

Inspection Ready - Bullet-Proofing Your PSM- RMP Program

**2022 Environmental Technical Conference –
Midwest A&WMA**

***Bob Presley, C.T., CHMM, A.T. – Managing Principal
Eagle Environmental Management, LLC***

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Regulatory Requirements

**– Right now, today, until
tomorrow**

Emergency Response Revisions - Now

- *Owners or operators of all facilities with Program 2 or 3 processes are required to coordinate with the local emergency response agencies at least annually to determine how the source is addressed in the community emergency response plan.*
- *Additionally, all facilities with Program 2 or 3 processes are required to provide updates annually to ensure that their emergency contact information is accurate and complete.*
 - **Already in effect as of September 21, 2018**
- *Hold a public meeting within after an accident with an offsite impact (i.e. known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage)*
 - **Within 90 days of any qualifying accident that occurs after March 15, 2021**

Emergency Response Revisions - Now

- *Develop exercise plans and schedules*
 - **December 2023**
- *Perform first notification drill*
 - **December 2024**
- *Conduct first tabletop exercise*
 - **December 2026**
- *Conduct first field exercise*
 - **Modified to require owner/operator to consult with local emergency response officials to establish an appropriate frequency**

Accident Prevention Program Revisions – Now

- *Training requirements are now applicable to supervisors with either process operational responsibilities or responsible for directing process operations*
- *Maintain Safety Data Sheets (SDS) instead of Material Safety Data Sheets (MSDS)*
- *Process Safety Information must be kept up to date*

– Already in effect as of September 21, 2018

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Accident Prevention Program Revisions

– Now

- *Owner/ operator must evaluate RMP compliance for “each covered process” at least every 3 years*
- *Multiple revisions to Incident Investigation process:*
 - Must include “near misses”
 - Teams **MUST** be established on Pgm 2 processes
 - Replaced “summary” with “report”
 - Increased information required in incident REPORTS
 - Include emergency response actions taken
 - Cause & contributing factors of incident
 - Recommendations & schedule to address them
- **Already in effect as of September 21, 2018**

What to Expect in an Inspection

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Potential Inspection Candidates IF there is no RMP and....

- ***Information sources indicate you may have chemicals above threshold quantities, such as:***
 - EPCRA Tier II and TRI reports,
 - Release and accident reports, i.e. Media, NRC, etc.,
 - Facility is part of RMP targeted Industrial Sector,
 - Federal or state databases, i.e. ECHO, etc.
- ***Deregistered facility that appears to be active.***

Potential Inspection Candidates IF you have an RMP and....

- ***RMP submission is late or,***
- ***There has been a RMP reportable accident at the Site or,***
- ***EPA considers that type of facility “high risk” or,***
- ***High non-compliance within that Sector or,***
- ***There is a tip, complaint or referral.***

Tips from Inspectors

- *Consider getting all required documentation in electronic format,*
- *Consolidate your recordkeeping,*
- *Make plans for transfer of ownership from current RMP Program Manager to his/her successor,*
- *Don't wait for inspector to show up to review your RMP plan – pull it out occasionally and review it.*

Enforcement

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Increased Budgets

- ***EPA to increase funding 21% - up \$2 Billion, including:***
 - Increase of 128% in Enforcement, notable 16% increase in civil and criminal AND,
 - Increase of **2,382%** in Environmental Justice Enforcement
- ***OSHA to increase funding by 14% to be used primarily to increase its Compliance Safety and Health Officer ranks by fifty from current staffing levels, resulting in an additional 500 inspections will be conducted in FY 2021.***

EPA's RMP Cases (average penalties, 1/11-2/19)

- ***Average Federal Penalty;***
 - \$229,905
- ***Average SEP Cost;***
 - \$760,781
- ***Average Compliance Action Cost;***
 - \$2,192,173

Final thought on enforcement.....

“...the Accidental Release provisions have the greatest potential for enforcement activity of any regulation currently on the books....”

- ***Ranking EPA Enforcement Official***

Accidental Release Program

– Effective Elements

(aka checking your

bulletproofing)

Accidental Release Program – Effective Elements

- **RMP/ PSM Written Program**

- Keep program description as general, as possible, without compromising in regulatory requirements
- Keep changes in procedures, checklists, etc. within the procedure **AND NOT** in the written program description
- Include tables, links, whatever to know how/ where to access the needed information for the RMP/PSM program
- Make sure the written description actually matches what you do. If it doesn't change something to make them match.

- **Document, Document, Document**

- Historically, 85% of fines & violations handed out by OSHA/ EPA are paperwork
- Make sure any planned activities, i.e. inspections, incidents, maintenance, etc. have procedures to support any checklists or required activities;

1. PROCESS SAFETY INFORMATION

ELEMENT RESPONSIBILITY	REGULATORY CITATION	DATE OF MOST RECENT UPDATE
RMP Program Manager	RMP - 40 CFR 68.65 PSM - 29 CFR 1910.119(d)	5/1/22
DOCUMENTATION REQUIRED	RESPONSIBILITY	LOCATION
Material Safety Data Sheets (MSDS)	Regulatory Director	D:/RMP files/abc
Block-flow diagram or simplified process-flow diagram	Environmental Director	D:/RMP files/abc
Process chemistry documentation	Environmental Director	D:/RMP files/abc
Regulated chemical(s) inventory records	Purchasing Dept	Environmental Office/ top shelf
Documented safe operating limits	Environmental Director	Environmental Office
Piping and Instrument Diagrams	Environmental Director	Environmental Office
Equipment safety system documentation	Environmental Director	Environmental Office/ top shelf

Accidental Release Program – Effective Elements (cont'd)

- **Tracking System**

- Make sure tracking system is in place to capture and track **ALL** items identified as needing some action
- PHA action items, Compliance Audit findings, Incident Investigation actions, etc.

- **Designate **ONE** PSM/RMP Program Manager**

- This person may not have control of everything required, but he/she needs to have access to everything required.

- **Training**

- Train employees AND management on how to document and report in your system – garbage in / garbage out
- Make sure training material and training process are documented and are reproduceable for **ALL** necessary training

Hazard Analysis (PHA) Action Item List - Buildings 1-4

Last Updated		6-Dec-16		9/2016 PHA ITEMS - B1-4		Action Item Status		Color Code		Closed Items		Pending Closure		In Progress	
						Priority Code:		Low		Medium		High			
PHA Item #	Item Priority	Area	Recommendation	Status	Date Entered or Latest Rev.	Target Date for Next Review	Target Date for Completion	Responsible Department	Responsible Person	Remarks Resolution					
1.12	High	ENTIRE SYSTEM – BLDGS. 1-4	Review & verify procedure is being followed for inspection of emergency equipment		12/6/2016	2/4/2017		Safety Mgr.							
7.8	High	BATCHING PROCESS – BATCH TANKS	Evaluate installation of backup power supply		12/6/2016	2/4/2017	2018, if approved	Engr. Dept.							
8.8	High	BATCHING PROCESS – PIPING	Evaluate installation of backup power supply		12/6/2016	2/4/2017	2018, if approved	Engr. Dept.							
11.2	High	BATCHING PROCESS – DRUM/ TOTE/ RAW MATERIAL STORAGE	Review existing training for product transport of drums & totes		12/6/2016	2/4/2017		Compounding Mgr.							
11.3	High	BATCHING PROCESS – PIPING	Review existing training for product transport of drums & totes		12/6/2016	2/4/2017		Compounding Mgr.							
13.2	High	WAREHOUSE - DRUM/ TOTE/ AEROSOL FINISHED GOODS (FG) STORAGE	Review existing training for product transport of finished goods; Evaluate use of vapor alarms in warehouse		12/6/2016	2/4/2017		Engr. Dept.							
13.3	High	WAREHOUSE - DRUM/ TOTE/ AEROSOL FINISHED GOODS (FG) STORAGE	Review existing training for product transport of finished goods; Evaluate use of vapor alarms in warehouse		12/6/2016	2/4/2017		Engr. Dept.							
13.4	High	WAREHOUSE - DRUM/ TOTE/ AEROSOL FINISHED GOODS (FG) STORAGE	Review existing training for product transport of finished goods; Evaluate use of vapor alarms in warehouse		12/6/2016	2/4/2017		Engr. Dept.							
12.1.1	High	WAREHOUSE - DRUM/ TOTE/ AEROSOL FINISHED GOODS (FG) STORAGE	Develop formal inspection SOP & checklist; Evaluate need for portable detection devices; Make modifications to ERP, as necessary, to cover spills observed during inspections.		12/6/2016	2/4/2017		Safety Mgr./ Distribution Mgr.							
17.1.1	High	OUTSIDE WASTE STORAGE	Develop formal inspection SOP & checklist; Make modifications to ERP, as necessary, to cover spills observed during inspections.		12/6/2016	2/4/2017		Environmental Mgr.							
7.7.4	High	BATCHING PROCESS – BATCH TANKS	Evaluate purging system		12/6/2016	2/4/2017		Engr. Dept.							
1.17	Medium	ENTIRE SYSTEM – BLDGS. 1-4	Response drill policy & procedures will be reviewed for how drills are handled.		12/6/2016	3/6/2017		Safety Mgr.							
1.3	Medium	ENTIRE SYSTEM – BLDGS. 1-4	Evaluate need for ballards around key access to tanks & piping		12/6/2016	3/6/2017		Engr. Dept.							
1.32	Medium	ENTIRE SYSTEM – BLDGS. 1-4	Evaluate addition of exterior gas alarms (MSA)		12/6/2016	3/6/2017		Engr. Dept.							
1.43	Medium	ENTIRE SYSTEM – BLDGS. 1-4	SOPs are being reviewed and updated, as necessary. Confirm training is adequate.		12/6/2016	3/6/2017		Safety Mgr./ Environmental Mgr.							
1.5	Medium	ENTIRE SYSTEM – BLDGS. 1-4	The entire RMP/PSM program is being reviewed and modified as needed		12/6/2016	3/6/2017		Environmental Mgr.							
1.56	Medium	ENTIRE SYSTEM – BLDGS. 1-4	Response drill policy & procedures will be reviewed for how drills are handled.		12/6/2016	3/6/2017		Safety Mgr.							
1.58	Medium	ENTIRE SYSTEM – BLDGS. 1-4	Fire suppression in Buildings 1 & 2 Gashouses will be accomplished as Gashouses are replaced		12/6/2016	3/6/2017		Engr. Dept.							
2.11	Medium	PROPELLANT STORAGE TANKS	Evaluate power shutoff requiring manual re-start.		12/6/2016	3/6/2017		Maintenance Dept.							

Accidental Release Program – Effective Elements (cont'd)

- **Consistency in Reporting**
 - Confirm that releases are captured in air emissions compilation, which is captured in EPCRA reporting to insure consistency and reduce variations in reporting
- **CLEARLY defined Employee Participation Plan**
 - Describe process for distributing information (particularly relative to the process) to employees
 - Include system for tracking who has seen what
- **Keep track of the dates**
 - PHAs, PSM and RMPs are to be updated every 5 years – compliance audits required every 3 years – operating procedures reviewed/ certified annually
 - Use Outlook or some system to monitor due dates

Accidental Release Program – Effective Elements (cont'd)

- *Use RAGAGEP*
 - Utilize “Recognized and Generally Accepted Good Engineering Practice” standards where possible, **CITING** your reference
 - Avoid using your own standards or criteria where possible
- *Drills/ Interaction w/ LEPC*
 - Document **ANY** drills and interactions w/ emergency responders, including any lessons learned
 - Capture lessons learned (and associated action items) in Action Item Tracking system
- *General Duty Clause*
 - **ALWAYS** applies – regardless of volume or concentrations

QUESTIONS??

Bob Presley

(314) EAGLE23 (324-5323)

bpresley@eaglemgt.com

Eagle Environmental Management, LLC