

USEPA's Accidental Release Prevention Rule

Small Business: Know the FACTS

The US Environmental Protection Agency (USEPA) issued a rule aimed at preventing and minimizing the consequences of accidental releases of hazardous chemicals. The 1984 methyl isocyanate release in Bhopal, India, which killed over 2,000 people, and a subsequent chemical release in West Virginia, which hospitalized more than 100 people, increased public concern about potential dangers associated with accidental releases of hazardous substances.

On June 20, 1996, the USEPA issued the Accidental Release Prevention Rule, as required by section 112(r) of the Clean Air Act Amendments of 1990. It requires owners or operators of affected facilities to evaluate the potential offsite hazards associated with accidental releases and develop and implement programs that prevent and minimize the consequences of those hazards.

Who is affected by 112(r)?

The rule affects stationary sources (both public and private) that manufacture, store, or use any of the listed compounds at or above their respective applicable threshold quantities. Sources affected by this rule include chemical manufacturers, propane distributors, cold storage facilities, drinking water systems, and wastewater treatment systems. Farmers who use ammonia as a nutrient are exempt, as are facilities that store or sell propane for use as a fuel.

Section 112(r) lists 77 toxic compounds and 63 flammable compounds. Threshold quantities range from 500-20,000 pounds. Gasoline used as fuel for internal combustion engines, crude oil, field gas, and flammable substances used as fuel or held for sale as fuel at retail facilities are all exempt from the threshold determination requirements.

Risk Management Programs

Affected facilities must develop and implement a risk management program (RMP). RMP requirements are process-specific and are divided into three categories. (See the table below for more details.) Program 1 contains the fewest requirements, while Program 3 contains the most. Some facilities may have processes listed in more than one program. Programs 1 and 2 will affect most small businesses.

Risk Management Plans & Part 70 Permits

Owners or operators of affected facilities must complete a RMP that includes a risk management program summary and a registration form. USEPA collects the RMPs, completes qualitative reviews of RMPs to make sure that they are comprehensive and technically adequate, and makes them available to states, local communities, and the public.

A RMP should be submitted to USEPA whenever a regulated compound is first present above the threshold quantity. USEPA encourages facilities to use existing emergency response programs to meet rule requirements, whenever possible. The original deadline for submitting RMPs was June 21, 1999. Updates (also called resubmissions) are due every five years, on the five year anniversary date of the initial submittal.

Certain events trigger additional reporting requirements or updates to your RMP. Changes to emergency contact information must be reported within one month. Facilities that experience reportable chemical accidents must revise their RMPs to include this information within six months of the accident occurrence. Refer to the rule (section 68.190) for further events that trigger an update. Submitting a full update to the RMP resets the five year deadline.



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Compliance Assistance

The Accidental Release Prevention rule is available electronically through USEPA's RMP web page: <https://www.epa.gov/rmp>. Submitting a RMP or updating versions is all completed online. To learn how to submit your RMP, go to: <https://www.epa.gov/rmp/how-submit-risk-management-plan-rmp-epa>. There is also additional guidance on how to complete a RMP at <https://www.epa.gov/rmp/guidance-facilities-risk-management-programs-rmp>.

Rule Amendments

USEPA proposed amendments to the rule in 2016 which, among other changes, will better coordinate the program with the Occupational Safety and Health Administration's Process Safety Management program. For more information on the changes, which were signed on December 21, 2016 but not yet published in the Federal Register as of this update, go to <https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule>.

Risk Management Program Eligibility and Requirements		
Program	Eligibility	Requirements
1	Available to processes that: <ul style="list-style-type: none"> • have had no offsite accidental releases with offsite consequences in the past 5 years, • are located at facilities that have coordinated emergency response procedures with local emergency planning and response organizations, • and will not adversely affect the public under the worst case scenario. 	<ul style="list-style-type: none"> • Analyze the worst case scenario, • document nearest receptor is beyond endpoint • complete a 5 year accident history, and • certify that response actions have been coordinated with local emergency planning and response agencies.
2	Applies to processes not subject to Programs 1 or 3	<ul style="list-style-type: none"> • Analyze the worst case and alternative release scenarios, and • develop and implement a Program 2 or 3 accidental release prevention plan, an emergency response program, and a management system to oversee implementation of risk management program.
3	Applies to processes not eligible for Program 1 and In NAICS codes: <ul style="list-style-type: none"> • 32211—Pulp mills • 32411—Petroleum refineries • 32511—Petrochemical manufacturing • 325181—Alkalies and chlorine • 325188—All other inorganic chemical manufacturing • 325192—Other cyclic crude and intermediate manufacturing • 325199—All other basic organic chemical manufacturing • 325211—Plastics and resins • 325311—Nitrogen fertilizer • 32532—Pesticide and other agricultural chemicals, or • subject to the US OSHA process safety management standards. 	<ul style="list-style-type: none"> • Analyze the worst case and alternative release scenarios, and • develop and implement a Program 3 accidental release prevention plan, an emergency response program, and a management system to oversee implementation of risk management program.

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