

2019 IIAR Conference

Regulatory Update



During last month's IIAR Conference in Phoenix, Arizona, Lowell Randel, IIAR's Director of Government Affairs, provided an update on the regulatory changes affecting ammonia refrigerated facilities. Below are some key items from his presentation:

RMP Amendments Rule Now "In Effect"

Although EPA delayed the effective date of the RMP Amendments Rule, the U.S. Court of Appeals ruled against the delay and issued a mandate to restore the original effective date of March 14, 2017. Therefore, the rule is now in effect. However, the rule provides facilities with time to comply with its provisions, and most of the deadlines to comply have not yet lapsed. Below are the six major provisions to be incorporated into 40 CFR Part 68, along with their compliance deadlines:

Provision	Comply By
Third party audits	March 15, 2021
Incident root cause analysis	March 15, 2021
Safer alternatives analysis	March 15, 2021
Coordinating emergency response activities	Effective Now (complete first coordination by March 15, 2018)
Emergency response exercises	Complete first exercise by March 15, 2021
Information sharing	March 15, 2021

As shown above, only provision #4 is in effect. In general, this provision requires owners/operators of RMP facilities to:

- Coordinate their emergency response activities with the responding agency annually.
- Provide the EAP/ERP to the responding agency.
- Document the coordination (names of personnel involved, date of coordination, and nature of coordination activities).

There are also several other minor provisions that are now in effect. For further details on these provisions, refer to the EPA's RMP Amendments Compliance Information website

(<https://www.epa.gov/rmp/risk-management-plan-rmp-amendments-compliance-information>).

California Office
27525 Puerta Real, Suite 300-468
Mission Viejo, CA 92691

Phone/Fax: (949) 207-3397
www.psmrmpsolutions.com

Washington Office
16625 Redmond Way, Suite M5
Redmond, WA 98052

Status of Proposed RMP Reconsideration Rule

Issued in May 2018, the proposed RMP Reconsideration Rule seeks to revise the RMP Amendments Rule, summarized above, as follows:

- Eliminate provisions #1, 2, 3, and most of the requirements for provision #6.
- Modify the requirements associated with provision #5.

The public comment period for this proposed rule has closed. All arguments, comments, and supporting data submitted are being reviewed and evaluated by EPA. It is anticipated that this rule will become final in the second quarter of 2019.

General Duty Clause Pilot Program

EPA Region 1 (New England) is implementing a pilot program impacting facilities with less than 10,000 pounds of ammonia. The focus of the program is to ensure that facilities have identified the hazards that may result in an accidental ammonia release using appropriate hazard assessment techniques. The program will be implemented in phases:

1. EPA will notify industry of the program requirements. Facilities will have 60 days to comply with those requirements.
2. EPA will send an out an information request. The request will consist of four questions about the facility's ammonia system, including whether it has performed a process hazard review.
3. EPA will spot check facilities to evaluate their success in complying with the program requirements and improving safety.

If a facility has not performed a process hazard review, EPA will issue a violation with an offer for an expedited settlement agreement (ESA). The ESA will require the facility to:

- Pay a \$5,000 penalty;
- Complete a process hazard review with assistance from a third party expert;
- Meet with emergency responders; and
- Provide a short statement describing steps the site is taking to improve safety.

Facilities that have experienced significant ammonia releases are not eligible for the ESA.

We at PSM RMP Solutions strive to keep you updated on regulatory issues. We will keep you updated, as progress is made on these changes and programs.