



AIR POLLUTION CONTROL DISTRICT

Regulation 5.15, *Chemical Accident Prevention Provisions, Version 4* Fact Sheet

Overview

Section 112(r) of the Clean Air Act Amendments of 1990 required U.S. EPA to create a program for the prevention of accidental releases. U.S. EPA's Chemical Accident Prevention Provisions (commonly known as the Risk Management Plan (RMP) Program for the plans it requires facilities to create), is distinctly different from the remainder of its air programs, in that its primary goal is not the reduction of emissions of pollutants, but the prevention of accidents and emergency preparedness.

U.S. EPA adopted amendments to the national program in 2016; however, after reconsideration it repealed many of the new requirements late last year. As the basis for its decision, EPA explained, "that such levels of government oversight, in conjunction with a rigorous safety management program, can prevent serious accidents. But this level of oversight is very expensive, and not feasible at facilities regulated by the RMP rule on a national basis." LMAPCD recognizes that EPA's assessment of feasibility at the national level does not necessarily reflect the practicalities of a locally implemented RMP program, and is soliciting informal comment on adopting any of the full range of options from the current minimum federal standards, to the regulations as they stood prior to this past December, or any of the range of options from the 2016 proposal.

Who is covered?

Nationally some 12,500 facilities that deal with large quantities of dangerous chemicals are covered. In Louisville Metro there are 19 "RMP facilities", which are regulated by LMAPCD through a delegation agreement with U.S. EPA and in cooperation with the Louisville Metro Emergency Management Agency (EMA).

What action is LMAPCD taking?

LMAPCD is soliciting informal comment on a range of options for updating its regulation for local administration of the federal program. First, LMAPCD is soliciting informal comment on meeting minimum federal standards. Second, APCD is soliciting informal comment on a range of options, including adopting regulations more stringent than U.S. EPA.

This ANPR opens a 90-day informal public comment period, from May 27, 2020 to August 25, 2020. During this period informal comments will be accepted by email to the Board Secretary-Treasurer Rachael Hamilton at 701 West Ormsby Avenue, Louisville, Kentucky 40203 or by email at AirRegs@LouisvilleKy.gov.

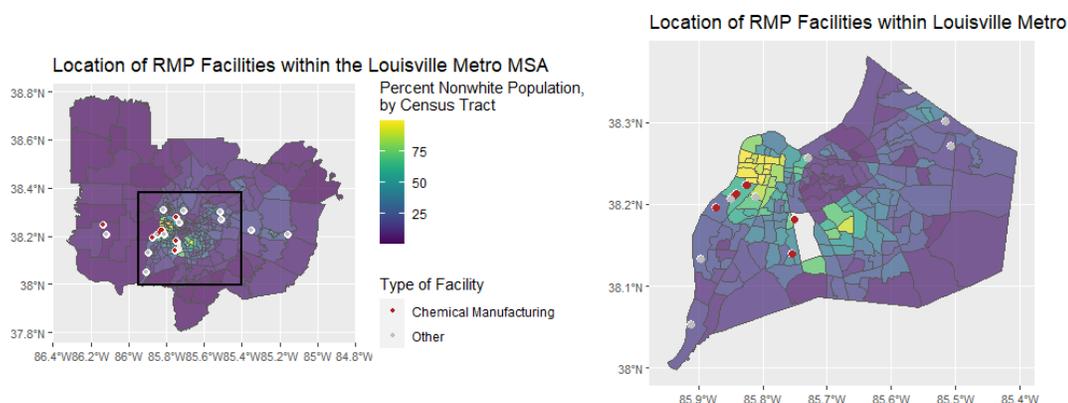
During this period, LMAPCD intends to host multiple open public meetings, which shall serve as question-and-answer sessions with the public. While comments from the public are welcome in writing during the informal comment period, the public meetings are intended as an opportunity for the public to ask questions about the ANPR, and the RMP Program more generally, and to interact with LMAPCD on a more informal level. The first public meeting is intended to be held in mid-June via video teleconference (due to the COVID-19 pandemic) and will be announced separately. Additional public meetings will be

scheduled as needed, either by video teleconference or in person as conditions allow. Feedback on how best to reach the public is also welcome.

Why is APCD taking this action?

The District's regulation was last updated in 2001 and needs updates to include administrative updates made by U.S. EPA since then. On January 13, 2017, U.S. EPA adopted additional provisions, termed the RMP Amendments Rule. New requirements included Safer Technology Alternatives Analyses (STAAs) at certain types of facilities and third-party audits after accidents occur. In December 2019, after reconsideration, U.S. EPA rescinded most of the revisions that were adopted as part of the 2017 amendments.

Louisville Metro is unique in the composition of its facilities, their location near populated Environmental Justice areas, and in its local administration of the program. Specifically, almost half of the facilities under the RMP Program in Louisville are chemical manufacturing facilities, deemed among the most potentially hazardous by U.S. EPA in recent rulemakings, with most clustered in west Louisville. *See map, below.*



That, among other reasons, is why Louisville Metro is one of nine areas across the country where the RMP Program is administered locally and not by U.S. EPA. For these reasons, APCD is soliciting informal comment on adopting any of the full range of options from the current minimum federal standards, to the regulations as they stood prior to this past December, or any of the range of options from the 2016 proposal.

What is the timeline for this action?

APCD is soliciting informal comments for a period of 90 days. During that time APCD will host multiple public meetings to answer questions and, as possible, visit several community groups for outreach. After consideration of informal comments received, the District intends to bring a formal proposal to a committee of the Air Pollution Control Board in late 2020 and take formal comment for a minimum of 30 days, with a final action following, potentially as early as winter, 2020.