

North Carolina
Department of Environment and Natural Resources
Division of Air Quality
Chemical Accident Prevention Program

End of Year Report for US EPA Federal Fiscal Year 2005

Introduction:

This annual report summarizes activities from the North Carolina Chemical Accident Prevention Program for the United States Environmental Protection Agencies Federal Fiscal Year (FFY) 2005 (October 1, 2004- September 30, 2005) and work plan for FFY 2006.

The North Carolina Department of Environment and Natural Resources/Division of Air Quality (DAQ) continues to implement the program through a multi-agency effort with the Division of Water Quality (DWQ), Division of Environmental Health (DEH), the Department of Crime Control & Public Safety-Division of Emergency Management (NCEM), and the Department of Agriculture and Consumer Services- Standards Division (NCDA).

Background:

There were approximately 362 stationary sources listed in the "RMP*Database" for North Carolina during this reporting cycle. Of those listed, 34 are covered by local programs (5 in Buncombe County, 4 in Forsyth County, and 25 in Mecklenburg County). As of September 2005, there are approximately 326 stationary sources within the jurisdiction of this program. Of those covered, 75 stationary sources claimed to have removed the regulated substances below the threshold quantity from their site and opted to de-register from the regulation. Another 3 stationary sources claimed to have entered the program in error and opted to withdraw from the regulation. All three stationary sources list propane as the only regulated substance on site. All three stationary sources submitted their original RMP prior to Chemical Safety Information Site Security and Fuels Regulatory Relief Act (CSISSFRRA).

Staff Changes:

On October 26, 2004 – Erin McIntyre resigned from the RMP Liaison position located within the North Carolina Division of Emergency Management. The position is an established position funded by DAQ as a liaison between DAQ and Emergency Management. As of September 2005 the position remains vacant after two rounds of interviews.

Memorandum of Agreements (MOA's):

The DAQ and the DWQ has been in discussions since the origination of the program to enter into a MOA together to address implementation needs. On June 28, 2005 the MOA

FFY 2005 end of year report

M. Reid

October 6, 2005

Page 2 of 4

was finalized with both Directors signing the MOA. The DWQ has agreed to screen wastewater treatment plants that they already inspect for 112(r) applicability.

The DAQ and the North Carolina Division of Labor (NCOSH) are continuing discussions to address Process Safety Management and Risk Management Program needs. The NCOSH has proposed a final version. DAQ expects to have a signed MOA with the Division of Labor shortly.

Task Force Meetings:

Since the North Carolina Chemical Accident Prevention Program is implemented through multi-agency cooperation, Task Force Meetings are used to coordinate implementation efforts. It is the intent of the program to conduct quarterly meetings to discuss program implementation. Prior to FFY 2005 it has been approximately a year and a half (July 14, 2003) since the last meeting. Task Force Meetings were held on February 24, 2005, March 22, 2005, May 24, 2005, and on September 5, 2005.

Notices of Violations (NOV's):

On June 21, 2004 most 112(r) stationary sources were required to update their Risk Management Plans. As of January 1, 2005, approximately 52 subject stationary sources failed to update their plans. In an effort to get these stationary sources back into compliance, the program established the statues of these facilities. Of the 52 stationary sources 17 were found to be no longer in business. The remaining 35 stationary sources were issued NOV's for the failure to resubmit their RMP at least once every five years as required by 40 CFR Part 68.190.

Inspections:

It is the intent of the program to inspect each stationary source at least once every five years. For this reporting cycle we only inspected 13 stationary sources, approximately 20% of our goal of inspecting 65.5 a year. The inspection deficiency is due to a temporary halt on inspections to review our inspection process and the travel restrictions issued by Gov. Easley due to gas shortages after hurricane Katrina. The program noted no compliance deficiencies of those stationary sources inspected.

The North Carolina Division of Agriculture continues to screen those facilities with propane tanks for 112(r) applicability as part of their routine inspection. The North Carolina Division of Agriculture screened approximately 1000 facilities during this reporting cycle. Those facilities that the Division of Agriculture believed might be applicable to the 112(r) regulation are given to the 112(r) Program Coordinator for review.

Investigations:

The program recorded 25 accidental releases of 112(r) regulated substances during this reporting cycle. Of the 25 accidental releases, 16 were reported to have occurred at fixed

FFY 2005 end of year report

M. Reid

October 6, 2005

Page 3 of 4

facilities. Of the 16 reported chemical accidents at fixed facilities, the program investigated 4 chemical accidents. Of the 4 investigations, no violations were noted.

Outreach Efforts:

Outreach efforts to Local Emergency Planning Committees (LEPC's) have been hindered due to the absence of the RMP Program Liaison.

The North Carolina Chemical Accident Prevention Program webpage has been listed as under construction since 2002. A new webpage has been developed and is currently being built. It is expected to be back online by the end of the month.

Training:

The North Carolina Division of Air Quality hosted RMP Basics and Techniques courses on June 20 and June 21-23 respectively. The courses were an EPA funded course taught by Tetra Tech NUS, Inc. We had a class attendance of 33 students for each course. The technical backgrounds of the students varied widely with local, state, and federal employees in attendance. All feedback received by the program was positive with most people expressing interest in future related training.

CEPP Grant:

The CEPP Grant CA-97461102-1 was implemented. The purpose of the grant was to test Local Emergency Planning Committees' Shelter-in-Place plans of 112(r) releases.

- On October 1, 2004- a Shelter in place coordination meeting was held at the Sara Lee Plant in Edgecombe County to coordinate the grant implementation with partner agencies.
- On February 3, 2005- a community meeting was held in Edgecombe County to discuss the exercise.
- On March 17, 2005- a tabletop exercise was conducted with all parties involved.
- On April 23, 2005- a full-scale exercise was conducted
- On September 30, 2005- information brochures were approved

Work Plan for FFY 2006:

1. Continue to screen facilities for 112(r) applicability.
2. Continue to inspect applicable stationary sources at least once every five years.
3. Continue to investigate accidental releases of 112(r) listed chemicals at potentially subject stationary sources.
4. Continue to participate in outreach efforts to affected stationary sources and LEPCs by attending meetings, conferences, and mailing pertinent information as funding allows.

FFY 2005 end of year report

M. Reid

October 6, 2005

Page 4 of 4

5. Continue to enhance inter-agency communication by conducting quarterly Task Force Meetings.
6. Maintain the North Carolina Chemical Accident Prevention Program web page and continue producing the RMP newsletter as funding allows.
7. Finalize an MOA with the North Carolina Division of Labor.
8. Develop a program policy and procedures manual outlining the mission of the program and addressing the implementation strategy.
9. Hire a new RMP Liaison to assist with program implementation.