



Chemical Accident Prevention and the Risk Management Program

GENERAL OVERVIEW OF SECTION 112(R) AND THE RISK MANAGEMENT PROGRAM

Section 112(r) of the 1990 Clean Air Act Amendments required the United States Environmental Protection Agency to develop regulations and guidance focusing on the prevention of accidental chemical releases. The regulations promulgating the list of regulated substances, associated threshold quantities, and the Chemical Accident Prevention Provisions are specified in 40 Code of Federal Regulations Part 68, otherwise known as the Risk Management Program rule. The purpose of the rule is to prevent accidental releases of chemicals that have the potential to affect public health and the environment and to improve the response to accidents that do occur.

The Emergency Planning and Community Right-to-Know Act (also known as SARA Title III) was created in 1986 to help community officials plan for and respond to chemical accidents by requiring facilities to submit chemical inventory information to state and local governments. The Risk Management Program rule builds upon the Emergency Planning and Community Right-to-Know Act reporting requirements by requiring facilities covered under this rule to develop and implement an integrated risk management program to identify hazards and manage risks.

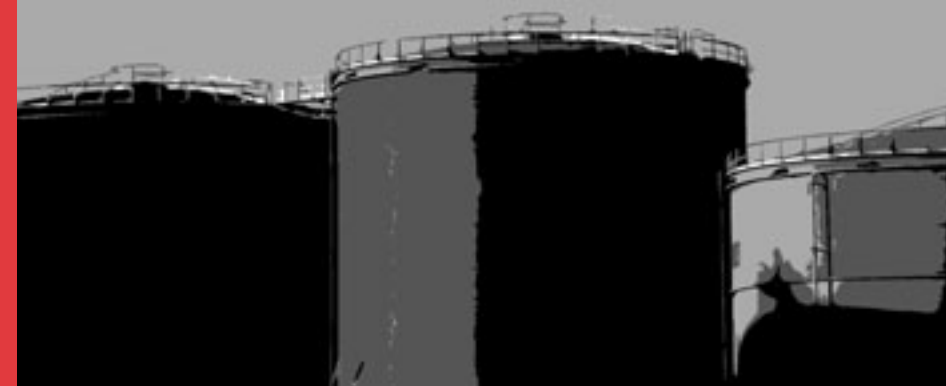


Florida Department of Community Affairs
State Emergency Response Commission
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2149



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The Florida Accidental Release Prevention and Risk Management Planning Act

In 1998 the Florida Legislature enacted the *Florida Accidental Release Prevention and Risk Management Planning Act*, Chapter 252, Part IV, *Florida Statutes*, which required the Florida Department of Community Affairs, Division of Emergency Management, to implement the Section 112(r) and Risk Management Program regulations for affected facilities in Florida. Florida facilities subject to the Act were required to pay a registration fee, based upon their chemical types and characteristics, to the Florida State Emergency Response Commission by June 21, 1999. An annual registration fee is due April 1 of each reporting year.

What are the Risk Management Program Requirements?

Facilities which use, store, process, or manufacture any of the listed chemicals above its threshold quantity in a process are required to develop and implement a risk management program and submit a summary of this program—a Risk Management Plan—to the United States Environmental Protection Agency’s Risk Management Plan Reporting Center. The list of hazardous chemicals includes approximately 140 toxic and flammable substances that pose the greatest risk to human health and the environment. The type and quantity of chemicals used will determine whether a facility is subject to the Risk Management Plan requirements, not the size of the facility.

A Risk Management Program consists of the following basic elements: a hazard assessment of accidental chemical releases upon the surrounding community and the environment; a five-year accident history of accidental chemical releases which occurred on the site; a prevention program designed to minimize the occurrence of any releases through improved safety practices; and an emergency response program to reduce the effects of any releases which do occur.

The United States Environmental Protection Agency has defined three program levels (Program Level 1, 2, or 3) to ensure that individual chemical processes are subject to appropriate requirements. Qualifying for a particular program level is based on: proximity to public receptors, accident history, the applicable industrial classification code assigned to each process, and whether any of the processes are subject to the Occupational Safety and Health Administration’s Process Safety Management Standard (29 CFR 1910.119).

What Types of Facilities are Covered?

The types of business and government operations that generally use these regulated chemicals and may be subject to this program are water and wastewater treatment facilities, cold storage facilities using ammonia refrigeration systems, chemical manufacturers, chemical distributors, petrochemical operations, ammonia retailers, fertilizer manufacturers, pulp and paper mills, military and energy installations and various other industries.

What Chemicals are Covered?

Commonly regulated chemicals under this program include chlorine, ammonia and sulfur dioxide. If your facility handles, produces, or stores any of the following chemicals above the threshold quantities, it may be subject to this rule. Other chemicals may be subject to this rule. A complete list of all substances regulated under this rule may be obtained from the Department of Community Affairs’s Florida Accidental Release Prevention and Risk Management Planning Act web site at www.dca.state.fl.us/cps/arprmp/start.htm or by calling the Department’s Risk Management Program staff at (800) 635-7179 (in Florida only) or (850) 413-9970.

CHEMICAL	THRESHOLD QUANTITY
Chlorine	2,500 lbs.
Ammonia (anhydrous)	10,000 lbs.
Ammonia (aqueous; 20% or greater)	20,000 lbs.
Sulfur Dioxide (anhydrous)	5,000 lbs.
Hydrogen Chloride (anhydrous)	5,000 lbs.
Hydrochloric Acid (aqueous; 37% or greater)	15,000 lbs.
Hydrogen Fluoride (anhydrous)	1,000 lbs.
Hydrofluoric Acid (aqueous; 50% or greater)	1,000 lbs.
Nitric Acid (aqueous; 80% or greater)	15,000 lbs.

Recent Regulations Regarding Flammable Fuels

Flammable fuels, such as propane, used as a fuel or held for sale as fuel at a retail facility are removed from coverage from the Risk Management Plan program. However, flammable fuels used as feedstock or held for sale at a wholesale facility are still covered under the regulations. A retail facility is a facility “at which more than one-half of the income obtained from direct sales to end users or at which more than one-half of the fuel sold, by volume, is sold through a cylinder exchange program”.

Annual Registration Fee Requirements

The fees are different for each of the three different program levels. The fee system is based upon the highest program level assigned to an on-site process. Fee reductions and caps (see below) may be provided to owners of multiple facilities having the same highest program level which have processes serving the same function or for certain industrial classification codes. Fees were initially due to the State Emergency Response Commission by June 21, 1999 and are due no later than April 1 of each subsequent reporting year.

FLORIDA FEE SYSTEM CHART

Program Level	Fee for one stationary source	Fee for each additional location (must be same owner and chemical process).	Fee Cap
1	\$ 100	\$ 50	\$ 1000
2	\$ 200	\$200 for first 3 sources then \$ 100 per each additional source	\$ 2000
2 and have SIC Group # of 01, 02, or 07	\$ 100	\$100 for first 3 sources then \$ 50 per each additional source	\$ 800
3	\$ 1000	No Multiple Fee Reduction	No Fee Cap

Submittal of RMPs

If your facility is regulated under this program, please submit the facility’s Risk Management Plan electronically (by diskette) using the United States Environmental Protection Agency’s electronic submission software program—RMP*Submit—and include a signed and dated certification statement of compliance to the United States Environmental Protection Agency that covers all processes located at the facility to:

RMP Reporting Center
 P. O. Box 3346
 Merrifield, VA 22116-3346

Who to Contact for Additional Information or Assistance?

For more information regarding Florida’s Risk Management Program, please contact:

Florida Department of Community Affairs
Division of Emergency Management
Bureau of Compliance Planning and Support
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32399-2149
 (800) 635-7179 (Florida only) or (850) 413-9970

Or Visit the Florida Accidental Release Prevention and Risk Management Planning Act Web Site at:
www.dca.state.fl.us/cps/arprmp/start.htm

The EPA’s Chemical Emergency Preparedness and Prevention Office also provides a web site at www.epa.gov/ceppo, which offers access and download of the Risk Management Plan regulations, chemical lists, frequently asked questions, guidance documents, and many other useful Risk Management Plan resources.

