CAA 112(r) Emergency Response Program

Planning just in case something goes wrong.

Defining Emergency Response

□ Emergency Response

   ▪ Same as under OSHA's HAZWOPER Standard 1910.120

      ■ A response effort by employees from outside the immediate release area of by other designated responders … to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance

Emergency Response Program Overview

□ 40 CFR 68 Subpart E—Emergency Response

  ▪ Not applicable to facilities with only program 1 processes (likely these are covered under EPCRA)

  ▪ Facilities with program 2 and/or program 3 processes required to comply

Emergency Response Program
40 CFR 68.90

- Facility **<u>won't</u>** respond to accidental releases of a regulated substance
  - Response must be coordinated with local fire department and/or other responders
- Facility **<u>will</u>** respond
  - Must also comply with 40 CFR 68.95

Applicability

□ Requirements of Subpart E

   ▫ *Non-responding facility*

      ◾ 40 CFR 68.90

      ◾ Exempt from 40 CFR 68.95

   ▫ *Responding facility*

      ◾ 40 CFR 68.95

Applicability

- Characteristics of a non-responding facility
  - Employees instructed to evacuate when release occurs
  - Facility emergency action plan does not address response actions to releases of CAA 112(r) listed chemicals
  - Employees not trained or instructed to respond to releases of CAA 112(r) listed chemicals
  - No active incident command system
  - Employees expect fire department or community first responders to address release
  - Lack of employees required to make entry team

Applicability

- Characteristics of a responding facility
  - Facility has developed and trained response teams
  - Facility has instructed employees to respond to fires and releases of regulated substances
  - Employees have trained with local responders in addressing releases during emergency
  - Facility conducts response drills, critiques drills, and/or plans and implements routine employee emergency response training
  - Facility has notification system to assemble employees for purpose of responding to release

Non-Responding Facilities

Emergency Response Program

Non-Responding Facilities

□ Risk management program emergency response program __NOT__ needed if

- ◻ Coordinate with local response agencies
  - ■ Toxic substance *(68.90(b)(1))*
    - ■ Include facility in Community CERP under EPCRA (LEPC)
  - ■ Flammable substance *(68.90(b)(2))*
    - ■ Ensure local fire department capable of responding to potential release and aware of its responsibility
- ◻ Formal notification procedure in place *(68.90(b)(3))*
  - ■ Establish mechanisms to notify emergency responders
  - ■ Identify emergency contact (i.e., name or organization and number)

RMP Submittal Questions

- If facility employees *will not respond* to releases of regulated substances, answer **ONLY** these emergency response elements
  - First two (9.1.a and 9.1.b)
  - Last three (9.7.a, 9.7.b, and 9.8)

RMP Submittal Questions

- 9.1.a Is your facility included in the community emergency response plan?
  - If employees will <u>not</u> respond to releases, facility <u>must</u> be included in community emergency response plan

9.1 Written emergency response (ER) plan

9.1.a. ❑ Is your facility included in the written community emergency response plan?

RMP Submittal Questions

- 9.1.b Does your facility have its own written emergency response plan?
  - For non-responding facilities, the answer should be **NO.**

9.1.b. ☐ Does your facility have its own written emergency response plan?

RMP Submittal Questions

- 9.7(a-b) Local agency with which your facility's ER plan or response actions are coordinated (<u>all</u> regulated facilities)

9.7. Local agency with which your facility's ER plan or response activities are coordinated

9.7.a. Name of agency (maximum 35 characters)

9.7.b. Phone number (␣␣␣) ␣␣␣ - ␣␣␣␣

Responding Facilities

Emergency Response Program

Emergency Response Program

- If facility employees *will respond* to releases of regulated substances
  - Subject to 40 CFR 68.95
  - Must fill out all the data items in this section of the RMP

Emergency Response Program
40 CFR 68.95

- **Emergency Response Program**   **40 CFR 68.95(a)**
- Correlation with other plans   40 CFR 68.95(b)
- Coordination with community
  emergency response plan   40 CFR 68.95(c)

Emergency Response Program

- Emergency Response Program   40 CFR 68.95(a)
  - **Emergency Response Plan**   **40 CFR 68.95(a)(1)**
  - Procedures for using, inspecting, testing, and maintaining emergency response equipment   40 CFR 68.95(a)(2)
  - Training in relevant procedures   40 CFR 68.95(a)(3)
  - Procedures for review and update of ERP   40 CFR 68.95(a)(4)
- Correlation with other plans   40 CFR 68.95(b)
- Coordination with community emergency response plan   40 CFR 68.95(c)

Emergency Response Plan

□ **WRITTEN** Emergency Response Plan (ERP)

 ■ Maintained at the facility

 ■ Procedures for informing the public and local emergency responders (68.95(a)(1)(i))

 ■ First aid and emergency medical treatment documentation (68.95(a)(1)(ii))

 ■ Procedures and measures for emergency response after an accidental release of a regulated substance (68.95(a)(1)(iii))

Chemcentral Distribution Facility Explosion, Kansas City, Feb. 7, 2007, EPA Photo

Emergency Response Program

- Emergency Response Program   40 CFR 68.95(a)
  - Emergency Response Plan   40 CFR 68.95(a)(1)
  - **Procedures for using, inspecting, testing, and maintaining emergency response equipment**   **40 CFR 68.95(a)(2)**
  - Training in relevant procedures   40 CFR 68.95(a)(3)
  - Procedures for review and update of ERP   40 CFR 68.95(a)(4)
- Correlation with other plans   40 CFR 68.95(b)
- Coordination with community emergency response plan   40 CFR 68.95(c)

Procedures for Using, Inspecting, Testing, and Maintaining Emergency Response Equipment

□ Applies to any equipment relevant to a response involving a covered process

- Detection/monitoring equipment
- Alarms/communications systems
- Personal protective equipment (PPE)
- Mobile fire-fighting equipment
- Spill mitigation equipment/supplies

Procedures for Using, Inspecting, Testing, and Maintaining Emergency Response Equipment

□ Procedures must describe how and when

- To use equipment properly
- Equipment should receive routine maintenance
- Equipment should be inspected and tested for readiness

Emergency Response Program

- ☐ Emergency Response Program   40 CFR 68.95(a)
  - ☐ Emergency Response Plan   40 CFR 68.95(a)(1)
  - ☐ Procedures for using, inspecting, testing, and maintaining emergency response equipment   40 CFR 68.95(a)(2)
  - ☐ **Training in relevant procedures**   **40 CFR 68.95(a)(3)**
  - ☐ Procedures for review and update of ERP   40 CFR 68.95(a)(4)
- ☐ Correlation with other plans   40 CFR 68.95(b)
- ☐ Coordination with community emergency response plan   40 CFR 68.95(c)

Training

- Address actions to take in response to releases of regulated substances from all covered processes

- Based directly on procedures included in facility's emergency response plan

- Based on procedures developed for using, inspecting, testing, and maintaining emergency response equipment

Training

- Provide to all employees and contractors on site
- Provide training appropriate to individual responsibilities
  - Evacuate, activate alarm system, serve on emergency response team

Emergency Response Program

- Emergency Response Program   40 CFR 68.95(a)
  - Emergency Response Plan   40 CFR 68.95(a)(1)
  - Procedures for using, inspecting, testing, and maintaining emergency response equipment   40 CFR 68.95(a)(2)
  - Training in relevant procedures   40 CFR 68.95(a)(3)
  - **Procedures for review and update of ERP**   **40 CFR 68.95(a)(4)**
- Correlation with other plans   40 CFR 68.95(b)
- Coordination with community emergency response plan   40 CFR 68.95(c)

Review and Update ERP

- ☐ Review and update as necessary and appropriate

- ☐ Plan must reflect changes at facility

- ☐ Identify types of changes requiring plan update

- ☐ Inform employees of changes

  - ☐ Include method of communicating any changes to plan to employees (e.g., through trainings or meetings)

Emergency Response Program 40 CFR 68.95

- ☐ Emergency Response Program 40 CFR 68.95(a)
- ☐ **Correlation with other plans 40 CFR 68.95(b)**
- ☐ Coordination with community emergency response plan 40 CFR 68.95(c)

Correlation with Other Plans

- Emergency response plan complies/consistent with other federal requirements
  - National Contingency Plan (NCP)
  - Federal Response Plan (FRP)
  - Contingency plan regulations
  - Integrated Contingency Plan
  - "One Plan"

http://www.csb.gov

CAI/Arnel Chemical Facility, November 22, 2006, Danvers, Massachusetts, Photo: J. Whitmore/Boston Globe

Emergency Response Program
40 CFR 68.95

- Emergency Response Program   40 CFR 68.95(a)

- Correlation with other plans   40 CFR 68.95(b)

- **Coordination with community**

   emergency response plan   **40 CFR 68.95(c)**

Coordination with Community Emergency Response Plan

- Coordinate facility ERP with the community ERP developed under 42 USC 11003
  - Offsite response assistance required by facility
    - Fire-fighting
    - Security
    - Notification of the public
  - How facility will request offsite response assistance
  - Who is in charge of response operation
  - Delegation of authority down internal & offsite chain of command
- Upon request by LEPC or emergency response officials, **PROMPTLY** provide information needed for development and implementation of the community plan

Common Deficiencies

- Release reporting procedure has incorrect phone numbers for CERCLA/EPCRA reporting

- Process not designed so reports can be made "immediately"

Common Deficiencies (cont.)

- □ People running or operating the process do not know
  - □ Where ER plan is
  - □ How to find current MSDS
  - □ Steps for reporting required releases
- □ Facilities with few employees claim to have ER programs

Common Deficiencies (cont.)

- No first aid information in ERP for CAA 112(r) chemicals

- No evidence that plan was reviewed and updated, even though facility indicated it would do so at regular intervals in the plan

- Detection equipment not inspected/tested

Questions?