



Revised CalARP Regulations

Effective January 1, 2015

Stephanie Smith
Risk Management Professionals, Inc.
(949) 282-0123
(877) 532-0806
www.RMPCorp.com



Key Topics

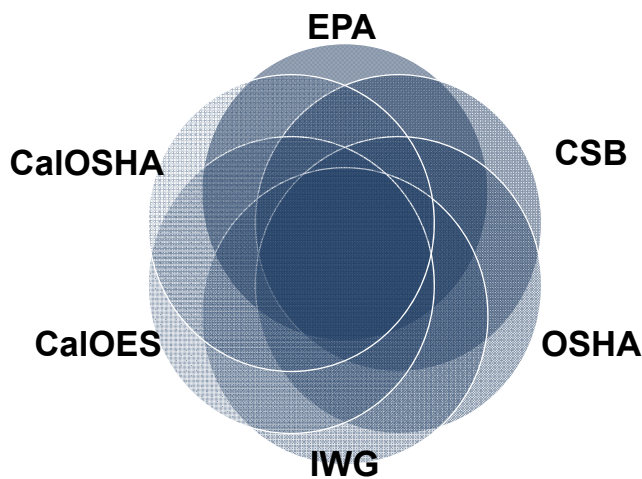
- Regulatory Initiatives
- Current Modernization Efforts
- Revised CalARP Regulations by Section
- Example Documentation
- Potential Impact on Programs



Regulatory Initiatives

- Code of Federal Regulations, Title 29, Subtitle B, Chapter XVII, Part 1910; “Occupational Safety and Health Standards”; September 2014
- Code of Federal Regulations, Title 40, Chapter 1, Part 68; “Chemical Accident Prevention Provisions”; September 2014
- California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 7, Group 16, Article 109 (Section 5189); “Process Safety Management of Acutely Hazardous Materials”; September 2014
- California Code of Regulations, Title 19, Division 2, Chapter 4.5, Article 1 to Article 11 (Section 2735 to Section 2785); “California Accidental Release Prevention (CalARP) Program”; January 1, 2015.

Current Modernization Efforts



CalOES: California Office of Emergency Services; CalIOSHA: California Occupational Safety and Health Administration; CSB: Chemical Safety Board; EPA: United States Environmental Protection Agency ; IWG: Interagency Working Group; OSHA: California Occupational Safety and Health Administration

Resources

- CalOES website for CalARP Regulations Amendments 2015:
<http://www.caloes.ca.gov/HazardousMaterials/Pages/Cal-ARP-Regulation-Amendments-2015.aspx>
 - Regulation amendments (October 7, 2014)
 - “red line” version only including sections changed
 - CalARP regulations (January 1, 2015) – full text of new regulation
- CUPA or AA representative
- Webinars and other internet sources

Revised CalARP Regulations by Section

Definitions (Section 2735.3)

- “Cal OSHA”: California Occupational Safety and Health Administration
- “New stationary source”: a stationary source that now has a covered process that is not currently in the CalARP program
- “Revalidation”: a critical review of a hazard review or process hazard analysis (PHA) with qualified team members of the most recent hazard review or PHA studies to verify that past studies remain valid and that changes made to the covered process are properly assessed...
- “Turnaround”: a planned process shutdown for the purpose of repair, maintenance, process modification, equipment upgrade or other significant process activity

General Revisions (Sections 2745.1 to 2745.12)

- “Cal EMA” changed to “Cal OES” throughout
- General language listing “OSHA or CalOSHA” instead of “Federal or State”
- Applicability - §2735.4(c)(1)(C): “Response or restoration activities for an exposure of an environmental receptor or a public receptor...”
- General Requirements - §2735.5(d)(3): “Ensure that response actions have been coordinated with local emergency planning and response agencies (e.g., site visits by first responders)...”
- Submission
 - §2745.1: Inconsequential dates were removed (i.e., submitting RMP information by June 21, 1999)
 - Removed §2745.1(d) discussing existing stationary sources complying with the regulations
 - Removed §2745.1(h) discussing information updates regarding submissions prior to June 21, 2004

General Revisions (Sections 2745.1 to 2745.12)

- RMP Review Process
 - Removed §2745.2(a)(2) regarding public notice of an initial RMP
 - §2745.2(c): “...the AA shall make the RMP available to the public for review and comment by publishing a notice in a local newspaper of general circulation or on the AA’s website...”
 - §2745.2(g): “...Subject to the requirements of section 2775.5(b), the public shall have access to the RMP...”
- RMP Executive Summary Component - §2745.3: “The owner or operator shall provide in the RMP, for all Program levels, an executive summary...”

Offsite Consequence Analysis (Sections 2750.2 to 2750.7)

- Removed §2750.2(a)(2) and §2750.2(a)(3), and condensed to include both Table 1 and Table 3 to be referenced in §2750.2(a)(1)
- Added §2750.4(b)(1)(C): “That will reach a public receptor, unless no such scenario exists.”
- Added §2750.4(e)(2): “Accidents/incidents or events in related industries available through trade magazines, industry associations and other publically available sources; either digital or print...”
- §2750.7(a): “The owner or operator shall document the review and update of the offsite consequence analyses at least once ever five years.”

Hazard Review (Section 2755.2)

- Added to §2755.2(c): "...The hazard review shall be performed by a team familiar with process operations and shall include at least one employee who has experience and knowledge specific to the process being reviewed..."
- Added to §2755.2(e): Deadlines for resolution on any deficiencies found during HR; must document completion date.
- §2755.2(f): "The hazard review shall be updated and revalidated..."
- Added §2755.2(g): "A hazard review may be revalidated only once between full hazard reviews, unless the AA agrees in writing that a full hazard review is unwarranted."
- Added §2755.2(h): "The owner or operator shall retain hazard reviews and updates or revalidations for each process covered by this section, as well as the documented resolution of recommendations described in (e) for the life of the process."

Operating Procedures (Section 2755.3)

§2755.3(c) changed to read: "The owner or operator shall ensure that the operating procedures are developed and/or updated, as necessary, to reflect current practice, or whenever the tasks or steps to perform on the covered process are found to be inadequate or inaccurate."

Training (Section 2755.4)

- §2755.4(d): “...operators are trained in any updated or new procedures prior to needing to use the procedures.”
- Added §2755.4(e): “The owner or operator shall document initial and refresher training for each employee.”



Maintenance/Mechanical Integrity (Sections 2755.5/2760.5)

- Changed §2755.5(a) to include language for owners/operators to have written procedures.
- Changed §2755.5(c) to read: “The owner or operators shall ensure that each contractor can document that their employees are trained to perform the maintenance and appropriate operation procedures developed under section (a).”
- §2760.5(a)(2) replaces “piping components” for “ancillary components”
- §2760.5(a)(6) adds compressors and their drivers to the list of equipment covered.



Compliance Audits (Sections 2755.6/2760.8)

- §2755.6(d)/§2760.8(d): Deadlines for resolution on any deficiencies found during Compliance Audit; must document completion date of resolution.
- Changed §2755.6(e) so that the two (2) most recent Compliance Audits must be kept on file regardless of when they were completed.
- §2760.8(c): “A report of the scope, methods used, results and findings of the audit shall be developed. This report, including results, shall be available for AA review.”



Incident Investigation (Sections 2755.7/2760.9)

- §2755.7(c)/§2760.9(d) clarified so that the date reported is the date the investigation began and to include all data items listed for the five-year accident history [§2750.9(b)]
- §2755.7(d)/§2760.9(e) : Deadlines for resolution on any deficiencies found during incident investigation; must document completion date.



Process Safety Information (Section 2760.1)

- §2760.1(a): PSI must be maintained and kept up-to-date.
- §2760.1(b)(4): “Reactivity data and chemical compatibility data during handling, use and application at the stationary source...”



Process Hazard Analysis (Section 2760.2)

- Removed language from §2760.2(a) regarding prioritizing order for conducting PHAs.
- Added to §2760.2(e): Deadlines for resolution on any deficiencies found during PHA; must document completion date.



Management of Change (Section 2760.6)

- Added language to §2760.6(b) to address considering modifications and development of new operating and maintenance procedures in the MOC process and prior to any change.
- Added language to §2760.6(e) to include changes to written maintenance procedures for initiation of the MOC procedures prior to start-up.



Pre-Startup Safety Review (Section 2760.7)

- Title renamed to be “Pre-Startup Safety Review”
- §2760.7(b): “The pre-startup safety review shall confirm, as a verification check, independent of the management of change process, that prior to the introduction of regulated substances...”



Contractors (Section 2760.12)

Changes §2760.12(b)(5) to include the owner/operator's responsibility to document the evaluation of the performance of each contractor.



Emergency Response Applicability (Section 2765.1)

- §2765.1(b)(1):
 - includes language that a facility must be under a community response plan, a city/county Hazardous Materials Area Plan, and/or in the business plan program.
 - adds that an owner/operator must document response actions coordinated with local response agencies.
- §2765.1(b)(2) for flammables requires that coordination with local agencies must be documented.
- §2765.1(b)(3): “Appropriate mechanisms and written procedures are in place to notify emergency responders when there is a need for response.”



Threshold Determination (Section 2770.2)

- Clarified in §2770.2(b)(1)(B) that a mixture is 1% or greater by weight.
- Propylene oxide and propyleneimine were removed from the CalARP regulated list.



Audits (Section 2775.2)

- §2775.2(g): “...A timetable for implementing these revisions shall be developed in consultation with the stationary source. Revisions must be completed as soon as practicable, but no later than one year after the final determination has been issued unless the AA agrees, in writing, upon a timetable before the resolution becomes overdue...”
- Clarifies §2775.2(h) to state that the deficiencies must be corrected in order to be compliant.
- Adds statement to §2775.2(i) that owner/operator must document actual completion dates of deficiencies.



Availability of Information to the Public

- Adds clarification to §2775.5 for the exception of OCA information being released to the public.
- Adds §2775.5(b): “The AA shall ensure that any member of the public has access, by appointment, to a copy of the offsite consequence analysis data, pursuant to Section 2745.4. The member of the public may read, but not remove, reproduce, print, scan or image the documents. The AA may require personal photo identification issued by a Federal, State or local government agency to the person, and may require the person’s signature on a sign-in sheet. The AA may limit a person’s access to offsite consequence analysis data to 10 stationary sources in any calendar month.”



Example Documentation



Sample Operating Procedures Review Sheet

“I have reviewed and updated, if necessary, the Operating Procedures.”

DATE	NAME	TITLE	SIGNATURE



Sample Training Record

Date: _____
Company: _____
Address: _____

Type of Training (circle one): Initial/Refresher
Employee/Contractor Name: _____
Employee/Contractor Title: _____
Employee/Contractor Job Description, Responsibilities, and Duties: _____

Applicable Employee/Contractor Training or Experience: _____

Description of Training Conducted: _____

Type of competency testing used (check all that applies):
Written _____ Verbal _____ Observance _____ Demonstrative _____
Other _____ (describe) _____

Please attach all relevant certifications or documents to this page.



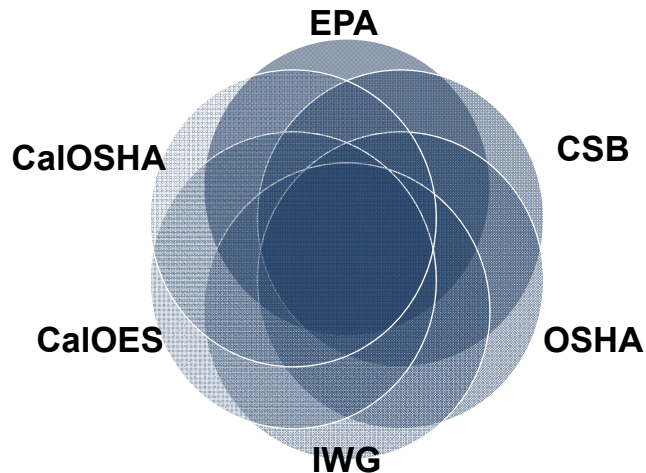
Sample Action Tracking Log

Recommendations Action Tracking Log

Origin	Recommendation	Proposed Action/ Comments	Responsible Person	Target Completion Date	Completion Date	Closure Comments / Status Comments	Status

Potential Impact on Programs

Current Modernization Efforts



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Status and What to Expect - Agencies

- CSB: January 28, 2015 Hearing (Richmond, California)
- IWG
 - Agency Meetings Continue
 - Additional Reports Not Planned
- US EPA
 - RFI Comments to be Processed
 - Draft Regulations to be Generated
- Federal OSHA
 - RFI Comments to be Processed
 - Draft Regulations to be Generated

Status and What to Expect - Regulations

- OSHA, EPA, and Cal/OSHA initiatives do not overlap entirely
 - 3 OSHA-independent initiatives
 - 9 EPA-independent initiatives
 - 12 CalOSHA-independent initiatives
- Cal/OSHA PSM
 - New regulation 8 CCR §5189.1 “Process Safety Management of Highly Hazardous Materials, Petroleum Refineries”
 - October 31, 2014 Draft; comments being processed
 - Final regulation promulgation – Estimated 1st or 2nd Quarter 2016
 - Initially 2 PSM regulations – “Acutely Hazardous Materials” and “Highly Hazardous Materials”
 - No current mechanism for synchronizing with Federal requirements or CalARP



Status and What to Expect - Regulations

- CalARP
 - January 1, 2015 – Promulgation of update to CalARP
 - Additional update needed to address new regulatory initiatives and “technically synchronize” with 8 CCR §5189.1
 - Draft of additional update to be issued after comments from draft 8 CCR §5189.1 processed or spring 2015
 - Final regulation promulgation likely after final 8 CCR §5189.1
 - Planning 1 CalARP regulation with additional requirements for “high hazard facilities”
 - No current mechanism for synchronizing with Federal requirements or Cal/OSHA PSM



What Should I be Doing Now?

- California Refrigeration CalARP Facilities
 - Adherence to new requirements
 - Awareness of CalPSM-R for best practices for “high hazard facilities”
 - Anticipate different Federal and State requirements
 - Monitor the situation
 - Anticipate shorter-term changes
- US Refrigeration PSM/RMP Facilities
 - Monitor the situation
 - Anticipate more long-term changes
 - General duty clause



Questions?

Stephanie Smith
Stephanie.Smith@RMPCorp.com

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