 (pesticide and other agricultural chemicals). Program 3 also applies to all processes subject to the OSHA Process Safety Management (PSM) standard (29 CFR 1910.119). If the process is in one of the listed NAICS codes or subject to OSHA PSM **but** can meet the requirements of a Program 1 process, then that process is eligible as a Program 1.

Program 1	Program 2	Program 3
No offsite accident history		Process is subject to OSHA PSM
No public receptors in worst-case circle	The process is not eligible for Program 1 or 3	Process is in NAICS code 32211, 32411, 32511, 325181, 325188, 325192, 325211, 325311, or 32532
Emergency response coordinated with local responders		

Comparison of Program requirements:

Program 1	Program 2	Program 3
Hazard Assessment		
Worst-case analysis	Worst-case analysis	Worst-case analysis
	Alternative releases	Alternative releases
5-year accident history	5-year accident history	5-year accident history
Management Program		
	Document management system	Document management system
Prevention Program		
Certify no additional steps needed	Safety information	Process safety information
	Hazard review	Process hazard analysis
	Operating procedures	Operating procedures
	Training	Training
	Maintenance	Mechanical Integrity
	Incident investigation	Incident investigation
	Compliance audit	Compliance audit
		Management of change
		Pre-startup review
		Contractors
		Employee participation
		Hot work permits
Emergency Response Program		
Coordinate with local responders	Develop plan and program	Develop plan and program
Risk Management Plan Contents		
Executive summary	Executive summary	Executive summary
Registration	Registration	Registration
Worst-case data	Worst-case data	Worst-case data
	Alternative release data	Alternative release data
5-year accident history	5-year accident history	5-year accident history
	Prevention program data	Prevention program data
Emergency response data	Emergency response data	Emergency response data
Certification	Certification	Certification

Hazard Assessment

For all substances, the worst-case release scenario will be defined as the release of the largest quantity of a regulated substance from a vessel or process line failure, including administrative controls or passive mitigation that limit the total quantity involved or the release rate. One worst-case release scenario will be defined to represent all toxics, and one worst-case release scenario will be defined to represent all flammables held above the threshold at the facility. Additional worst-case scenario(s) must be analyzed and reported if such a release from another covered process at the source potentially affects public receptors that would not be potentially affected by the first scenario.

For alternative scenarios, facilities may consider the effects of both passive and active mitigation systems. One scenario is required for each toxic substance and one to represent all flammable substances held in covered processes at the facility.

The five-year accident history will cover all accidents involving regulated substances, but only from covered processes at the facility that resulted in serious on-site or certain known offsite impacts in the five years prior to the submission of each risk management plan.

Prevention Programs

The U.S. EPA has developed seven specific elements for the Program 2 prevention program: safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigation. It is expected that many Program 2 processes will already be in compliance with most of the requirements through compliance with other Federal regulations, state laws, industry standards and codes, and good engineering practices.

The Program 3 prevention program includes the requirements of the OSHA Process Safety Management (PSM) standard, 29 CFR 1910.119(c) through (m) and (o), with minor wording changes to address statutory differences. This makes it clear that one accident prevention program to protect workers, the general public, and the environment will satisfy both OSHA and U.S. EPA. It is anticipated that facilities whose processes are already in compliance with OSHA PSM will not need to take any additional steps or create any new documentation to comply with the Program 3 prevention program.

Emergency Response

The U.S. EPA has adopted the emergency response requirements found in the statute, with additional specific planning requirements beyond those necessary to implement the statute. The final rule also provides relief for facilities that are too small to respond to releases with their own employees; these facilities will not be required to develop emergency response plans provided that procedures for notifying non-employee emergency responders have been adopted and that appropriate responses to their hazards have been addressed in the community emergency response plan developed under EPCRA for toxics or coordinated with the local fire department.

Risk Management Plan

Owners/operators were required to submit their first RMP by June 21, 1999. After submittal, changes at the facility may require updates to the RMP other than the standard update of every five years. RMPs are required to be submitted electronically using the RMP*Submit software. The RMP consists of the facility's registration; an executive summary that will provide a brief description of the source's activities as they related to covered processes and program elements;

and data elements that address compliance with each of the rule elements.

Air Permitting

The part 70 permit must identify part 68 as an applicable requirement and establish conditions that require the owner or operator of the facility to submit either a compliance schedule for meeting the requirements of part 68 by June 1999 or, as part of the compliance certification submitted under 40 CFR 70.6(c)(5), a certification statement that, to the best of the owner or operator's knowledge, the facility is in compliance with all requirements of this part, including the registration and submission of the RMP. If a permit is already issued that does not contain provisions described above, then, the owner or operator or air permitting authority must initiate permit revision or reopening according to the procedures in 40 CFR 70.7 or 71.7 to incorporate the terms and conditions.