

section 68.190(c)) occur when the source is no longer covered by the program (e.g., the source no longer uses any regulated substances or no longer holds regulated substances in amounts that exceed the threshold quantities). The source submits a letter requesting de-registration, with the RMP being retained in the reporting system database for 15 years.

A withdrawal occurs when a source that was never subject to the program submits an RMP in error. Such a source submits a letter requesting a withdrawal, and its RMP is taken out of the reporting system database altogether.

Sources subject to the rule on June 21, 1999, were required to submit an RMP by that date. For those sources that submitted an RMP on June 21, 1999, their five-year anniversary date will be June 21, 2004. Other sources that submitted an RMP before the original deadline, have re-submitted an RMP since, or have become subject to the RMP rule since June 21, 1999, will have different anniversary dates.

II. Discussion of Proposed Changes

A. Changes to RMP Submission Requirements

1. Five-Year Accident History

EPA proposes that facilities who have an accident that meets the criteria for the five-year accident history be required to update and re-submit their RMP within six months of the date of the accident.

The five-year accident history element for the RMP (40 CFR 68.42) requires the owner or operator of a stationary source to record information in their RMP on all accidental releases from covered processes in the past five years that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage. This requirement includes the release of any chemical from a covered process, not just the release of a regulated substance from that covered process. During the first year of RMP submissions, approximately 1,150 sources reported in their five-year history that their facility had an accidental release that met the criteria for including information on these releases in their RMP.

The regulations require that each time a source re-submits its RMP, the five-year accident history is updated. Information on accidental releases in the previous RMP submission that are now outside the five-year time frame is removed while information on recent

accidental releases is added. However, unless a source re-submits its RMP sooner than the five-year anniversary date, information on more recent accidental releases will not be submitted in an RMP for potentially 5 years. The five-year accident history is valuable information for chemical accident prevention and preparedness efforts by not only industry but by many stakeholders, including emergency responders. Consequently, EPA is proposing to require that sources update and re-submit their RMP within six months of an accidental release that meets the five-year accident history reporting criteria.

EPA believes this proposed requirement would help spur significant improvements in the accident prevention and reporting programs of sources at which reportable releases occur. Accidents can be caused by failures in a source's accident prevention program. This new re-submission trigger would require the source to review its accident prevention program in light of the accident, and to update its RMP with any changes to the program. While all physical or procedural improvements may not be finished and completely implemented within the 6-month accident reporting deadline, the Agency believes that review of the process hazard analysis and other elements of the program can be completed within six months. The Agency also believes that sources would benefit greatly from the prompt scrutiny of the accident, allowing the findings of an accident investigation to better influence any safety recommendations.

EPA also believes the proposed requirement would have the additional benefit of improving reporting of accidental releases. By providing the details of the accident soon after the accident takes place, the source would be likely to provide more complete and accurate information in its accident reporting. Current requirements allow sources to compile an accident report for the RMP up to 5 years after the accident occurs.

The proposed submission requirement would also allow EPA and interested stakeholders to determine on an annual basis if the rate of accidents is increasing or decreasing, rather than waiting five years to see such data. It would also enable all involved in chemical accident prevention to identify trends in accident causes, examine if there are problem areas or a need for assistance in specific industry sectors, and identify effective prevention measures that could be shared so that other sources may avoid similar accidents.

This change would modify the schedule for updating and re-submitting an RMP, but it should not significantly change the associated burden. If a source had a reportable accident, it would need to update and re-submit an RMP within 6 months. However, the source would not need to resubmit again, provided there are no other accidents or major changes, for another 5 years.

An alternative that was also considered would require sources with new accidents that meet the criteria for reporting in the 5-year accident history to update their RMP on a fixed date every year. This option would have the Agency receiving RMPs at the same time from all of the sources who have had accidents that meet the criteria during the previous 12 months. This option would provide EPA with an annual report of all of the significant accidents that have occurred at reporting sources, and the changes that were made due to these accidents. EPA is not proposing this option at this time, because the Agency prefers to give the same amount of time for reporting (six months) to all sources. For example, if the fixed date for annual accident reporting was established as June 21, a source having an accident on June 15 would have no time to significantly investigate the accident and provide a meaningful report. Nonetheless, EPA is requesting comment on this option and whether it is preferable to requiring the re-submissions within six months of a significant accident.

2. Emergency Contact Information

EPA proposes to require that facilities correct their emergency contact information within one month of a change in the information.

The RMP has become a primary source of information for the federal government's efforts in the homeland security area. The emergency contact information is important not only to state and local responders, but also for the federal government. Under current requirements, if the information for the emergency contact becomes outdated (e.g., change of emergency contact's phone number, emergency contact leaves the position, etc.), the source may take up to five years to report these changes. Implementing agencies that have audited RMPs report that much of the information for emergency contacts is outdated or otherwise inaccurate. For these reasons, EPA is proposing to require that facilities correct their emergency contact information within one month of a change in the information. Explained in the following section in detail is also a proposal for an