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Association of
Metropolitan
Sewerage Agencies

September 15, 2003

Docket ID No. OAR-2003-0044
U.S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Ave., NW
Room B108, Mail Code 6102T
Washington, DC 20460

Re: *Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements, 68 Fed. Reg. 45123 (July 31, 2003)*

Dear Sir or Madam:

The Association of Metropolitan Sewerage Agencies (AMSA) is pleased to provide comments on the U.S. Environmental Protection Agency's (EPA's) *Accidental Release Prevention Requirements: Risk Management Program Requirements Under Clean Air Act Section 112(r)(7); Amendments to the Submission Schedule and Data Requirements*. Founded in 1970, AMSA represents the interests of nearly 300 of the nation's publicly owned treatment works (POTWs). AMSA members serve the majority of the sewered population in the United States and collectively treat and reclaim over 18 billion gallons of wastewater every day. With over 30 percent of our membership subject to Risk Management Program (RMP) requirements, AMSA has a vested interest in the submission schedule and data requirements of the program.

While AMSA generally supports the proposed rule's changes to help improve accident prevention and reporting programs and enhance the security of RMP facilities, the Association is concerned with the potential burden associated with some of the proposed changes. AMSA members have two pressing concerns with the proposed rule. First, AMSA believes the requirement to update and resubmit a facility's entire RMP within six months of a reportable accident would create an unnecessary burden, and recommends instead the submittal of a ten-element accident

report, as discussed below. Second, AMSA believes the proposal's requirement that RMP facilities collect and report OSHA occupational injury and illness data would simply be duplicative. These and other concerns are discussed further below in the five areas for which the Agency sought comment:

1. Changes to RMP Submission Requirements
2. Changes to Executive Summary Content
3. New Data Elements
4. Revisions to RMP Submit Format
5. Collection of OSHA Occupational Injury and Illness Data

1. Changes to RMP Submission Requirements

The Agency is proposing to require facilities that have a reportable accident to update and resubmit their RMP within six months of the date of the accident. AMSA feels the requirement to categorically update and resubmit to EPA an *entire* RMP due to any accidental chemical release from a covered process that meets the reportable criteria listed in Section 68.42, Subsection (a) is needlessly burdensome to plant operators, and will result in many costly RMPs being resubmitted due to insignificant accidents. Many minor accidents are due to operator error and will not trigger any operational or process changes at the plant. In addition, requiring a full resubmittal would, in fact, make it more difficult for reviewers to identify and evaluate the relevant changes to the RMP that address the reportable accident. A more focused and efficient approach would be to require submittal of a Section 68.42 (b) ten-element accident report, rather than a full RMP resubmittal, that addresses the reportable accident within six months of the date of the accident, which would still fully enable the Agency to better monitor current trends in accident causes.

The Agency is also proposing to require facilities to update their emergency contact information within one month of a change in the information. AMSA supports this proposed change and feels it would not pose a burden to reporting facilities.

2. Changes to Executive Summary Content

AMSA believes the Agency's proposal to remove the off-site consequence analysis summary from the Executive Summary of the RMP is appropriate, due to heightened security concerns.

3. New Data Elements

The Agency is proposing the addition of three data elements in the RMP: (1) emergency contact e-mail address, (2) justification for a revised RMP submittal, and (3) contractor identification when the RMP is prepared by an outside contractor.

AMSA supports the inclusion of these data elements, as they would not impose an undue burden on reporting facilities, and would enhance communication efforts between the Agency and RMP facilities.

4. Revisions to RMP Submit Format

EPA is proposing to expand the list of possible causes for accidental releases to include uncontrolled/runaway reactions.

AMSA supports this proposed revision because it will enhance the Agency's understanding of reportable accidents and will not impose an increased burden on reporting facilities.

5. Collection of OSHA Occupational Injury and Illness Data

AMSA does not support the Agency's proposal to require future RMP submittals to include data on employee injuries and illnesses that employers are required to maintain by the Occupational Health and Safety Administration (OSHA).

The requirement to include injury and illness data in RMP submittals could substantially increase the burden on reporting facilities in preparing future RMPs, particularly for larger and more complex facilities. Since the injury and illness data is already reported to OSHA, including the data in RMP submittals would be duplicative. Instead, AMSA recommends EPA and OSHA simply share the information as necessary.

Again, AMSA supports proposed changes which enhance accident prevention, communication and security at RMP facilities, but is concerned with the burden and redundancy associated with the proposed requirements to update and resubmit an entire RMP within six months of an accident and to collect and report OSHA occupational injury and illness data in RMP submittals.

AMSA appreciates the opportunity to comment on this important issue and would welcome further discussion with the Agency. If you have any questions regarding these comments do not hesitate to contact me at 202/833-4651 or akrantz@amsa-cleanwater.org.

Sincerely,

A handwritten signature in black ink, reading "Adam Krantz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Krantz
Managing Director, Government and Public Affairs