

SCS TRACER ENVIRONMENTAL

Changes to the California Accidental Release Prevention (CalARP) Program Regulations - January 1, 2015

The California Office of Emergency Services has finalized the changes to the California Code of Regulations, Title 19, Public Safety, Division 2, California Governor's Office of Emergency Services, Chapter 4.5 CalARP Program that have been in the works since 2011. Aside from cleaning up the outdated language and some editorial changes, below is a summary of the primary issues that we need to review:

- General – Agency Name Change Throughout
- Article 1, Section 2735.3, Definitions
- Article 1, Section 2735.4 and 2735.5, Applicability, Program 1 Eligibility and General Requirements
- Article 3, Section 2745.2, RMP Review Process
- Article 4, Section 2750.4, Hazard Assessment Alternative Release Scenario Criteria
- Article 5, Program 2 Prevention Program
 - Section 2755.2, Hazard Review
 - Section 2755.3, Operating Procedures
 - Section 2755.4, Training
 - Section 2755.5, Maintenance
 - Section 2755.6, Audits
 - Section 2755.7, Incident Investigation
- Article 6, Program 3 Prevention Program
 - Section 2760.1 Process Safety Information
 - Section 2760.2, Process Hazard Analysis
 - Section 2760.5, Mechanical Integrity
 - Section 2760.6, Management of Change
 - Section 2760.7, Pre-Startup Safety Review
 - Section 2760.8, Audits
 - Section 2760.9, Incident Investigation
 - Section 2760.12, Contractors
- Article 7, Emergency Response Program

Let's break it down.

General – Agency Name Change Throughout: The California Office of Emergency Services (OES) was previously named the California Emergency Management Agency (EMA).

Article 1, Section 2735.3, Definitions: Three definitions were added for clarity: Cal-OSHA, New Stationary Source, and Revalidation. The one most notable for discussion is "Revalidation":

"Revalidation" means a critical review of a hazard review or a process hazard analysis (PHA) with qualified team members of the most recent hazard review or PHA studies to verify that past studies remain valid and that changes made to the covered process are properly assessed. This critical review is to ensure that hazards are well understood, and

existing safeguards are properly identified, past recommendations have been addressed, the overall risk ranking of each scenario is accurate, and relevant incidents and near misses at the stationary source and industry are evaluated. For situations when past studies cannot be readily revalidated, a new complete hazard review or PHA may be warranted.

Article 1, Section 2735.4 and 2735.5, Applicability, Program 1 Eligibility and General Requirements: To be eligible for Program 1, an additional criteria was added regarding the accidental release of the regulated substance to include “response or restoration activities for an exposure of an environmental receptor or a public receptor.”

Article 3, Section 2745.2, RMP Review Process: The CUPA is no longer required to publish notice in a local newspaper that the RMP has been submitted. Additionally, the CUPA may elect to post the public notice regarding the 45 – day review period on their website.

Article 4, Section 2750.4, Hazard Assessment Alternative Release Scenario Criteria: Under “Scenarios to consider”, the criteria “That will reach a public receptor, unless no such scenario exists” was added.

Additionally, under “Factors in selecting scenarios”, the criteria “Accidents/incidents or events in related industries available through trade magazines, industry associations and other publicly available sources; either digital or print” was added.

Article 5, Program 2 Prevention Program:

Section 2755.2, Hazard Review: Added language stating that “The Hazard Review shall be performed by a team familiar with process operations and shall include at least one employee who has experience and knowledge specific to the process being reviewed.”

Regarding Recommendations – “timely manner” has been removed and the new criteria states: “The owner or operator shall document the results of the hazard review and ensure that problems identified are resolved. The owner or operator shall enter into an agreement with the AA on a timetable for resolution of these problems. Otherwise these resolutions shall be completed within two and one half (2.5) years of performing the hazard review or the next planned turnaround for items requiring a turnaround. These timetables shall not apply to any hazard review completed prior to January 1, 2015. The final resolution taken to address the hazard review recommendation and the actual completion date shall be documented.”

The following two criteria (g and h) were added to this section:

(g) A hazard review may be revalidated only once between full hazard review, unless the AA agrees in writing that a full hazard review is unwarranted.

(h) The owner or operator shall retain hazard reviews and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in (e) for the life of the process.

Section 2755.3, Operating Procedures: Clarification only regarding frequency of review / update.

Section 2755.4, Training: Added clarification to item (d) regarding training operators on procedures “prior to needing to use the procedures”. Item (e) was added: “The owner or operator shall document initial and refresher training for each employee.”

Section 2755.5, Maintenance: Added clarification to item (c) regarding contractors: “The owner or operator shall ensure that each contractor can document that their employees are trained to perform the maintenance and appropriate operation procedures developed under section (a).”

Section 2755.6, Audits: Included timeline for recommendation completion similar to that of the Hazard Review criteria under item (d): “The owner or operators shall promptly determine and document an appropriate response to each of the findings of the compliance audit. The owner or operator shall enter into an agreement with the AA on a timetable for resolution of these findings. Otherwise these responses will be completed within one and one half (1.5) years after performing the compliance audit, or the next planned turnaround for items requiring a turnaround. These timelines shall not apply to any compliance audit completed prior to January 1, 2015. The owner or operator shall document the action completion dates when deficiencies were corrected.”

Section 2755.7, Incident Investigation: Added criteria to the inspection form to include data necessary for completion of the “Five Year Accident History” section of the CalARP Program. This includes weather conditions, on-site or off-site impacts, injuries, etc.

Also added recommendation tracking criteria similar to that of the Compliance Audit and Hazard Review sections in Item (d): “The owner or operators shall promptly address and resolve the incident investigation findings and recommendations. The owner or operator shall enter into an agreement with the AA on a timetable for resolution of these findings and recommendations. Otherwise these responses will be completed no later than one and one half (1.5) years after the completion of the incident investigation or two (2) yeas after the date of the incident, whichever is the earlier of the two dates, or the next planned turnaround for items requiring a turnaround. The owner or operator shall document the action completion dates when deficiencies were corrected.”

Article 6, Program 3 Prevention Program

Section 2760.1 Process Safety Information: Added minor clarification statement regarding the upkeep and documentation of process safety information.

Section 2760.2, Process Hazard Analysis: Included information regarding recommendations – “timely manner” has been removed and the new criteria states: “The owner or operator shall establish a system to address the team’s findings and recommendations; assure that the recommendations are resolved and documented; document what actions are to be taken; develop a written schedule of when these actions are to be completed; complete these actions on a timetable agreed upon with the AA or within two and one half (2.5) years of performing the PHA, or the next planned turnaround for items requiring a turnaround; document the final resolution taken to address each recommendation and actual completion date; and communicate the actions to operating, maintenance and other employees whose work assignments

are in the process and who may be affected by the recommendations or actions. These timetables shall not apply to any hazard review completed prior to January 1, 2015.”

Section 2760.5, Mechanical Integrity: Added clarification to the equipment covered to spell out “valves” and “compressors and their drivers”.

Section 2760.6, Management of Change: Added clarification to item (e) that if the operating procedures and maintenance procedures are affected by the change, that these shall be updated prior to the change.

Section 2760.7, Pre-Startup Safety Review: Added language in Item (b) that the pre-startup safety review shall include a verification check independent of the management of change process.

Section 2760.8, Audits: Included timeline for recommendation completion similar to that of the PHA criteria under item (d): “The owner or operators shall promptly determine and document an appropriate response to each of the findings of the compliance audit. The owner or operator shall enter into an agreement with the AA on a timetable for resolution of these findings. Otherwise these responses will be completed within one and one half (1.5) years after performing the compliance audit, or the next planned turnaround for items requiring a turnaround. These timelines shall not apply to any compliance audit completed prior to January 1, 2015. The owner or operator shall document the action completion dates when deficiencies were corrected.” Note that this is the same as for the Program 2 Audit section.

Section 2760.9, Incident Investigation: Added criteria to the inspection form to include data necessary for completion of the “Five Year Accident History” section of the CalARP Program. This includes weather conditions, on-site or off-site impacts, injuries, etc.

Also added recommendation tracking criteria similar to that of the Compliance Audit and PHA sections in Item (e): “The owner or operators shall promptly address and resolve the incident investigation findings and recommendations. The owner or operator shall enter into an agreement with the AA on a timetable for resolution of these findings and recommendations. Otherwise these responses will be completed no later than one and one half (1.5) years after the completion of the incident investigation or two (2) years after the date of the incident, whichever is the earlier of the two dates, or the next planned turnaround for items requiring a turnaround. The owner or operator shall document the action completion dates when deficiencies were corrected.” Note that this is the same as for the Program 2 Incident Investigation section.

Section 2760.12, Contractors: Added clarification to Item (d)(5) that the contractor evaluation shall be documented.

Article 7, Emergency Response Program: Added clarification under (b)(2) that, for facilities relying on outside agencies for response activities, “the owner or operator must document that response actions have been coordinated with the local fire department and hazardous materials response agencies”. Additional clarification was added to item (b)(3) stating that there must be a mechanism in place “and written procedures” to notify emergency responders when there is such a need.