

**Stanislaus County**  
**Department of Environmental Resources**  
**Hazardous Material Division**  
**Certified Unified Program Agency**  
**Risk Management Program**

**REGULATORY BACKGROUND**

Beginning in 1986, the State of California had statutes (law) requiring a business that used acutely hazardous material (AHM) in an amount greater than the threshold planning quantity (TPQ); to create a “Risk Management Prevention Program” (RMPP) document. In 1996, as result of amendments to the Clean Air Act (CAA), EPA published regulations and guidance for chemical accident prevention at facilities using extremely hazardous substances. The Risk Management program Rule was written to implement Section 112 (r) of these amendments. The rule, which builds upon existing industry codes and standards, requires companies of all sizes that use certain flammable and toxic substances to develop a Risk Management Program.

Instead of AHM’s, the EPA provided a list of regulated substances (RS’s). Instead of TPQ’s, EPA provided a list of threshold quantities (TQ’s). Instead of requiring submitting of a RMPP document, EPA required submission of a Risk Management Program (RMP).

California implemented the EPA Federal Risk Management Program on January 1, 1997. The new California implemented program is titled the California Accidental Release Prevention (CalARP) Program. The CalARP program is the Federal “Risk Management Program” or “Federal Accidental Release Prevention (FedARP) Program,” established by U.S.EPA, and pursuant to the Code of Federal Regulation, Title 40, Part 68, but has additional requirements specific to the State of California, and in accordance with the California Health and Safety Code (HSC), Chapter 6.95, Article 2, Section 25531-25543.3.

The Governor’s Office of Emergency Services (OES) adopted California Code of Regulation (CCR), Title 19, Chapter 4.5, Division 2, that outline the CalARP Program requirements for all regulated businesses and the agencies that implement the program in California.

The State of California Governor’s OES is charged to obtain and maintain the state delegation of the Federal ARP Program. OES is responsible for the implementation of the CalARP Program, issuing CalARP regulation, reviewing chemical lists, assessing Administration Agency (AA) performance, and resolving disputes between an AA and a Stationary Source (SS).

AAs are the local government agency authorized by OES to implement and enforce the CalARP Program in California. AAs also known as Certified Unified Program Agencies, Participating Agencies, or Designated Agencies, and are collectively called Unified Program Agencies. Each facility is required to work closely with the AA for guidance to implement the CalARP program and create the RMP.

By June 21, 1999, a summary of the facility's Risk Management Program (RMP) was submitted to EPA, and the information was made available to public. The plan must be revised and resubmitted every five years.

A Risk Management Program is primarily a management tool. An operating chemical process facility requires a management program that ensures a consistent response to identified risks. An effective risk management program provides responsible administrative control, logical application of the best possible technical analysis, and the involvement of all personnel. An RMP includes safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigation.

Stanislaus County, Department of Environmental Resource (DER) is the administrating agency (AA) for local implementation of CalARP and several other hazardous materials and hazardous waste programs.

### **WHAT WILL THE COUNTY REQUIRE?**

The County wants to be fair and flexible with the RMP requirements while ensuring compliance. We are trying to minimize impacts to businesses by working with and assisting businesses with the completion of their RMP. Businesses will be required to submit a single executive summary (California Code of Regulations, Section 2745.3) describing each RMP for the business. And, all information required under sections 2745.4 thru 2745.9 depending on the program selected for each process. Supporting information and documentation should be available for department review, but will not be part of the public document.

### **WHAT SHOULD A NEW FACILITY BE DOING?**

First, for each chemical handled by your facility that exceeds the regulatory threshold, determine the number of processes involved. A process is any activity, including any use, storage, manufacturing, handling, on-site movement, or combination of these activities. Vessels or tanks that are interconnected, or separate vessels located close together, should be considered a single process. Chlorine, for example, may be divided into three separate processes, if the cylinders are used or stored at separate locations. The key to determining processes in this example is that the cylinders are located far enough apart that a release from one process would not lead to the release of another process. An RMP is required for each process only if the process quantity exceeds the threshold quantity. DER staff can also assist businesses in making this determination. The county would like to meet with every business prior to RMP preparation to review your process and program level determination. If we do not contact you before you are ready to begin the RMP, please contact us so we can review your process and program level

choices. Second, you will need to decide who will prepare the RMP. Will you use a consultant; do it in house or a combination of both?

## GETTING HELP

The USEPA has developed a number of documents for your use. *The RMP Offsite Consequence Guidance* can be used to guide an owner/operator in the analysis of offsite consequences of accidental releases. The *Model Risk Management Program and Plan For Ammonia Refrigeration* provides guidance on RMPs for ammonia refrigeration facilities. Also you could request the Stanislaus County Guidance and RMP checklists available at our DER office.

## REGISTRATION FORM

The California Registration Form, which was required under California Regulations, is **no longer required**. This requirement was deleted when the emergency regulations were readopted on March 9, 1998. All sources are now required to submit the federal version of the registration form at the time they submit their RMP. DER will not require a local registration form.

## NEW/MODIFIED FACILITIES

RMP's are required for new facilities before chemical operations begin. The same is true for significant modification of existing facilities. So plan ahead and let's start working together before those changes take place.

## BENEFITS OF THE RMP

Managers across the nation recognize RMPs as sound management tools for controlling potential risks associated with the handling of extremely hazardous chemicals. RMPs identify and mitigate problems before they occur, and ensure the proper training and preparation of employees handling the chemicals. And finally, if a release occurs, managers are prepared with offsite response plans approved by local emergency response agencies.

For more information regarding the local implementation of the CalARP program, please call Beronia Beniamine at 209-525-6746 or mail to [bbeniamine@envres.org](mailto:bbeniamine@envres.org)

## NEW EPA RULE ABOUT PHOSMET

On November 26, 2004, EPA issued final rule to delete phosmet from the list of extremely hazardous substances (EHS) established under Section 302 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Phosmet is a non-systemic organophosphate insecticide used for agricultural crop protection of fruit, nut and certain field crops. Concluded that existing acute toxicity studies for phosmet do not support its inclusion on the EHS list. This rule is effective **December 27, 2004**.

For more information, look at EPA November 26 *Federal Register*:

<http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-26162.htm>