

April 23, 1999

**To:** Board of Directors (Engineering and Operations Committee—Information)

**From:** General Manager \_\_\_\_\_

**Submitted by:** Roberta L. Soltz \_\_\_\_\_  
Director of Environmental Compliance

**Subject:** Compliance Activities for USEPA Risk Management Program Rule

## RECOMMENDATION(S)

For information only.

## EXECUTIVE SUMMARY

New federal and State regulations to mitigate risk to the public from an accidental release of certain hazardous substances are in now effect. To comply with these regulations, Metropolitan, as well as many of our Member Agencies and Subagencies, have to submit comprehensive Risk Management Plans (RMPs) to local administering agencies, typically the fire department, for the safe storage and use of chlorine (and possibly other hazardous substances - e.g. ammonia and propane). These submissions are due June 21, 1999. Because USEPA plans to post RMP submissions on the Internet, there is a potential for public concern about the risk of an accidental chlorine release at a Metropolitan facility. Metropolitan is well prepared for these RMP submissions and has developed a measured, proactive risk communication strategy to allay public concerns arising from disclosure of this information. In addition, we have made strong outreach efforts to inform and coordinate with our Member Agencies and Subagencies, about both the regulatory compliance and risk communication issues.

## DETAILED REPORT

### **RMP Regulatory Background**

The Federal Clean Air Act Amendments of 1990 mandated that the U.S. Environmental Protection Agency (USEPA) develop the Risk Management Program Rule (RMPR) to mitigate risk to the public from the accidental release of a hazardous substance from a process (the regulatory definition of “process” includes storage, handling and on-site movement of the hazardous substance, as well as its manufacture or use). This regulation requires an RMP be submitted to USEPA by June 21, 1999 for any process with greater than a threshold quantity of specific regulated substances. For water treatment facilities such regulated substances could include: chlorine (greater than 2,500 pounds); flammable substances, such as butane or propane (greater than 10,000 pounds); or aqueous ammonia, concentrations 20 percent or above ( greater than 20,000 pounds). Metropolitan is subject to this regulation for chlorine at seven locations.

The key parts of an RMP are: the hazard assessment (5-year accident history and offsite consequence analyses); the prevention program (including risk mitigation measures such as procedures, training, preventive maintenance, etc. - the same elements covered by the OSHA Process Safety Management (PSM) regulation); and the emergency response program (including procedures for informing outside response agencies and the public). USEPA requires that the RMP data be submitted electronically and will make the RMP data, excluding offsite consequence scenarios, available to the public on the Internet. The offsite consequence scenarios are being excluded from the Internet because of terrorist concerns. However, USEPA is committed to making this offsite consequence information available to the public by other, more secure means (yet to be determined).

California Senate Bill 1889 directed the Governor's Office of Emergency Services (OES) to develop the California Accidental Release Prevention (CalARP) Program regulation to conform the prior Risk Management and Prevention Program (RMPP) statute with USEPA's RMPP. In addition to all of the RMPP requirements, the CalARP Program incorporates several "California-specific" measures. Such measures include: seismic risk assessments; close coordination with the local administering agency (AA); additional regulated substances; and lower threshold quantities (for example, 100 pounds for chlorine). Though mandatory for processes exceeding the federal threshold, submission of a CalARP RMP for processes below the federal, but above the state threshold is at administering agency discretion.

### **Metropolitan RMP Compliance and Risk Communication Activities**

Metropolitan is well prepared for both federal and state RMP submissions. We have completed the hazard assessment and prevention program segments of the RMP and we are near completion on the emergency response program segment. The remaining time before the June 21, 1999 submission date will be spent finalizing the CalARP RMP document and organizing supporting documentation for both submissions.

We have established strong positive working relationships with both USEPA and administering agency personnel overseeing implementation of the federal and state regulations at all our RMP facilities. We have participated on the USEPA RMP Implementation Workgroup, assisting with development of procedures and tools to help ensure a smooth implementation of RMPP. We have also worked closely with administering agencies throughout our service area, assisting them with the development of guidance documents for a rational, consistent implementation of the CalARP regulation. We have also been very conscientious about coordination with these administering agencies during our RMP development to ensure trouble-free submissions.

Due to the unprecedented Internet availability of USEPA RMP information and the expressed intentions of certain environmental organizations, we are developing an RMP risk communication strategy to inform and coordinate with certain key stakeholders, such as other RMP facilities close to ours (especially other water agencies) and the elected officials and response agencies who may be affected by our community outreach efforts. Any contact with the general public will be carefully planned and implemented in concert with these stakeholders.

## **Member Agency and Subagency Awareness/Outreach Efforts**

Metropolitan has led or participated in numerous outreach efforts related to RMP, CalARP and RMP Risk Communication at the national, regional and local level. The objective of these efforts has been to enhance awareness, inform and promote dialogue on these subjects for the benefit of our Member Agencies, Subagencies and the water industry as a whole.

Among last year's efforts was a very successful RMP/CalARP water/waste water industry workshop that Metropolitan hosted in May 1998 in conjunction with the Southern California Alliance of Publicly-Owned Treatment Works (SCAP). Metropolitan also participated in the AWWA nationwide RMP video conference in October 1998. In November 1998, we hosted an RMP/CalARP Workshop for the San Diego water industry in Escondido.

This year, Metropolitan has held two RMP/CalARP Workshops for the water/waste water industry: one in January for Riverside/San Bernardino County agencies; and one in March for Orange County agencies. All of these workshops have provided a valuable opportunity for the water industry attendees to interface with the local administering agencies and to better understand their RMP submission requirements. Though RMP Risk Communication was addressed as an issue at all of the above workshops, we made it a particular focus for presentations at the California-Nevada AWWA Spring Conference. In addition, on May 12, 1999, we have scheduled a special Member Agency Working Group meeting to exchange information and encourage coordination on RMP Risk Communication issues.

PB:bmh