REGION 7
LENEXA, KS 66219

EXPEDITED SETTLEMENT AGREEMENT (ESA)

DOCKET NO.: CAA-07-2024-0060
This ESA is issued to: Occidental Chemical Corporation
At: 6200 South Ridge Road, Wichita, Kansas 67215
for violating Section 112(r)(7) of the Clean Air Act.

The United States Environmental Protection Agency, Region 7 (EPA or Complainant) and Occidental Chemical Corporation (Respondent), have agreed to a settlement of this action before filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 22.13(b) and 22.18(b)(2) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), 40 C.F.R. §§ 22.13(b), 22.18(b)(2).

Complainant, as duly delegated by the Administrator of the EPA, is the Director of the Region 7 Enforcement and Compliance Assurance Division. Respondent is Occidental Chemical Corporation, a Texas company registered to do business in Kansas and whose registered office in Kansas is located at 112 SW 7th Street, Suite 3C, Topeka, Kansas 66603.

This is an administrative action for the assessment of civil penalties instituted pursuant to Section 113(d) of the Clean Air Act (CAA). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that cases which meet the criteria set forth in EPA's policies entitled "Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions, 40 C.F.R. Part 68," dated January 5, 2004, and "Changes to Restrictions on the Use of Expedited Settlements in Addressing Violations of the Clean Air Act Chemical Accident Prevention Provisions," dated December 20, 2013, are appropriate for administrative penalty actions.

ALLEGED VIOLATIONS

On or about April 18, 2023, an authorized representative of the EPA conducted a compliance inspection of Respondent's facility located at 6200 South Ridge Road, Wichita, Kansas 67215 to determine compliance with the Chemical Accident Prevention Provisions (CAPP), commonly known as the Risk Management Program regulations, promulgated at 40 C.F.R. Part 68 under Section 112(r) of the CAA. The EPA found that the Respondent had violated the CAPP as noted on the enclosed CAPP Inspection Findings, which is hereby incorporated by reference.

SETTLEMENT

In consideration of Respondent's size of business, its full compliance history, its good faith effort to comply, and other factors as justice may require, and upon consideration of the entire record, the parties enter into the ESA in order to settle the violations, described in the enclosed CAPP Inspection Findings, for the total penalty amount of **$5,200.**

This settlement is subject to the following terms and conditions:

Respondent, by signing below, waives any objections that it may have regarding jurisdiction, neither admits nor denies the specific factual allegations contained herein and in the CAPP Inspection Findings, consents to the assessment of the penalty as stated above. Respondent waives its rights to a hearing afforded by Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), and to appeal this ESA. Each party to this action shall bear its own costs and fees, if any. Respondent also certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that Respondent has corrected the violations listed in the enclosed CAPP Information Request Findings and has paid the penalty of $5,200.

Penalty payment shall identify Respondent by name and docket number and shall be by electronic payment method described at *http://www.epa.gov/financial/makepayment* or by alternate method of certified or cashier's check made payable to the "United States Treasury" and sent to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979078
St. Louis, Missouri 63197.

The electronically signed ESA, a scanned copy of the completed CAPP Inspection Findings, and a copy of the information confirming payment shall be sent via email to Diana Chaney at *chaney.diana@epa.gov*. In lieu of email, the signed original ESA, a copy of the completed CAPP Information Request Findings, and a copy of the information confirming payment must be sent by certified mail to:

Diana Chaney
Chemical Accident Prevention Section | Air Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219.

Copies of these items must also be sent via email to:

Milady Peters
Office of Regional Counsel
p*eters.milady@epa.gov*, and

Regional Hearing Clerk
R7_Hearing_Clerk_Filings@epa.gov.

Full payment of the ESA penalty shall only resolve Respondent's liability for federal civil penalties for the violations alleged in the CAPP Inspection Findings. The EPA reserves the right to take any enforcement action for any other violations of the CAA or any other statute.

This ESA is binding on the parties signing below.

This ESA is effective upon filing with the Regional Hearing Clerk.

Respondent consents to receiving the finalized ESA electronically at the following email address: *Eric_Miller@oxy.com*. Respondent understands that the Expedited Settlement Agreement will become publicly available upon ratification and filing.

FOR RESPONDENT:
Occidental Chemical Corporation

Signature: DocuSigned by: John Brenon 0D131BB523A7417... Date 5/15/2024

Name (print): John Brenon

Email Address: John_Brenon@oxy.com

Title (print): Senir Vice President Manufacturing

FOR COMPLAINANT:
U.S. Environmental Protection Agency

JODI BRUNO Digitally signed by JODI BRUNO
Date: 2024.05.16 15:41:07 -05'00'

Date: _____

David Cozad
Director
Enforcement and Compliance Assurance Division

Breedlove, Dan Digitally signed by Breedlove, Dan
Date: 2024.05.22 08:16:29 -05'00'

Date: _____

Erin Weekley
Air and Cross-Cutting Issues Branch Chief
Office of Regional Counsel

I hereby ratify the ESA and incorporate it herein by reference.

IT IS SO ORDERED.

KARINA BORROMEO

Digitally signed by KARINA BORROMEO
Date: 2024.07.18 12:42:27 -05'00'

Karina Borromeo
Regional Judicial Officer

Date

CERTIFICATE OF SERVICE
(to be completed by EPA)

I certify that that a true and correct copy of the foregoing Expedited Settlement Agreement was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

Erin Weekley, *weekley.erin@epa.gov*
Milady Peters, *peters.milady@epa.gov*

Copy via E-mail to Respondent:

Eric_Miller@oxy.com

Dated this _____ day of _____, _____.

AMY GONZALES Digitally signed by AMY GONZALES
Date: 2024.07.19 08:17:06 -05'00'

Signed

Chemical Accident Prevention Provisions Inspection Findings
CAA § 112(r) Violations

Occidental Chemical Corporation
6200 South Ridge Road, Wichita, Kansas 67215
Docket No. CAA-07-2024-0060

COMPLETE THIS FORM AND RETURN IT WITH THE ESA.

VIOLATIONS **PENALTY AMOUNT**

Prevention Program — Process Hazard Analysis

- Process Hazard Analysis Update [40 CFR 68.67(f)]; $1,500
- Process Hazard Analysis Findings [40 CFR 68.67(e)]; $2,500

The owner or operator failed to update and revalidate the Process Hazard Analysis within five years of the prior Process Hazard Analysis.

The owner or operator failed to correct the Process Hazard Analysis findings in a timely manner.

How was this corrected? OxyChem self-identified this observation, that PHAs had not been completed within 5 years from the prior PHAs, during the 2019 Corporate Audit of the Plant. Corrective actions were taken at the time of the Audit to close the 2019 Audit observation. As discussed with the Mr. Hensley during EPA's April 2023 inspection, all deficient PHAs were expeditiously updated and revalidated in 2019.

Additionally, to ensure future PHA due dates are not missed, the site has entered an action item into the site's electronic action tracking system. This system will trigger the PSM Manager to schedule a review of the selected PHA at least 6 months ahead of the due date.

All Findings from PHAs are also entered into the site's electronic action tracking system and assigned to personnel with targeted completion dates. The action items are reviewed by site Management at least quarterly to ensure that completion dates are not missed or extensions are granted based on solid extenuating circumstances.

Prevention Program — Compliance Audits
Compliance Audits'[40 CFR 68.79(a)] $1,200

The owner or operator failed to evaluate compliance with the provisions of Part 68, Subpart D, within three years of the prior Compliance Audit.

How was this corrected? When it was recognized that the 3-year compliance date for the Compliance Audit was missed during the EPA inspection, it was immediately rescheduled and OxyChem conducted the compliance audit from April 26-27 and May 3-4, 2023. A copy of the Compliance Audit Report was provided to the EPA Inspector, Mr. Hensley, via e-mail on May 18, 2023.

OxyChem has since revised its internal audit program as reflected in *HESP-600.05 PSM/RMP Audits* to direct OxyChem's Compliance Assurance Department to be responsible for managing and maintaining the compliance audit schedule to ensure the required compliance audits are conducted in a timely manner every three (3) years.

Calculation of Adjusted Penalty

1' Reference the multipliers for calculating proposed penalties for violations found during CAPP inspection matrix. Occidental Chemical Corporation has 250 full time employees at its Wichita location and 7,000,000 pounds, or 2,800 times, the threshold quantity of Chlorine.

Finding the row for >100 employees and the column for >10 times the threshold quantity of 2,500 pounds of Chlorine as listed in 40 C.F.R. 68.130 for the amount in a process gives a multiplier factor of 1.0. Therefore, the multiplier for Occidental Chemical Corporation = 1.0.

2'd Adjusted Penalty = $5,200 (Unadjusted Penalty) X 1.0 (Size-Threshold Multiplier) Adjusted Penalty = $5,200.

3rd An Adjusted Penalty of $5,200 will be assessed to Occidental Chemical Corporation for Violations found during the compliance evaluation. This amount will be found in the Expedited Settlement Agreement (ESA).

Total Adjusted Penalty **$5,200.**

This section must be also completed and signed by **Occidental Chemical Corporation:**

The approximate cost to correct the above items: Approximately $1,500 was spent on variable costs, such as travel, to conduct the Compliance Audit in April and May 2023.

Compliance staff name: Paul Eric Miller

Signed: DocuSigned by: Paul Eric Miller FAD6D61E8F2E4D7... Date: 5/15/2024

United States Environmental Protection Agency

Office of Land
and
Emergency Management

EPA 550-F-20-002
April 2020
www.epa.gov/rmp

THE GENERAL DUTY CLAUSE

Under the Clean Air Act Section 112(r)(1), the General Duty Clause states: "The owners and operators of stationary sources producing, processing, handling or storing such substances [i.e., a chemical in 40 CFR part 68 or any other extremely hazardous substance] have a general duty [in the same manner and to the same extent as the general duty clause in the Occupational Safety and Health Act (OSHA)] to identify hazards which may result from (such) releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur."

WHAT IS THE GENERAL DUTY CLAUSE?

In the Clean Air Act Amendments of 1990, Congress enacted Section 112(r)(1), also known as the General Duty Clause (GDC), which makes the owners and operators of facilities that have regulated and other extremely hazardous substances responsible for ensuring that their chemicals are managed safely. Facilities have been required to comply with GDC since November 1990.

WHO IS COVERED?

The General Duty Clause applies to **any** stationary source producing, processing, handling, or storing regulated substances or other extremely hazardous substances. "Other extremely hazardous substances" are any chemicals listed in 40 CFR part 68, or any other chemicals, which may be considered extremely hazardous.

WHAT DOES THE GENERAL DUTY CLAUSE INVOLVE?

Facilities subject to the General Duty Clause are, among other things, responsible for:

- Knowing the hazards posed by the chemicals and assessing the impacts of possible releases,
- Designing and maintaining a safe facility to prevent accidental releases, and
- Minimizing the consequences of accidental releases that do occur.

WHAT IS THE CHEMICAL ACCIDENT PREVENTION PROGRAM AND HOW DOES IT DIFFER FROM THE GENERAL DUTY CLAUSE?

Clean Air Act Section 112(r) also established the Chemical Accident Prevention Program dedicated to recognizing hazards and preventing accidents. It differs from the GDC in that it requires facilities that use listed toxic or flammable chemicals above certain thresholds to implement a specified set of accident prevention and emergency response program elements, and to submit a document called a risk management plan (RMP) to EPA. The RMP summarizes a regulated facility's hazard assessment, emergency response program, and accident prevention program information. Most of the information in a facility's RMP is available to the public.

HOW DO I MEET MY GDC OBLIGATIONS?

It is important to understand that the General Duty Clause is not a regulation and compliance cannot be checked against a regulation or submission of data. The General Duty Clause requires you to identify hazards your facility may present from accidental releases of hazardous substances, design and maintain a safe facility, and minimize the consequences of accidental releases which do occur. Generally, among other things, you should:

(1) Adopt or follow any relevant industry codes, practices or consensus standards (for the process or facility as a whole as well as for particular chemicals or pieces of equipment),
(2) Be aware of unique circumstances of your facility which may require a tailored accident prevention program, and
(3) Be aware of accidents and other incidents in your industry that indicate potential hazards.

GDC OBLIGATION EXAMPLES

- A facility installed a water-based fire suppression system in storage areas that contained water-reactive chemicals. This created a clearly hazardous condition. The General Duty Clause required the facility to install a fire suppression system that was compatible with water reactive chemicals.
- Preventing and mitigating accidental releases related to known equipment failure scenarios is a GDC obligation.

FREQUENT QUESTIONS

- I don't have to submit an RMP because I lowered my thresholds – and I believe that I lowered my risk. Am I still subject to the General Duty Clause?
  Yes. If you use a regulated substance or any other extremely hazardous substance in any amount you are subject to the GDC.
- How can I find out what GDC inspectors are looking for at my facility?
  Read EPA's Guidance for Implementation of the General Duty Clause Clean Air Act Section 112(r)(1).
- How can I find out about accidents and recognized hazards in my industry sector?
  Your trade association is a good place to start. OSHA and the Chemical Safety & Hazard Investigation Board periodically issue hazard bulletins and accident investigation reports. EPA also issues Chemical Safety Alerts and Enforcement Alerts on recognized hazards. Additionally, the United States Coast Guard's (USCG) National Response Center (NRC) is a useful first stop for tracking accidents.
- How has OSHA's GDC been applied?
  Similar to the GDC of the Clean Air Act, OSHA's GDC applies when: (a) an employer fails to render a workplace free of hazard; (b) the hazard is recognized either by the employer or generally within the employer's industry; (c) the hazard causes or is likely to cause death or serious harm; and (d) there are feasible means by which the employer can eliminate or materially reduce the hazard.
- What are the penalties for non-compliance with the GDC?
  The Clean Air Act Section 113(d) currently allows EPA to assess penalties of up to a maximum of $48,192, per day of violation, and will make subsequent annual adjustments in order to account for inflation.

HOW DO I FIND MORE INFORMATION ON THE GENERAL DUTY CLAUSE, CHEMICAL SAFETY ALERTS, OR THE RISK MANAGEMENT PROGRAM?

- EPA Hotline: Risk Management Plan Information Center
  Phone: 800-424-9346 (select option #6 from menu)
  Toll Free: 703-348-5070 in the Washington, DC Area / International
  Hours: 10:00 a.m. – 5:00 p.m. EST, Monday – Friday, Closed Federal Holidays
- Websites
  - EPA General Duty Clause: https://www.epa.gov/rmp/general-duty-clause-under-clean-air-act-section-112r1
  - EPA Risk Management Plan (RMP) Rule: https://www.epa.gov/rmp

United States Environmental Protection Agency

Office of Land
and
Emergency Management

EPA 550-R-20-001
April 2020
www.epa.gov/rmp

CLEAN AIR ACT SECTION 112(r): ACCIDENTAL RELEASE PREVENTION / RISK MANAGEMENT PLAN RULE

When Congress passed the Clean Air Act Amendments of 1990, Section 112r required EPA to publish regulations and guidance for chemical accident prevention at facilities using substances that posed the greatest risk of harm from accidental releases. These *regulations* were built upon existing industry codes and standards and require companies of all sizes that use certain listed regulated flammable and toxic substances to develop a Risk Management Program, which includes a(n):

- 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 scenarios;
- 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.

By June 21, 1999, a summary of the facility's risk management program (known as a "Risk Management Plan" or "RMP") was to be submitted to EPA. At the end of 2019, EPA had RMPs from about 12,000 facilities. The plans must be revised and resubmitted every five years. There are other circumstances described in the RMP regulations, however, which may require a more frequent submission. New facilities must submit a completed RMP as soon as they have a covered chemical above the threshold quantity.

The Risk Management Program is about reducing chemical risk at the local level. The RMP information helps local fire, police, and emergency response personnel (who must prepare for and respond to chemical accidents) and is useful to citizens in understanding the chemical hazards in communities.

WHO IS COVERED BY THE RMP REGULATIONS?

Owners and operators of a facility (stationary source) that manufactures, uses, stores, or otherwise handles more than a threshold quantity of a listed regulated substance in a process, must implement a risk management program and submit a single RMP for all covered processes at the facility. “Process” means any activity involving a listed regulated substance, including any use, storage, manufacturing, handling, or onsite movement of such substances, or combination of these activities. The regulations do not apply to transportation, including storage incident to transportation. However, transportation containers used for storage not incident to transportation and transportation containers connected to equipment at a stationary source are considered part of the stationary source, and are potentially covered by the regulations. See the applicability discussion in the *General Guidance on Risk Management Program for Chemical Accident Prevention (40 CFR Part 68)* for more information on regulatory coverage.

WHAT CHEMICALS ARE COVERED?

The regulation includes a *List of Regulated Substances under section 112(r) of the Clean Air Act*, including their synonyms and threshold quantities (in pounds) to help assess if a process is subject to the Part 68 rule or the general duty clause. The regulated substances are listed in four tables, two listing the regulated toxic substances (alphabetically and by CAS number) and two listing the regulated flammable substances (alphabetically and by CAS number). States who have taken delegation of the Clean Air Act, Section 112(r) program may have additional requirements for the federally listed chemicals, and/or additional listed chemicals.

(NOTE: Listed flammable substances used as fuel or held for sale as fuel at a retail facility are not covered by the Part 68 regulations. However, flammable substances used for some other purpose, such as a chemical feedstock or when held for sale as fuel at a wholesale facility are covered by the regulations.) The threshold quantities for toxics range from 500 to 20,000 pounds. For all listed flammables, the threshold quantity is 10,000 pounds.

WHAT ARE “PROGRAM LEVELS”?

An underlying principle of the regulations is that “one size does not fit all.” EPA has classified processes into three Programs to ensure that individual processes are subject to requirements that appropriately match their size and the risks they pose. As a result, different facilities covered by the regulations may have different requirements depending on their processes.

Program Level 1 applies to processes that would not affect the public in the situation of a worst-case release (in the language of Part 68, processes “with no public receptors within the distance to an endpoint from a worst-case release”) and with no accidents with specific offsite consequences within the past five years.
Program 1 imposes limited hazard assessment requirements and minimal accident prevention and emergency response requirements.

Program Level 2 applies to processes not eligible for Program 1 or subject to Program 3. Program 2 imposes streamlined accident prevention program requirements, as well as additional hazard assessment, management, and emergency response requirements.

Program Level 3 to processes not eligible for Program 1 and either subject to OSHA's Process Safety Management (PSM) standard under federal or state OSHA programs or classified in one of ten specified North American Industrial Classification System (NAICS) codes. Program 3 imposes OSHA’s PSM standard as the accident prevention program as well as additional hazard assessment, management, and emergency response requirements.

Based on their limited potential for serious offsite consequences, facilities are not required to implement a prevention program, an emergency response program, or a management system for Program 1 processes. Facilities with processes in Program 2 and Program 3 must address each of the three RMP elements described above for those processes. For more detailed information, consult the *General Guidance on Risk Management Programs for Chemical Accident Prevention (40 CFR Part 68)* or one of the *industry-specific guidance documents* available for an explanation of what is involved for each of the RMP elements.

WHERE DO YOU GO FOR MORE INFORMATION?

Visit the *Risk Management Program Web site* at *www.epa.gov/rmp* for current information and to sign up for the listserv to receive periodic updates.

United States
Environmental Protection
Agency

Office of Solid Waste
and Emergency Response

EPA 550-B-14-002
April 2014
www.epa.gov/emergencies

A CHECKLIST FOR SUBMITTING YOUR RISK MANAGEMENT PLAN (RMP) FOR CHEMICAL ACCIDENT PREVENTION

In 1996, EPA established a list of substances regulated for risk of accidental release and issued rules for the prevention and mitigation of accidental releases of those substances under section 112(r) of the Clean Air Act. Facilities covered by the regulations are required to implement a risk management program and submit a description of the program (called a risk management plan, or RMP) to EPA. RMPs must be updated at least once every five years, and many covered facilities must update their RMPs in 2014. This fact sheet provides important information about 2014 submissions and a checklist to consider in preparing and resubmitting a 5-year update. It is important that owners, operators, plant managers, and others responsible for RMP implementation review this information and take appropriate steps to update their RMPs.

WHAT IS THE 5-YEAR UPDATE REQUIREMENT?

If you are the owner or operator of an RMP facility, EPA's Chemical Accident Prevention regulations at 40 CFR part 68 require that you fully update and resubmit your RMP at least once every 5 years. If certain process changes described in 40 CFR §68.190 occur at your facility prior to the 5-year anniversary of your RMP, you must update and resubmit your RMP. The 5-year anniversary date is reset whenever you fully update and resubmit your RMP.

Your 5-year anniversary date is based on the date of your most recent, full submission. This date is provided in the response that EPA sent to you acknowledging receipt of your most current RMP. If you need help determining your 5-year anniversary date, you can call the RMP Reporting Center for assistance.

ARE THERE ANY CHANGES IN REPORTING?

In March 2009, EPA launched RMP*eSubmit, a Web-based system that allows facilities to securely submit and make corrections to their RMPs. The RMP*eSubmit software application is easy to use, improves data quality, and enables you to access your RMP 24 hours a day, 7 days a week. Information from previous RMPs has been imported into the RMP*eSubmit system to help facilities with their resubmissions. *The data requirements have not changed.*

EPA phased-out the "RMP*Submit" software in late 2009; the software is no longer supported.

To use RMP*eSubmit you must have the following:

- Internet access
- JavaScript enabled Internet browser
- Central Data Exchange (CDX) account

HOW DO I SET UP AN ACCOUNT?

Important Definitions:

Central Data Exchange (CDX) is a secure, online location on EPA's network. CDX provides standardized and secure information collection services and infrastructure for EPA program partners. For example, CDX manages several Agency regulatory and monitoring programs, receiving submissions from facilities. Once you set up your CDX account, you will immediately be able to access your RMP through CDX.

Certifiers/Certifying Officials are facility owners or operators who must certify the accuracy and completeness of the information reported in the RMP. They have signed and submitted a one-time Electronic Signature Agreement (ESA) to the EPA. The ESA legally binds the Certifier's electronic submission to their signature. Only Certifiers can submit the RMP.

Preparers have been granted permission by a facility to access the facility's existing RMP. They prepare data for a new or updated RMP. A Certifier may also be the Preparer of an RMP, or they may choose to delegate the responsibility to a specific individual. CDX notifies the Certifier when the new or corrected RMP is ready for the Certifier's review and submission. A delegated Preparer cannot submit the RMP.

Before you begin you will need:

- Your facility name, location, mailing address, and basic contact information (including email address).
- Your EPA Facility Identification Number (Facility ID #) can be found in the response EPA sent to you acknowledging receipt of your most recent RMP.
    - NOTE: If this is the first time an RMP is being submitted for your facility you do not need a Facility ID #.

Step 1: Register the Certifying Official in CDX

- ✓ To use RMP*eSubmit, the Certifying Official must have a CDX account.
- ✓ To register with CDX, go to http://cdx.epa.gov, and complete the registration process for a Risk Management Plan "Certifying Official." (See EPA's RMP*eSubmit Users' Manual at http://www.epa.gov/emergencies/content/rmp/rmp_esubmit.htm for detailed instructions).

Step 2: Complete the Electronic Signature Agreement (ESA) and mail it to EPA

The electronic signature is used to verify that the Certifying Official reviewed and submitted the RMP in the RMP*eSubmit system.

- ✓ You will complete the ESA at the time you initially register in CDX, or, if you already had a CDX account, at the time you add RMP*eSubmit access to your CDX account profile.
- ✓ CDX will guide you through the process of completing and submitting your ESA. You will need your Facility ID #, unless this is the first time an RMP is being submitted for your facility. If this is a first-time submission, CDX will prompt you to type in the name and address of the facility in place of the Facility ID #. You will receive a Facility ID # via email after you have signed, printed all pages, and mailed your ESA to the RMP Reporting Center.

Print all pages of the ESA. Sign the completed ESA and mail all pages to EPA's RMP Reporting Center:

RMP Reporting Center
P.O. Box 10162
Fairfax, VA 22038

- ✓ The RMP Reporting Center will review and process the ESA, and send an email to the Certifying Official indicating that the electronic signature has been received and approved.
  - o NOTE: The email will also include a unique Authorization Code. This Authorization Code will be used by an RMP Preparer that Certifying Official assigns to enter data in RMP*eSubmit for your facility.

Step 3: Register the Preparer and activate RMP*eSubmit access in CDX

- ✓ If the Certifying Official is also the Preparer, log in to CDX, add "Preparer" to your profile, and enter your Unique Authorization Code.
- ✓ If the Certifying Official designates someone else as the Preparer, please provide that designee with the Authorization Code for your facility. Preparers will be required to provide this information when registering and activating their RMP*eSubmit access in CDX.

WHAT ARE THE SUBMISSION AND RESUBMISSION REQUIREMENTS?

For your submission and/or resubmission, you are required to review all nine sections of your RMP, update as appropriate, and certify that the entire updated RMP is true, accurate, and complete. The following is a checklist of some key elements in your RMP that you should review for your resubmission.

Section 1: Registration Information

- ✓ **Review your registration information and make any necessary corrections to ensure that it is up-to-date.** Remember that your "facility location address" is the physical location where regulated substances are present. The "facility location address" cannot be a post office or rural box number. Also, remember that your "mailing address" is the address that EPA will use for sending all non-electronic correspondence.

- ✓ **Verify your latitude and longitude coordinates.** Latitude and longitude coordinates were reported incorrectly in many RMPs. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (USGS) topographic maps, and Web-based siting tools. The tool combines interactive maps and aerial photography to help users get latitude and longitude coordinates (in degrees, minutes, and seconds) of their sites. Several commercial Websites also have siting tools, such as Google Maps (https://maps.google.com/), Google Earth (http://www.google.com/earth/), Bing Maps (http://www.bing.com/maps/), and MapQuest (http://www.mapquest.com/satellite-maps/).

- ✓ **Check Your North American Industry Classification System (NAICS) code to make sure your covered process(es) are coded correctly.** The Census Bureau maintains a Website with the 2014 NAICS Codes (https://www.census.gov/eos/www/naics/) and a list of the correspondence between the NAICS 1997 and NAICS 2002 codes.

Sections 2 – 5: Worst Case and Alternate Release Scenarios

- ✓ **Review and update your offsite consequence analysis (OCA) at least once every 5 years.** Under the regulations, you are required to review and update your offsite consequence analysis (OCA) at least once every five years (40 CFR §68.36). You should review your documentation to determine whether the parameters and assumptions used in the

analysis are still valid and make changes, as appropriate. The results of your review should be documented and maintained as part of your RMP records. Any changes to the scenarios resulting from your review, including changes in the distance-to-endpoint(s), should be reported in your resubmission.

- ✓ **In your OCA, use current data to estimate population.** You may use your own GIS (Geographic Information System) software and obtain the latest Census data (such as through https://www.census.gov/geo/), or use the mapping application MARPLOT, from the CAMEO software suite (http://www2.epa.gov/cameo).

Section 6: Accident History

- ✓ **Update your 5-year accident history.** You must update your accident history to include any accidental releases that occurred over the past five years from a covered process and resulted in deaths, injuries, or significant property damage on site, or known off-site deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. You may remove from your accident history any accident that occurred more than 5 years ago.

Sections 7 and 8: Prevention Program

- ✓ **For Program 2 and Program 3 processes, report the most recent dates of your prevention program activities in your resubmission.**

Section 9: Emergency Response

- ✓ **Report the dates of your most recent review of your emergency response program and most recent training in your resubmission.**

SOME THINGS TO REMEMBER

The regulations require you to periodically implement or review several aspects of your prevention and emergency response programs. You should ensure that you are up-to-date with implementation of these requirements. You should reflect the most recent information for your prevention and emergency response programs in your RMP update. For example, you should report the date of your most recent hazard review/process hazard analysis update, and the completion date for any changes resulting from the hazard review/process hazard analysis update, in your resubmission. The following highlights some of these recurring requirements:

Prevention Program

- **For Program 2, review and update your hazard review at least once every 5 years.** If your process is designated as Program 2, you are required to review and update your hazard review at least once every five years (40 CFR §68.50). The review and any updates of the hazard review, as well as resolution of any problems identified, must be documented.

- **For Program 3, update and revalidate your process hazard analysis (PHA) at least once every 5 years.** If your process is designated as Program 3, you are required to update and revalidate your process hazard analysis (PHA) at least once every five years (40 CFR §68.67) to assure that your PHA is consistent with the current process. This update and revalidation must be conducted by a team.

To update and revalidate your PHA, you should evaluate your current process hazard analysis for accuracy and completeness. This evaluation should include checking that all modifications to your process are reflected in the PHA; evaluating the process safety information to ensure that it is complete, current, and accurate; verifying that operating procedures are adequate, up-to-date, and implemented; documenting and verifying that PHA recommendations have been resolved; and reviewing incident investigation reports. Updated and revalidated PHAs completed to comply with OSHA's Process Safety Management Standard (29 CFR §1910.119(e)) (for processing covered under both the RMP regulations and PSM standard) are acceptable to meet this requirement, provided that they also consider offsite consequences.

The revalidation and any updates of the process hazard analyses, as well as resolution of any recommendations, must be documented. This documentation must be retained as part of your RMP records for the life of the process.

- **For Program 2 and Program 3 processes, verify that you have carried out any recurring prevention program implementation requirements.** The regulations require several aspects of your prevention program to be periodically implemented or reviewed. These are some reminders about your prevention program activities:
    - Training in operating procedures (40 CFR §§68.54 and 68.71): For both Program 2 and 3 processes, you are required to provide refresher training in operating procedures at least every three years, and more often if necessary.
    - Compliance audits (40 CFR §§68.58 and 68.79): For both Program 2 and 3 processes, you are required to audit your procedures and practices for compliance with the regulations at least every three years to verify their adequacy and implementation.
    - Maintenance (40 CFR §68.56): For both Program 2 and 3 processes, you are required to inspect and test your process equipment according to the schedule that you have established based on good engineering practices.
    - Operating procedures (40 CFR §68.89): For Program 3 processes only, you are required to certify annually that your operating procedures are current and accurate.
    - Management of change (40 CFR §68.75): For Program 3 processes only, if you make changes to the process other than "replacements in kind", you are required to update your process safety information and any procedures and affected by the change.

Emergency Response Program

You are required to periodically review and update, as appropriate, your emergency response program and to notify your employees of any changes to your emergency response plan (40 CFR §68.95). You should verify that your facility is currently included in the community emergency response plan and you should also review and update your procedures for notifying emergency responders in an emergency.

WHAT EPA RESOURCES ARE AVAILABLE ON THE WEB?

RMP Guidance
http://www.epa.gov/emergencies/content/rmp/rmp_guidance.htm#General

Industry-Specific RMP Guidance
http://www.epa.gov/emergencies/guidance.htm

Offsite Consequence Analysis (OCA) Guidance
http://www.epa.gov/emergencies/content/rmp/rmp_guidance.htm#OCA

RMP*eSubmit
http://www.epa.gov/emergencies/content/rmp/index.htm#preparing

Frequently Asked Questions (FAQs) about RMP
http://emergencymanagement.supportportal.com/ics/support/KBSplash.asp

Chemical Accident Prevention Provisions 40 CFR Part 68
http://www.epa.gov/emergencies/lawsregs.htm

WHAT NON-EPA RESOURCES ARE AVAILABLE ON THE WEB?

2012 NAICS Codes (Census Bureau)
https://www.census.gov/eos/www/naics/

Process Safety Management Standard (OSHA)
http://www.osha.gov/SLTC/processsafetymanagement

Some Tools to Verify your Latitude and Longitude Coordinates
Google Maps: https://maps.google.com/
Google Earth: http://www.google.com/earth/
Bing Maps: http://www.bing.com/maps/
MapQuest: http://www.mapquest.com/satellite-maps/

WHERE DO YOU GO FOR HELP?

RMP Questions: Under Clean Air Act §112, states can choose to take delegation of the RMP program. If they do, they become the implementing agency for that state (http://www.epa.gov/emergencies/docs/chem/W-Chap-10.pdf). In delegated states, you may contact your state implementing agency for assistance. In all other states, your EPA regional office is the implementing agency for your state and you may contact them for assistance. We maintain current phone numbers for state and EPA regional contacts on our Website: http://www.epa.gov/epahome/whereyoulive.htm.

You can also call the toll free Superfund, TRI, EPCRA, RMP & Oil Information Center (also known as the “Info Center”):

800-424-9346 Toll Free
703-412-9810 Metropolitan DC area and international calls
Monday – Friday: 10:00 AM – 5:00 PM Eastern Time / Closed on Federal Holidays

RMP*eSubmit Software Support: For software questions, contact the RMP Reporting Center:

703-227-7650 All domestic and international calls
Monday – Friday: 8:00 AM – 4:30 PM Eastern Time / Closed on Federal Holidays
RMPRC@epacdx.net

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Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	5/15/2024 11:47:24 AM

Envelope Summary Events	Status	Timestamps
Completed	Security Checked	5/15/2024 11:47:24 AM

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