

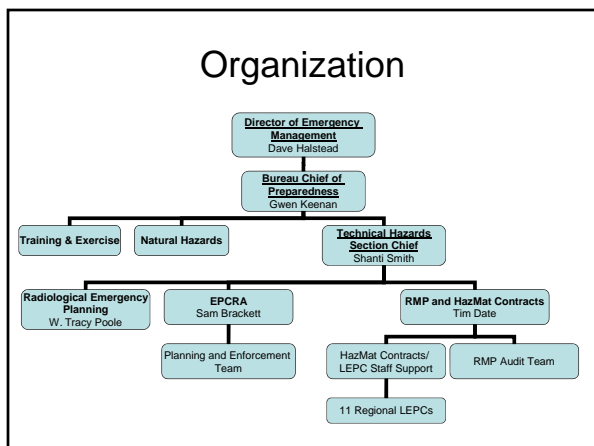


Florida
RMP & EPCRA Programs

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Overview:

- Florida's organization of enforcing EPCRA/RMP
- RMP program
- EPCRA program
- Online Filing using FloridaHMIS.org
- Using E-Plan for LEPC's and First Responders





What Florida Does Different for RMPs

- Compile information from the EPA data and HMIS II to form a single Excel "RMP Tracking Spreadsheet".
- The single spreadsheet allows for quick reference.
- Yearly audit selection based on; last complied with, High Risk, and never audited facilities.
- Tracks Fee scheduling and collection process
- Identifies High Risk facilities
- Identifies RMP anniversary dates for Outreach Program

Sample of Spreadsheet

NERC #	High Risk	EPA Facility Identifier	Facility Name	Facility City	Receipt Date	Receivabl Due date 2011	Receivabl Due date 2012	Last Audit Date
13003	Low	1000 0010 1703	Specialty Chemical Manufacturing	Quincy	7-May-05			06-10-07
2770	Low	1000 0014 4076	St. Johns River Power Plant	Jacksonville	11-Aug-08			None
1276	Low	1000 0010 1340	St. Johns Power, Inc.	St. Johns	9-Jun-09			3/21/2008
3026	Low	1000 0014 0661	Stanton Energy Center	Orlando	12-Oct-09			2/3/2008
4106	Low	1000 0010 2084	Sun Coast Food Processing, Inc.	Fort Myers	24-Jun-08			6/20/2008
24131	Low	1000 0003 1807	SuperCent Warehousing 10 A	Winter Haven	13-Sep-07			None
20133	Low	1000 0020 0000	SuperCent Warehousing 10 B	Winter Haven	13-Sep-07			None
13149	Low	1000 0020 2666	SuperCent Supermarket Distribution	Plant City	2-Dec-08			None
24000	Low	1000 0010 3060	Super Food Services of Southeast Florida, Inc.	Orlando	16-Mar-09			1/25/2002
24007	Low	1000 0010 0020	Super Food Services of Southeast Florida, Inc.	Winter Beach	20-Feb-07			None
23049	Low	1000 0010 0007	Super Food Services of West Coast Florida, Inc.	Maitland	7-Dec-09			None
4600	High	1000 0010 3747	Syco Jacksonville Inc.	Jacksonville	30-May-08			None
33210	Low	1000 0010 0007	Syco South Florida, Inc.	Healy	18-Mar-10			8/26/2008
3801	Low	1000 0010 0070	T.O. Lee Foods, LLC	Orlando	18-Jan-09			10/9/2003
33910	High	1000 0010 7006	Tampa Bay Plant	Pace	20-Mar-07			8/26/2008
3430	High	1000 0000 0020	Tampa Bay Fisheries, Inc.	Dover	22-Jun-09			2/10/2006
264	Low	1000 0000 3700	Tampa Water People	Lakeland	18-May-09			11/02/2001
4711	High	1000 0004 0070	Tanner Industries, Inc.	Appleton	15-Jun-09			4/23/2003

RMP Overdue Outreach Program:

- Starts with RMP Tracking Spreadsheet
- Identify facilities anniversary dates two years out
- Three months prior to anniversary date call facilities
- Monitor EPA data base (CDX), for overdue facilities, call facilities monthly for follow-up after due date
- Ensure facilities not in compliance remain in contact utilizing e-mail system

Audit Selection Criteria

- Previous and current accident history of facility
- Overall accident history of other facilities in same industry
- Facility location & proximity to population centers
- Chemical & quantities of Program-regulated chemicals on-site
- Compliance with or inspection by allied agency programs
- High Risk and Results of compliance audits
- Neutral, random oversight
- Other factors deemed necessary to protect public safety & health.

Overview of the Division's RMP Audit Process

- Basic "Desk Audit" Focuses on the data contained in EPA data base (also complied with prior to on-site audit)

- Prior to On-Site Audit "Document Audit" this is a review of facility hard copy plan.

- On-Site Compliance Audit is a complete look at the facility and the hard copy plan.

RMP Audit Process (cont...)

- On-site audit activities - Focus on overall Risk Management Program
- Plant Tour of facility's process chemicals & operations.
- Interview facility representatives.
- Review of facility operations, procedures, supporting Risk Management Plan documentation, etc.
- Adequacy & completeness of Risk Management Program documentation.
- Development & implementation of required Risk Management Program elements.
- Emergency Response - Coordination with local response agencies.
- Document findings - "On-Site" Audit Checklist.

RMP Audit Process (cont...)

Prior to site audits:

- Send audit notification letter requesting Risk Management Plan supporting documentation.
- Request for process hazard analysis, training records, incident investigation reports, emergency response plan, compliance audit reports.
- Use "Documentation Review / On-Site" Audit Checklist.
- Review of supporting documentation.
- This approach reduces time on-site. Helps determine focus of audit visit.
- Schedule date(s) for on-site audit. Send notification of on-site audit.

General On-Site Audit Findings:

- Inadequate documentation, development, and/or implementation of 1 or more prevention program components.
- "Bookshelf" & Generic Programs. Good program, but not implemented.
- Many facilities complying with technical aspects of program, but documentation incomplete.

Specific On-Site Audit Findings:

- Hazard Assessments - Not available onsite; Incorrect modeling parameters, no rationale for selection of release scenarios
- Incorrect program level status
 - Program Level 1 - Public receptors were identified within endpoint distances.
 - Program Level 2 - Refrigeration facilities subject to OSHA's PSM.
- Most deficiencies to date pertained to:
 - Mechanical Integrity
 - Operating Procedures
 - Training Program
 - PHA

Specific On-Site Audit Findings:

- Mechanical Integrity - PM protocols not developed or implemented. Inspection and testing not performed. Minimal record keeping.
- Operating Procedures - Operating phases, limits not addressed. Mostly emergency shutdown & assignments. **Not Certified**
- Training Program - Operator & Maintenance training incomplete. Documentation of how employees understood training. **Tracking**
- Process Hazard Analysis - incomplete hazard ID (such as hurricanes, over pressurization, equipment failure, human error, etc.) – no follow-up on action items

Specific On-Site Audit Findings:

- Management of Change & Pre-Startup Safety reviews and Employee Participation not performed.
- Contractor Safety Program - Non-existent. Not implemented
- Compliance audit has not been completed or action items have not been implemented
- Emergency Response Program - Not coordinated with local responders. Procedures for ER equipment use & inspections not documented. Inadequate training.

What to Expect After an On-Site Audit?

- Allow a thirty day grace period for corrections
- After 30 days the Division issues Preliminary Determination Report
- Includes audit team's observations, findings, recommendations.
- Identifies deficiencies to be corrected.
- Identifies necessary revisions to Risk Management Plan.
- Includes timetable(s) for correcting deficiencies and/or revising Risk Management Plan.

What to Expect After an On-Site Audit? (cont...)

- Facility Response to Audit Report
- After grace period, approved timetable(s) for corrections.
- Usually allow 60 - 90 days for corrections & revisions.
- Written request for extension prior to deadline date, if needed.
- Upon receipt & review of requested information, the Division issues:
 - Final Determination Report - If information correct & complete.
 - Interim Audit Report - If additional information is necessary.

EPCRA in Florida

- The Florida Hazardous Materials EPCRA of 1988, Chapter 252, Part II, Florida Statutes, provides a funding mechanism to support emergency planning efforts and the extensive community right-to-know requirements. The following summary outlines the four fees:
 - One time filing Fee
 - Annual Registration Fee
 - Toxic Chemical Release Inventory (TRI) reporting fee
 - Late fees

One time filing Fee

- Any "public or private" facility subject to Section 302 shall pay a one-time filing fee of \$50 per facility.

NOTE: Any change in the identity of the owner/operator requires a new Section 302 notification and filing fee.

Annual Registration Fee

- Any "private" facility subject to either **Section 302 or 312** must pay an annual registration fee due every March 1 (**governmental bodies are exempt from the annual registration fee**).
- This fee is based on the number of employees that an employer has in the State of Florida.

Toxic Chemical Release Inventory (TRI) reporting fee

- An owner or operator of a facility with a SIC Code between 20 and 39 that is required to submit a US EPA TRI report to the Commission under Section 313 of [EPCRA](#).
- Shall be required to pay an annual reporting fee of \$150 per TRI Form R report for those Section 313 listed [EPCRA](#) substances.
- \$75 fee per chemical is required to be submitted with the Certification Form A report.

Summary of Fees

SECTION	FEE AMOUNT	DUE DATE
302	\$50 PER FACILITY (public and private)	ONE-TIME FILING
302 <small>(agricultural facilities subject to the "routine agricultural use" exemption)</small>	\$10 PER EMPLOYEE \$25 MINIMUM \$1,000 MAXIMUM	MARCH 1 EACH YEAR
302 OR 312 <small>(private only)</small>	\$10 PER EMPLOYEE \$25 MINIMUM \$2,000 MAXIMUM	MARCH 1 EACH YEAR
312 <small>(certain regulated industries covered by Chapters 368, 527, or s. 376.303, F.S.)</small>	\$250 PER EMPLOYEE \$25 MINIMUM \$500 MAXIMUM <small>Companies are eligible for the reduced fee only if they do not have present EHSs that meet or exceed the TPQ.</small>	MARCH 1 EACH YEAR
313	\$150 PER FORM R REPORT \$75 PER CHEMICAL LISTED ON FORM A REPORT	JULY 1 EACH YEAR

Late Fees

- Late fees will be assessed for failure to file a report that substantially complies with the requirements of [EPCRA](#), or for failure to pay any fee.
- A written notification will be sent to the facility that explains which report or fee has not been submitted.
- The first late notification assesses a fee of up to \$2,000, and the second notification assesses a maximum fee of \$4,000.

Total Funds from EPCRA/ RMP

- Approximately \$2.5 million a year collected.
- Pays for:
 - Staff Support (15) and Enforcement
 - Online HMIS
 - RPC/LEPC Staff
 - Hazardous Materials Training

EPCRA State Level

- Manager of EPCRA planning and enforcement
- Staff Support to LEPCs
- Maintain Florida's online database of information (FloridaHMIS.org)
- Upload information to national database E-Plan
- Maintain HazMat Contracts with LEPCs (HMEP)

EPCRA Local Level

- 11 Regional LEPCs with Local Staff support person
 - Conduct Quarterly Meetings with Local input from:
 - Emergency Management
 - Fire Departments
 - Industry
 - Law Enforcement
 - Schools
 - Hospitals
 - Conduct Local Hazardous Materials Training
 - Complete Local Hazardous Analysis
 - 50% of 302 facilities
 - Assist with input of Tier II information for local industry


FloridaHMIS.org

Online portal for submitting Facility and Chemical Information for Tier IIs



E-Plan in Georgia

- Jenny, the state of Georgia has faced and continues to face budget shortfalls. This has led to reduction in staff in certain programs including the EPCRA program. Due to staff shortage and our inability to process Tier II submittals as we have done in the past we have made the decision to convert the state to E-Plan for all submittals of Tier II information. Therefore you should see a dramatic increase in facilities requesting E-Plan submitter accounts and an increase in submittals starting in January 2011. Also I am sure you will see an increase in requests for technical assistance coming your way after the first of the year.*
- We are in the process of effecting the change by contacting all the LEPC's in the state and trying to get the word out any other way possible. We have updated our Tier II web page on our EPD website with I hope is enough adequate guidance documents to get people registered and guide them on their way to filing their info. I am sure it will be confusing for those who did not submit using E-Plan last year but surprisingly almost 45 % used E-Plan last year when we offered it as the preferred alternate process to file Tier II info.*
- Albert J. Frazier, Jr., Program Manager II, EPCRA Program Manager, Emergency Response Team Manager, via email September 21, 2010*

Questions?

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