

North Carolina
Department of Environment and Natural Resources
Division of Air Quality
Chemical Accident Prevention Program

End of Year Report for US EPA Federal Fiscal Year 2007

Introduction:

This annual report summarizes activities from the North Carolina Chemical Accident Prevention Program for the United States Environmental Protection Agency's Federal Fiscal Year (FFY) 2007 (October 1, 2006- September 30, 2007) and work plan for FFY 2008.

Background:

The 1990 amendment to the Clean Air Act (CAA) established provisions in Section 112(r) for the prevention and mitigation of accidental chemical releases. The DAQ adopted by reference the federal Section 112(r) Chemical Accidental Release Prevention Program: Risk Management Program (RMP) regulation in the state administrative rule, codified at Title 15A, Chapter 2D, Section 2100 of the North Carolina Administrative Code. On July 27, 2000 the United States Environmental Protection Agency (EPA) under Section 112(l) of the CAA delegated its federal authority to implement and enforce the requirements of 40 CFR part 68 to the North Carolina Division of Air Quality (DAQ).

As of the end of this reporting cycle, there were approximately three hundred seventy (370) listed RMP regulated stationary sources in the RMP*Database for North Carolina. Of those listed, thirty five (35) are under the jurisdiction of local programs, four (4) in Buncombe County, five (5) in Forsyth County, and twenty six (26) in Mecklenburg County. As of the end of this FFY, there were approximately three hundred thirty five (335) stationary sources under the jurisdiction of this program.

Program Implementation Efforts:

The DAQ continues its implementation efforts through multi-agency agreements with North Carolina's Division of Water Quality (DWQ), Division of Environmental Health (DEH), the Department of Crime Control & Public Safety-Division of Emergency Management (NCEM), and the Department of Agriculture and Consumer Services - Standards Division (NCDA). In June 27, 2006 a formalized charter was enacted in order to coordinate chemical accident prevention efforts. The 112(r) Task Force is comprised of these partner agencies and meets quarterly.

On April 11, 2007 the DAQ and the North Carolina Division of Occupational Safety and Health (OSHNC) implemented a Memorandum of Agreement (MOA) to coordinate chemical accident prevention programs. The purpose of the agreement was to set forth the principles of the working relationship between the two agencies in order to share related resources and eliminate duplication of effort. Since EPA's RMP standard is

designed after OSHA's Process Safety Management (PSM) standard, the two agencies have agreed to notify the other when potential violations are discovered, coordinate chemical accident investigations, and share related training opportunities.

The DAQ continues a partnership with the NCEM by funding a position to serve as a liaison between regulated facilities, members of the public, and local emergency responders. The primary duties of this position includes coordinating outreach activities to communicate risk associated with the regulated industry, assisting source owners/operators and related emergency response agencies in developing and coordinating emergency response plans, and facilitating related drills and exercises. On July 31, 2007- Mr. Bill Poole resigned as the 112(r) Liaison. The vacant position has been posted and interviews are currently underway.

Lastly, since the completion of the shelter-in-place (SIP) grant in December of 2005, no federal funding for assistance in chemical accident prevention efforts was identified. During the course of this FFY, no potential grants were applied for.

Inspection Progress:

As part of an air permit inspection, the DAQ continues to check sources subject to 40 CFR part 70 and 71 for applicability to the RMP regulation. For those sources that have been identified, DAQ determines if a source has a RMP and that 40 CFR part 68 is listed as an applicable requirement on their air permit.

As mentioned in 40 CFR part 68.215(e)(3), for those sources that are subject to the RMP regulation, a separate multi-tiered inspection approach is used.

1. RMP Reviews: The RMP*Database is screened on a monthly basis when received from the RMP Reporting Center to check for sources that have failed to update their RMP as required by 40 CFR Part 68.190(b)(1). Those identified sources are then contacted and consulted as the RMP update requirements.

For this FFY, eleven (11) sources were identified as failing to meet this requirement. Of the sources identified, four (4) deregistered or withdrew from the RMP regulation. The remaining seven (7) identified sources are still active cases. No enforcement actions have been recommended at this time.

2. RMP Inspections: At a minimum, regulated facilities are inspected at least once every five-years. The intent of these inspections is to conduct a systematic review of a source's RMP to determine if all appropriate program elements are present. As of the end of this FFY, the second inspection cycle is three-years or 60% complete.

For the second cycle, one hundred twenty nine (129) of the three hundred thirty five (335) sources or 38.5% have been inspected. For this FFY, sixty three (63) sources were inspected or a 19% inspection rate. Although the inspection rate is

22% below target, it is still anticipated this inspection goal will be met. See Figures 1 and 2 below.

Figure 1

Second Fiscal Year (October 1, 2004 to September 30, 2006) 40% of Days in Cycle Complete				
	Committed	Completed	Complete %	Left
DAQ	249	45	18.1	204
Partner Agency's				
DEH	47	15	31.9	32
DWQ	33	0	0.0	33
NCDA	5	5	100.0	0
Total:	85	20	23.5	65
Program Totals				
Total	334	65	19.5	269.0

Figure 2

Third Fiscal Year (October 1, 2004 to September 30, 2007) 60% of Days in Cycle Complete						
	Committed	Completed	Complete %	Left	Difference	% Difference
DAQ	250	106	42.4	144	60	24.3
Partner Agency's						
DEH	47	16	34.0	31	1	2.1
DWQ	32	1	3.1	31	2	3.1
NCDA	6	6	100.0	0	0	0.0
Total:	85	23	27.1	62	3	3.5
Program Totals						
Total	335	129	38.5	206	63	19

3. RMP Audits: RMP audits are performed at the discretion of DAQ. Audits may involve participation of many cooperating agencies. Audits typically involve a long-term investigation to determine detail specific compliance and in most cases follow accidental releases and be part of an accident investigation.

For this FFY, nineteen (19) separate potential RMP related chemical releases were identified and evaluated. Of those reported three (3) audits were conducted. On October 5, 2006, a fire occurred at EQ Industrial Services (a hazardous waste treatment, storage, and disposal facility in Apex, NC) that resulted in the mass evacuation of downtown Apex, NC. A RMP Audit into the accident revealed that the source did not have more than a threshold quantity of a regulated substance and did not appear to be subject to the RMP regulation. Of the other reported releases, seven (7) were reported at 112(r) subject facilities. Of the seven reported releases, none were considered to have met the definition of a "Catastrophic Release". Two of these releases were audited with no violations of the RMP regulation discovered. The remaining 11 releases were identified as either being related to transportation, questionable as to the significance (<100 lbs), or later discovered not to involve a 112(r) related chemical.

Outreach/Compliance Assistance Activities:

- Offered email, telephone, and on-site consultation upon request. Requests from the general public for Offsite Consequence Analysis (OCA) information were typically forwarded to the RMP Reporting Center.

- Actively participated with Local Emergency Planning Committees (LEPC) and county emergency responders by assisting them with their emergency response planning efforts (examples include visits to: Transylvania, Haywood, Alamance, Wake, Craven/Pamlico, and Stokes County LEPC's).
- Participated in local and regional emergency response related conferences (examples include: Wake County Business Environmental and Safety Training Conference, Guilford County's Safety and Business Conference, and Coast Guards Oil Spill Contingency Plan Meeting).
- Posted a web page promoting chemical accident prevention efforts. The web page was updated as needed (<http://ncair.org/toxics/risk/112r/>).
- Updated brochure to be printed and circulated by the winter of 2007-2008. The intent of the brochure is to offer basic information related to the RMP regulation for industry, emergency responders, and members of the public.

Recommendations:

- In order to focus chemical accident prevention efforts, it is recommended that EPA consider removing from the list of regulated sources all deregistered sources that have been confirmed to have terminated operation or no longer have a regulated substance on-site. However, this should not apply to those sources that use administrative controls to limit inventories to below threshold quantities.
- In order to help support delegated agencies' chemical accident prevention efforts, EPA had at one time provided technical assistance grants (TAG). It is recommended that EPA consider reinstating the TAG program or a suitable alternative as is suggested in the February 1998 implementing agency guide (Chapter 2, page 16, Titled: EPA Grant Program).

Work Plan for FFY 2008:

1. Continue to fund a position in emergency management to assist with emergency response planning and outreach efforts.
2. Continue to search for potential grants to support chemical accident prevention efforts.
3. Continue to use a multi-tiered inspection approach.
4. Continue to document and investigate 112(r) related chemical accidents.
5. Continue to offer compliance assistance through emails, telephone, and through on-site visits upon request.

6. Continue to support emergency planning efforts by participating in LEPC meetings, conferences, drills, and exercises.
7. Continue to maintain a web page to prompt chemical accident prevention efforts
8. Print and distribute updated program brochure as appropriate.
9. By the end of FFY 2008, identify and inspect each source that was missed in the first cycle of inspections.
10. By the end of FFY 2008, conduct a vulnerability assessment of those sources subject to the 112(r) program. Use the assessment to establish a priority order to focus chemical accident prevention efforts. These efforts may include but are not limited to audits, emergency response planning, exercises, or outreach to potentially affected members of the public.