Discussion Themes:

- Complexity of Agencies and Rules that govern industry.
- How rules require industry to interact with the Agencies and Local Responders.
- Foster communication and cooperation for planning.
Almost every business is required to have an emergency action plan (EAP).

If fire extinguishers are required or provided in your workplace, and if anyone will be evacuating during a fire or other emergency, then OSHA's [29 CFR 1910.157] requires you to have an EAP.
OSHA
Emergency Action Plan

An Emergency Action Plan must include the following:

• Means of reporting fires and other emergencies
• Evacuation procedures and emergency escape route assignments
• Procedures to be followed by employees who remain to operate critical plant operations before they evacuate
• Procedures to account for all employees after an emergency evacuation has been completed
• Rescue and medical duties for those employees who are to perform them
• Names or job titles of persons who can be contacted for further information or explanation of duties under the plan
Rule Complexity relative to Emergency/Event Planning:

- **EPCRA**
  Emergency Planning and Community Right-to-Know Act

- **RMP**
  Risk Management Plan

- **OSHA**
  Process Safety Management

- **SPCC**
  Spill Prevention Control and Countermeasure Plan

- **OSHA ERP**
  Emergency Response Plan

- **SWPP**
  Storm Water Pollution Prevention Plan

- **RCRA**
  Resource Conservation and Recovery Act, Contingency Plan

- **AST SPRP**
  Aboveground Storage Tank Rule, Spill Prevention Response Plan

- **GPP**
  Groundwater Protection Plan
EPCRA - Emergency Planning and Community Right-to-Know Act

Started the **communication** between Facilities and the Community

- Developed to help communities plan for chemical emergencies.
  - Created the LEPC and SERC.
  - Requires Safety Data Sheets
- Requires facilities to report:
  - **Section 311 Report** – One Time report for new Chemicals
    - Reported through TIER II Manager system to SERC, LEPC, Local Fire Department. [https://westvirginia.hazconnect.com/Facility/FacilityHome.aspx](https://westvirginia.hazconnect.com/Facility/FacilityHome.aspx)
  - **Section 312 Report** - Annual inventory report for chemicals above threshold.
    - Reported through TIER II Manager system to SERC, LEPC, Local Fire Department. [https://westvirginia.hazconnect.com/Facility/FacilityHome.aspx](https://westvirginia.hazconnect.com/Facility/FacilityHome.aspx)
  - **Section 313 Toxics Release Inventory (TRI)** – Annual report of emissions
    - Reported through TRI-ME web system to USEPA
    - [https://www.epa.gov/enviro/tri-search](https://www.epa.gov/enviro/tri-search) can view data
RCRA – Contingency Plan

Under RCRA, Large Quantity Generators (LQG) of Hazardous Waste must maintain "contingency plans for effective action to minimize unanticipated damage from any treatment, storage, or disposal of any such hazardous waste." [42 U.S.C. 6924(a)(5)]

Must submit to LEPC, Police, Fire Departments, and Hospitals.

Rule change in past 2 years
Must now have a one page
Quick Response Guide.
CONTINGENCY QUICK RESPONSE GUIDE

EMERGENCY COORDINATORS

<table>
<thead>
<tr>
<th>Emergency Coordinator</th>
<th>Address</th>
<th>Plant Number</th>
<th>Mobile Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawrence Hargrave</td>
<td>200 Big Sandy Road, Hurricane WV 25530</td>
<td>304-453-7077</td>
<td>315-779-1773</td>
</tr>
<tr>
<td>Nick Rorcuk</td>
<td>200 Big Sandy Road, Hurricane WV 25530</td>
<td>304-452-7969</td>
<td>740-540-6801</td>
</tr>
</tbody>
</table>

External Spill Response Contractors

<table>
<thead>
<tr>
<th>Name</th>
<th>Phone Number (24-hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zep Inc.</td>
<td>800-758-0000</td>
</tr>
<tr>
<td>Claro Industries</td>
<td>800-645-8265</td>
</tr>
</tbody>
</table>

HAZARDOUS WASTE

<table>
<thead>
<tr>
<th>Waste</th>
<th>Hazard</th>
<th>Maximum Allowed (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atmos Oil Kerosene</td>
<td>Corrosive</td>
<td>350</td>
</tr>
<tr>
<td>Atmos Oil Kerosene</td>
<td>Corrosive</td>
<td>350</td>
</tr>
<tr>
<td>Butane Catalyst</td>
<td>Ignitable, Corrosive, Reactive</td>
<td>875</td>
</tr>
<tr>
<td>Butane Catalyst</td>
<td>Ignitable, Corrosive, Reactive</td>
<td>875</td>
</tr>
<tr>
<td>C-132 Spirit Tight/Medium (TEAL)</td>
<td>Ignitable, Reactive</td>
<td>400</td>
</tr>
<tr>
<td>Clorox Atlanta (HCl 50%)</td>
<td>Ignitable, Corrosive</td>
<td>300</td>
</tr>
<tr>
<td>C-122 Pre-Contact Chlor and Trilium Stabilizer</td>
<td>Ignitable, Corrosive, Reactive</td>
<td>2400</td>
</tr>
<tr>
<td>DeLaval</td>
<td>Ignitable</td>
<td>400</td>
</tr>
<tr>
<td>Lead Paint Chips and Paint</td>
<td>Ignitable</td>
<td>500</td>
</tr>
<tr>
<td>Lead Paint Chips and Paint</td>
<td>Ignitable</td>
<td>500</td>
</tr>
<tr>
<td>Mercury</td>
<td>Mercury</td>
<td>4</td>
</tr>
<tr>
<td>Mercury-Containing Devices</td>
<td>Mercury</td>
<td>5</td>
</tr>
<tr>
<td>Sluggers and C-Donor</td>
<td>Ignitable, Toxic</td>
<td>4000</td>
</tr>
<tr>
<td>Sluggers and C-Donor</td>
<td>Ignitable, Toxic</td>
<td>780</td>
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<tr>
<td>Spent Mineral Spirits and Debris</td>
<td>Ignitable</td>
<td>33</td>
</tr>
<tr>
<td>Waste Release</td>
<td>Ignitable, Non-Halogenated Solvent</td>
<td>49</td>
</tr>
</tbody>
</table>

REPORTING AN INCIDENT

The incident is reportable if: The incident is a release, leak, fire, explosion, or other event that could threaten human health or the environment; the release to the environment exceeds its Regulatory Quantity. Check the Reportable Quantity Spreadsheet to confirm Regulatory Quantity.

This following agencies must be notified in the event of a reportable incident:

- 911 (24-hour emergency)
- WV Mine & Industrial Accident Emergency Operations Center (1-866-767-5139, 24-hour emergency)
- WV Department of Natural Resources, Division of Mine and Wood Management (800-645-5874)
- WV OEP Emergency Spills Hotline (800-645-3674)

Notifications must be to the National Response Center must be followed up with a written report to the USDMA Region Administrator within 10 days of the incident. The West Virginia Department of Environmental Protection, Division of Water and Waste Management must also be notified. This report must contain:

- Name and telephone number of the owner or operator
- Name, address, and telephone number of the person in charge of the operation
- Date, time, and type of incident (e.g., release, leak, fire)
- Name and quantity of material involved
- The extent of injury, if any
- An assessment of actual or potential hazards to human health or the environment where this is applicable, and
- Estimated quantity and disposition or removed material that resulted from the incident.
RMP – Risk Management Plan

Required by Section 112(r) of Clean Air Act Amendments. 40 CFR Part 68.

The RMP rule requires facilities that use extremely hazardous substances to develop a Risk Management Plan which should address three areas:

- **Hazard assessment** that details the potential effects of an accidental release, an accident history of the last five years, and an evaluation of worst-case and alternative accidental releases;

- **Prevention program** that includes safety precautions and maintenance, monitoring, and employee training measures; and

- **Emergency response program** that spells out emergency health care, employee training measures and procedures for informing the public and response agencies (e.g. the fire department) should an accident occur.
RMP – Risk Management Plan

RMP information may be accessed via the Federal Reading Rooms which are open to the public to review RMP information.

In West Virginia:
• DOJ's Reading Rooms (Clarksburg, Charleston)
RMP – Risk Management Plan
Rule Changes?

- RMP Final Rule revisions issued January 13, 2017. (Obama Administration)
- EPA proposed RMP Rule Reconsideration on May 30, 2018. (Trump Administration)

Currently, the Rule as issued in January 2017 is in effect. But, the changes and implementation dates could change depending on the success of the Reconsideration rule.

Confusing to both regulator and regulated!!
RMP – Risk Management Plan
Current Rule
As of March 2021 – **Emergency Response Coordination**

New section 68.93 – All Level 2 & 3 programs

- **Coordinate with local responders at least annually, to**
  - Ensure local responders are aware of your regulated substances, their quantities & risks, and your response resources & capabilities
  - Address changes at the source & in source emergency plan
  - Address changes in local community response plan
  - Provide copy of source emergency plan and emergency contact info

- **Document coordination activities with Local Responders**

- **Must coordinate Emergency Exercises schedule**
RMP – Risk Management Plan
As of March 2021 – Emergency Response Coordination

68.96 (a) Notification exercises – all Level 2 & 3
- Annually test emergency response notification mechanisms – contact information is accurate
- Responding sites can combine with other exercises
- Maintain records of exercises for last 5 years
- Conduct first exercise within 5 years of rule effective date

68.96 (b) Tabletop and field exercises – responding sites
- Coordinate with & invite local public responders
- Field– simulated release at appropriate interval at least every 10 years
- Tabletop – first exercise within 7 years of rule effective date and at least every 3 years after
- Evaluation report within 90 days of exercise
RCRA – Contingency Plan

§ 262.256 Arrangements with local authorities.

(a) The large quantity generator must attempt to make arrangements with the local Responders; police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, ..........Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

(1) ............must determine the potential need for the services of the local Responders; police department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals.

(2) ............shall attempt to make arrangements, as necessary, to familiarize the above organizations with the layout of the facility, the properties of the hazardous waste handled at the facility and associated hazards, ........

(b) The large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no arrangements exist, confirms that attempts to make such arrangements were made.
THANK YOU