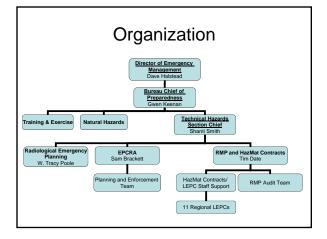


Overview:

- 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



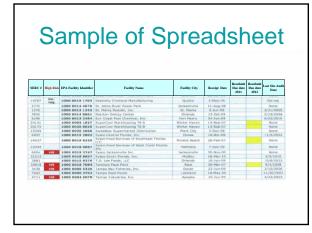






What Florida Does Different for RMPs

- 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





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 onsite
- 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 onsite 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 rational 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 <u>EPCRA</u>.
- Shall be required to pay an annual reporting fee of \$150 per TRI Form R report for those Section 313 listed <u>EPCRA</u> substances.
- \$75 fee per chemical is required to be submitted with the Certification Form A report.

Sum	mary of Fees	
SECTION	FEE AMOUNT	DUE DATE
302	\$50 PER FACILITY (public and private)	ONE-TIME FILING
302 (agricultural facilities subject to the "routine agricultural use" exemption)	\$10 PER EMPLOYEE \$25 MINIMUM \$1,000 MAXIMUM	MARCH 1 EACH YEAR
302 OR 312 (private only)	\$10 PER EMPLOYEE \$25 MINIMUM \$2,000 MAXIMUM	MARCH 1 EACH YEAR
312 (certain regulated industries covered by Chapters 368, 527, or s. 376.303, F.S.)	\$2.50 PER EMPLOYEE \$25 MINIMUM \$500 MAXIMUM Companies are eligible for the reduced fee only if they do not have present EHSs that meet or exceed the <u>TPQ</u> .	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 <u>EPCRA</u>, 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
 - 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



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0	0	2	ŝ	٠	0	RESOURCE CONSERVATION SYSTEMS - SOUTH BAY	25890 SOUTH BAY DRIVE BONITA SPRINGS, FL 34135	RESOURCE CONSERVATION SYSTEMS
Θ	0	2	ŝ	•	99	BONITA SPRINGS UTILITIES - WTP	11860 EAST TERRY STREET BONITA SPRINGS, FL 34135-6127	BONITA SPRINGS UTILITIES
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Θ	0	2	÷	•	99	CITY OF CAPE CORAL - WATER RECLAMATION	1800 EVEREST PARKWAY FORT MYERS, FL 33904	CITY OF CAPE CORAL
0	0	2	ŝ	٠	0	CITY OF FORT MYERS - SOUTH AWWT FACILITY	1618 South Drive Fort Myers, FL 33907	CITY OF FORT MYERS
Θ	0	2	ŝ	٠	99	AGENCY FOR PERSONS WITH DISABILITIES - GULF COAST CENTER	5820 BUCKINGHAM ROAD FORT MYERS, FL 33905	AGENCY FOR PERSONS WITH DISABILITIES
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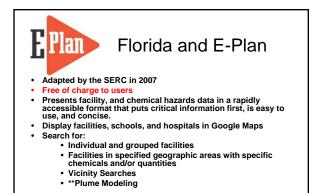
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CITY OF	CAPE CORAL - WATI	R RECLAMATION	68476346	DIESEL FUEL OIL			LIQUED
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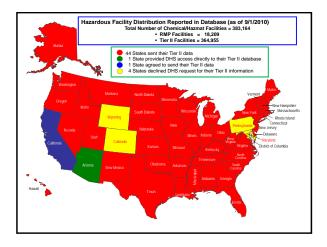


Florida and E-Plan

- Automatic feed to E-Plan on monthly basis with increasingly accurate data
- Information can be up to the minute with the information submitted through FloridaHMIS.org
- Secure Portal for Access by First Responders in the field

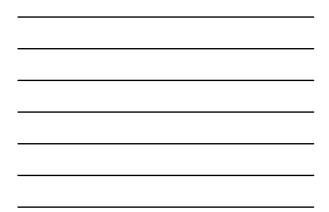
	E Plan	
E-P	lan System Data Base	
Facilities in E-Plan	September 1, 2010	September 1, 2008
RMP Facilities	18,209	17,506
Tier II Facilities	341,906	185,748
Total Facilities	360,115	203,254
# States with all Tier II Facilities in E-Plan	36	12
E-Plan User Accounts	4,771	2,292
Unique Chemicals in E- Plan	24,673	22,777

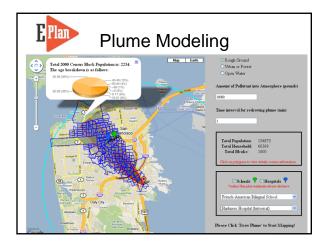






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WMD Information	Select County/Parish	
NIOSH Pocket Guide	City Name	
ATSDR Toxic Profile	Zip Code	
CHEMTREC	Filing Type	
E-Plan Online Training	Filing Year	
E-Plan Online Filing (Tier2)		
E-Plan News	Search	Roset
E-Plan Facilities/State		





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
 submissions 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

