
Fact Sheet

Background

The Clean Air Act Amendments of 1990 (CAAA) required U.S. EPA to promulgate regulations to prevent accidental releases of regulated substances and reduce the severity of those releases that do occur. The final rule for the “Accidental Release Prevention Requirements: Risk Management Programs” under CAA Section 112(r)(7) was published in the Federal Register on June 20, 1996.

U.S. EPA was required to publish an initial list of at least 100 substances that, when involved in an accidental release, could cause death, injury, or serious adverse effect to human health or the environment. On January 31, 1994, U.S. EPA promulgated the final list, including 77 acutely toxic chemicals (thresholds range



from 500 - 20,000 pounds) and 63 flammable gases and volatile flammable liquids (10,000 pounds).

How do I determine if my facility is subject?

The RMP regulation applies to any facility that has on-site, in a single process, any regulated substance in excess of the established threshold quantity. The entire list of substances and their thresholds may be obtained at Ohio EPA’s website:

<http://www.epa.state.oh.us/dapc/atu/112%28r%29/whois.html>

A “process” is defined by U.S. EPA to be any activity involving a regulated substance, including any use, storage, manufacturing, handling, or on-site



movement of such substances, or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a release from one container could involve adjacent containers, shall be considered a single process. (This is referred to as “colocation” of vessels.)

Facilities with flammable substances used solely as fuel or retail facilities that hold flammable substances for sale as fuel are exempt from the RMP regulations.

Example 1: A facility with two one-ton cylinders of chlorine (4,000 pounds, total) stored side-by-side would be subject because this “process” has more than 2,500 pounds (the established threshold quantity) of chlorine.



Example 2: A facility stores three 55-gallon drums of 70% hydrofluoric acid in the same area. Since each drum has approximately 460 pounds of hydrofluoric acid (1380 pounds) and is stored in the same location (i.e., a single process), this facility would be subject to the RMP requirements.

What types of facilities are subject?

Due to the RMP program regulating both toxics and flammables, there are a wide range of facilities that are subject. They include: water and wastewater treatment plants that use chlorine; anhydrous ammonia retailers; chemical manufacturers; ammonia refrigeration warehouses; chemical manufacturers; and refineries. This list is not all inclusive and the facility must have over the threshold limit of the regulated substance on site at any one time.



What is required?

The RMP program requires affected facilities to assess the potential risks posed by an accidental release from the facility, and to develop a plan that minimizes consequences of such a release. This plan is to include hazard assessments, management programs, prevention programs, and



emergency response programs.

Specific plan requirements vary depending on the types of process(es) at each facility but all are required to report a worst case scenario and most facilities, an alternative scenario. The information (also known as the Offsite Consequence Analysis (OCA) data) includes the distance to the endpoint for a release of the regulated substance(s), affected residential population, and environmental receptors.

The initial Risk Management Plan (RMP) was required to be submitted to U.S.EPA no later than June 21, 1999 and to Ohio EPA no later than January 3, 2000. If an RMP regulated substance is added over the threshold quantity that results in the facility being subject to the RMP program, the facility is required to have

an RMP submitted no later than the date that the regulated substance is onsite. The RMP is required to be updated at least every five years, or whenever changes involving RMP-regulated substances or processes occur at the facility, with the updates submitted to U.S. EPA and Ohio EPA.

Effective April 9, 2004, U.S. EPA also requires a correction to the RMP whenever the emergency contact information changes (within one month) or there is an RMP reportable accident (within six months).

What is Ohio EPA's Role in the Accidental Release Prevention Program?

In most states, the RMP program is administered by U.S.EPA. Ohio EPA worked with U.S. EPA for several years to receive delegation of the program, and on January 3, 2000, delegation of the RMP program to Ohio EPA, Division of Air Pollution Control (DAPC), became effective. Ohio EPA is now the implementing Agency of the RMP program in Ohio. Therefore, Ohio EPA is required to audit all subject facilities for compliance with the RMP regulations.

Ohio EPA's RMP rules (OAC 3745-104) are essentially equivalent to the federal RMP regulation, with two exceptions. In addition to submitting a copy of the RMP to U.S. EPA, Ohio's rules require facilities to submit a copy to Ohio EPA, DAPC. OAC 3745-104 also establishes an annual fee schedule.

What are the fees for a facility subject to Ohio's Accidental Release Prevention Program?

Ohio EPA's fees for this program were meant to be commensurate with the amount of time that would be required to audit the RMP and/or inspect the facility.

All subject facilities are required to pay an annual \$50 registration fee plus the following additional fees:

- \$65 for propane, if not exempt from coverage under the "Chemical Safety Information, Site Security and Fuels Regulatory Relief Act and propane is the only regulated substance onsite;
- \$65 for anhydrous

ammonia sold for use as an agricultural ingredient; and

- \$200 for each additional regulated substance, including anhydrous ammonia used or sold for use as anything other than as an agricultural nutrient.

Facilities will be invoiced early August and fees will be due September 1 of that same year.



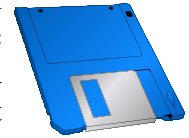
If you are an independent business owner employing less than 100 full-time employees, your facility may be exempt from 112(r) fees. Please contact Ohio EPA's Small Business Assistance Program at (614)644-4830 for further information.

In what format is my RMP required to be submitted?

U.S. EPA requires facilities to submit their RMP electronically. The software to be used is called RMP*Submit2004 and is free-of-charge. It is available on

the U.S. EPA website or by contacting the RMP Reporting Center at (301)429-5018.

Small businesses that do not have computer access are eligible for an "electronic waiver" and can submit their reports as a hard copy. Mail your disk or completed form with a certification statement to:



*RMP Reporting Center
P.O. Box 1515
Lanham-Seabrook MD
20703-1515*

RMPs submitted to Ohio EPA/ DAPC may be mailed either as a paper copy or on a disk. These reports should be sent to:

*Ohio EPA
DAPC/RMP
P.O. Box 1049
Columbus, OH 43216-1049*

The "Chemical Safety Information, Site Security and Fuels Regulatory Relief Act"

On August 5, 1999, the President signed into law the "Chemical Safety Information, Site Security and Fuels Regulatory Relief Act" (PL 106-40). This Act

exempts flammable substances when used as fuel, from coverage under the RMP requirements. This means that most facilities storing and/or using propane as well as other flammable fuels are exempt from the requirements of the RMP program.

In addition, the Act restricts public access to the Off-Site Consequence Analysis (OCA) data. On August 4, 2000, the final rule governing public access to OCA data was published in the Federal Register. Facilities were required to conduct a public meeting discussing their OCA data before February 1, 2000. The public may obtain the OCA data by contacting a reading room. There are two readings rooms in the state of Ohio located in Cleveland and Cincinnati. For more information on the reading rooms and their requirements, please contact Ohio EPA, DAPC.

Where can I get guidance?

A variety of guidance documents are available from U.S.EPA including specific guidance for industry sectors. A list documents may be found at:

<http://yosemite.epa.gov/oswer/ceppoweb.nsf/content/index.html>

or you may call (800)424-9346. Individual Trade Associations may also be helpful.

Ohio EPA's website includes information regarding delegation of the RMP Program to Ohio EPA, Ohio's Accidental Release Prevention Program rules (OAC 3745-104), compliance tools, and state guidance.

[http://www.epa.state.oh.us/dapc/atu/112\(r\)/rmp.html](http://www.epa.state.oh.us/dapc/atu/112(r)/rmp.html)



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