

RMP Amendments Compliance Information

2017 RMP Amendments Compliance Obligations

Because EPA is proposing to revise and repeal significant portions of the 2017 final rule that amended the Accidental Release Prevention Requirements for Risk Management Programs, EPA delayed the effective date of the rule. However, due to a court decision that vacated the effective date delay, and the court's expedited issuance of its mandate, the final RMP Amendments rule is now in effect. Because the 2017 rule contains a schedule of compliance dates for many of the major provisions, the issuance of the mandate does not create current compliance obligations for some parts of the rule. The following describes the RMP Amendments rule provisions that have current compliance obligations and those for which compliance will be due in the future. EPA has proposed to repeal many of the provisions with future compliance dates.

2017 RMP Amendments with current compliance obligations:

Emergency Coordination Provisions

Emergency response coordination activities (§ 68.93) - (applies to sources with Program 2 and Program 3 processes)

- The facility owner or operator must coordinate response needs at least annually with local emergency planning and response organizations, and document these coordination activities.
- The facility owner or operators must provide to the local emergency planning and response organizations:
 - the stationary source's emergency response plan if one exists,
 - the source's emergency action plan,
 - updated emergency contact information, and
 - any other information that local emergency planning and response organizations identify as relevant to local emergency response planning.

Responding stationary sources must consult with local emergency response officials to establish appropriate schedules and plans for field and tabletop exercises required under § 68.96(b) before the March 15, 2021 compliance date for exercise provisions.

Emergency Response Program Provisions

Revisions to the Emergency Response Program requirements in § 68.95:

- Inform Federal and state emergency response agencies about accidental releases.
- Review and update the source's emergency response plan, as appropriate. Base updates on changes at the stationary source or new information obtained from:
 - coordination activities,
 - emergency response exercises,
 - incident investigations, or
 - other available information.
- Ensure that employees are informed of the changes to the source's emergency response plan.

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A facility owner or operator must develop and implement an Emergency Response Program within three years of when the facility becomes subject to the requirements (i.e., a need for a facility Emergency Response Program is determined) (see § 68.10(c)).

Prevention Program Provisions

Changes to the Program 2 and Program 3 Prevention Program requirements (Subparts C and D) for which the effective date is the compliance date (§ 68.10(a)(4)):

Safety information (§ 68.48)

- Maintain Safety Data Sheets (SDS) instead of Material Safety Data Sheets (MSDS).

Hazard review (§ 68.50)

- Include findings from incident investigations in the hazard review.

Training (§§ 68.54 & 68.71)

- Employee training requirements also apply to supervisors responsible for directing process operations and supervisors with process operational responsibilities.

Compliance audits (§§ 68.58 & 68.79)

- The owner or operator must evaluate compliance with the provisions of the RMP rule “for each covered process” at least every three years.

Incident investigation (§§ 68.60 & 68.81)

- Added the phrase “(i.e., a near miss)” to describe incidents that “could reasonably have resulted in a catastrophic release.”
- An investigation is required when an incident resulting in a catastrophic release also results in the affected process being decommissioned or destroyed.
- Require incident investigation teams to be established for incident investigations on Program 2 processes (§ 68.60(c)).
- Incident investigation reports shall be completed within 12 months of the incident, unless the implementing agency approves, in writing, an extension of time.
- Replaced the word “summary” with “report” to describe the documentation required for an incident investigation (§ 68.60).
- Specified content of the investigation report – new provisions are underlined:
 - Date, time, and location of the incident;
 - description of incident, in chronological order, providing all relevant facts;
 - the name and amount of the regulated substance involved in the release (e.g. fire, explosion, toxic gas loss of containment) or near miss and the duration of the event.
 - the consequences, if any, of the incident including, but not limited to:
 - injuries;
 - fatalities;
 - the number of people evacuated;

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- the number of people sheltered in place; and
- the impact on the environment;
- emergency response actions taken;
- the factors that contributed to the incident including the:
 - initiating event;
 - direct and indirect contributing factors; and
 - root causes. Root causes shall be determined by conducting an analysis for each incident using a recognized method. (for incidents that occur after March 15, 2021).
- recommendations resulting from the investigation and a schedule for addressing them.

Process safety information (§ 68.65)

- Owner or operator required to keep process safety information up-to-date.
- Material Safety Data Sheets revised to Safety Data Sheets (SDS) in note to paragraph (b).

Process hazard analysis (§ 68.67)

- PHA must include the findings from all incident investigations required under § 68.81, as well as any other potential failure scenarios.

Information Availability Provisions

The RMP availability provision was revised to include a reference to regulations that limit disclosure of the RMP offsite consequence analysis (§ 68.210(a)).

RMP Amendments with future compliance obligations :

The compliance date for the following RMP Amendments provisions is March 15, 2021:

- Third-party audit provisions in §§ 68.58(f), 68.58(g), 68.58(h), 68.59, 68.79(f), 68.79(g), 68.79(h), and 68.80;
- Incident investigation root cause analysis provisions in §§ 68.60(d)(7) and 68.81(d)(7);
- Safer technology and alternatives analysis in § 68.67(c)(8); and
- Emergency response exercise provisions in § 68.96.
- Providing chemical hazard information or community preparedness information to the public and conducting a public meeting 90 days after an RMP accident in § 68.210 (b) –(e).

Facilities are required to update their RMPs to comply with new or revised provisions by March 14, 2022.