



CAA 112(r) Inspections

What to expect and suggestions from the inspectors



EPA Guidance Document



United States
Environmental Protection
Agency

Office of Solid Waste and
Emergency Response

Office of Enforcement and
Compliance Assurance

EPA 550-K-11-001
January 2011

www.epa.gov/emergencies
www.epa.gov/compliance

Guidance for Conducting Risk Management Program Inspections under Clean Air Act Section 112(r)

https://www.epa.gov/sites/production/files/2013-10/documents/clean_air_guidance.pdf



Potential Inspection Candidates

If facility has no Risk Management Plan and...

- Information sources indicate the facility may have Risk Management Program chemicals greater than the threshold quantity
 - EPCRA Tier II reports and Toxics Release Inventory reports
 - Release/accident reports
 - Media, National Response Center reports, CERCLA/EPCRA from other agencies
 - Sector information
 - Federal and state databases
- Deregistered facilities appear active (for example, on Google Earth)



Potential Inspection Candidates

If facility has a Risk Management Plan and...

- Risk Management Plan (RMP) resubmission is late
- Risk Management Program-reportable accident at facility
- A tip, complaint, or referral is received
- Sector non-compliance
- EPA considers “high risk”



Notification of Inspection

**Advanced notification of inspection is
not required.**



Preparing for Inspection

- Duration of inspection varies, but generally
 - Program 3 processes and facilities with multiple processes
 - 3-5 days on site
 - Program 2 processes at facilities with a single process
 - 1-2 days on site
 - Accident investigations typically take longer
- Time on-site for inspection can be reduced if
 - Facility has documentation readily available
 - Personnel are available and able to respond to questions



Typical Inspection Process

- Arrival of inspector(s) on-site
- Opening conference
- Document review
- Facility walk-through
- Inspector determines preliminary findings
- Closing conference



Opening Conference

- Inspector will show their credentials or letter of introduction
- Inspector will discuss schedule of activities
- Preliminary review of forms
 - Notice of inspection
 - Receipt for samples/documents
 - Confidential Business Information disclosure form
 - Multimedia checklist
 - Preliminary findings



Document Review

- Electronic documents preferred
 - Inspector will scan hard copy
 - Electronic documents can be saved directly
- Hard copy of paper documents taken if
 - Document won't fit through scanner
- Recommended that facility retain a copy or develop list of specific documents collected by inspector for future reference



Typical Documents Reviewed

- RMP – submittal responses and dates
 - Documents referenced in RMP
 - Tip: When submitting an RMP create a file supporting the responses and dates reflected in the RMP
- EPCRA Tier II report
- OSHA 300 log – specifically chemical accidents
- OCA documentation
- Emergency response documents



Typical Documents Reviewed (cont.)

- Bulk of time spent on prevention program elements
 - Process Safety Information
 - Process Hazard Analysis (report and tracking documents)
 - Mechanical Integrity (tests, inspections, work orders)
 - Compliance Audits (report and tracking documents)
 - Incident Investigations (procedures, summaries, tracking documents)
 - Standard Operating Procedures (especially emergency-related)
 - Training records
 - Management of Change/Pre Startup Review
 - Employee participation, hot work permit, and contractor programs



Confidential Business Information

- When you give the inspector a document let them know if it contains CBI
- At the end of the inspection the facility representative will be asked to sign a form declaring what contains CBI
- After the Inspection EPA will ask the facility to defend its CBI claim
- The inspection report and attachments are releasable to the public under the Freedom of Information Act (FOIA), minus any portions claimed CBI



Facility Walk Through

- This is the usual part for employee representative participation
- Compare physical facility to current industry standards, codes, and practices, and to RMP documents
- Take photos of the condition of the equipment
- Ask random employees questions
 - Typically includes control room and maintenance personnel



Inspector Review

After document collection and the facility walk through, the inspector will require time alone to review materials and develop preliminary findings



Closing Conference

- Inspector will go over preliminary findings
- Facility will sign receipt for documents and samples
- Facility will sign CBI declaration



Post Inspection

- Inspector contacts local LEPC (toxics) or fire department (flammables) regarding emergency response planning and coordination
- Inspector may request additional information from facility after further review of documents
- Write and finalize inspection report
- Case transferred from inspector to case review officer for enforcement process



Thoughts from the Inspectors

- Consider spending time now to make electronic copies of all Risk Management Program documents
 - Back up of information in case of disaster
 - Consolidated recordkeeping
 - Easier to transfer ownership, decommission equipment, deregister



Thoughts from the Inspectors (cont.)

- Make plans for the transfer of documents from old owner to new owner
 - Some documents must be kept for the life of the process
 - Helps with transfer of ownership in RMP instead of deregistering
- Do not wait until an inspector schedules a visit or shows up at the door to review the risk management program

“On occasion, pull out the RMP and review it. You’ll be surprised what you catch and will be less likely to miss required review dates. There will also be fewer ‘cobwebs’ when it comes to the requirements, so you’ll likely spend less time overall on the facility’s program and plan.”