

ARS Compliance Tip of the Month

May 17, 2011

Risk Management Plan Updates

Every five years a facility is required to update their Risk Management Plan (RMP) and resubmit it to the EPA. Recently the EPA provided some new guidance material regarding these updates that included key points to remember and how to avoid common deficiencies in the RMPs. Below is a quick summary of the new information provided.



- 1) A correction to an RMP allows for updating only one section or item in the plan. If a facility chooses to resubmit their RMP (which restarts the 5-year period) then every section of the plan must be reviewed and updated.
- 2) Set aside plenty of time to review all of the programs required by the RMP. These include training, operating procedures, maintenance, and management of change programs. The RMP should not list the same date for completing all of the reviews as it is not possible to review all of these programs to the level of detail EPA requires in one day.
- 3) An Emergency Response Plan (ERP) differs from an Emergency Action Plan (EAP). Many facilities have an EAP to meet OSHA requirements; however, an ERP under the RMP regulation is much more involved. If a facility will rely on local responders in an emergency then that facility does not have a true ERP. A facility should not claim they have an ERP in the RMP if only an EAP is in place.
- 4) A facility should always report a release on-site themselves, instead of having the emergency responders or emergency contractors make the report. Also, local incident reports should be done first, then state level, and finally federal reporting.
- 5) Program levels of 1, 2, or 3 are specific to each regulated process on-site and not the facility as a whole. It is possible for a facility to be both program level 1 and 3.
- 6) If there is an OSHA recordable incident with an RMP-regulated chemical at a facility, then this incident is also reportable as an RMP accident. There is no minimum quantity that needs to be released and the release does not need to impact the environment for it to be a reportable RMP accident. A description of reported RMP accidents from the last five years should be included in the Executive Summary section of the RMP update.

Please refer to the following links for additional information on the above points:

- <http://www.epa.gov/region07/toxics/pubs.htm>
- http://www.epa.gov/emergencies/content/rmp/rmp_guidance.htm#General
- <http://yosemite.epa.gov/R10/airpage.nsf/Enforcement/rmp>

Please feel free to contact me (rkirk@air-resource.com) or your ARS Project Manager if you have any questions about these regulations and how they impact your particular operations.

REBECCA KIRK

Environmental Compliance Section Assistant Manager / Project Manager

Ms. Kirk joined ARS with a background in environmental engineering. She provides assistance to clients through regulatory research, analysis, and interpretation, and prepares permit applications, air emission calculations, pollution prevention plans, technical studies, and compliance reports for new and existing facilities. She is well experienced in working with the federal Clean Water Act, Clean Air Act, Resource Conservation and Recovery Act (RCRA), and Emergency Planning and Community Right-to-Know Act (EPCRA), as well as similar programs enacted in many states throughout the U.S.