

## Interview with the EPA (Part 2 of 3)

By Jake Tilley, SCS Tracer Environmental

This is the second article in a series of our interview with representatives from the U.S. Environmental Protection Agency (EPA), Mary Wesling and Robert Lucas. Ms. Wesling has worked for the EPA for almost 17 years as the Enforcement Coordinator for Clean Air Act Section 112r – Risk Management Program and the Emergency Planning & Community Right-to-Know Act regulations. Mr. Lucas has worked for the EPA for 14 years, originally conducting Toxic Release Inventory (TRI) inspections, and more recently as a RMP Inspector. To date, Mr. Lucas has conducted or participated in over 260 RMP facility inspections including ammonia refrigeration facilities in California, Nevada, Arizona, and Hawaii.

Q: Is there a formal communication mechanism/protocol between EPA and OSHA regarding facilities subject to RMP and PSM requirements?

A: Many EPA Regions have had a standard practice of communication and information sharing. The Executive Order Working Group is developing a standard operating procedure for communications and cooperation which will be implemented nationally.

Q: To what level does EPA plan to conduct General Duty Clause inspections of facilities that might have less than the reportable quantity of a regulated substance (specifically facilities with ammonia refrigeration)?

A: When EPA inspects a facility which proves to have less than the 10,000 pound RMP threshold quantity of anhydrous ammonia, we conduct the inspection under the authority of the General Duty Clause (GDC) provisions as stated in CAA 112(r) (1), and CAA 112(r)(7). The GDC inspection involves evaluating compliance with industry standards and local regulations. When an incident occurs involving a release of ammonia, or a referral from another agency or a citizen's complaint is received, EPA will investigate the need for application of our authority under the GDC.

Q: Is it anticipated that GDC facilities will get more enforcement attention from EPA in the future?

A: EPA will continue to utilize GDC authority to enforce when there is a need, when there is risk to employees or the community or in sensitive environments.

Q: What are the most egregious compliance issues/violations that inspectors see on a routine basis? What violations are likely to carry the highest financial penalties?

A: Some of the most egregious compliance issues at RMP and GDC facilities result from malfunctioning and/or poorly maintained equipment. This is often compounded by poorly written or nonexistent operating procedures and lack of training. Deaths, injuries, and ammonia releases to the environment can result from these issues.

Q: What are some of the most frequent RMP problems that you see when inspecting an ammonia refrigeration facility? Which RMP elements have the highest frequency of violations issued? (i.e., Operating Procedures, Mechanical Integrity, Process Safety Information, etc.)

A: One of the most frequent violations is failure to complete the 3 year compliance audit, which includes responding to the audit findings and validating that the facility is in compliance with the RMP program provisions. Additionally, facilities are required to retain their two most recent compliance audit reports. Unfortunately, some facilities have one report but not the other.

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