U.S. Environmental Protection Agency
Office of Inspector General

09-P-0130
March 30, 2009

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The purpose of the Clean Air Act (CAA) Risk Management Program is to reduce the likelihood of airborne chemical releases that could harm the public, and mitigate the consequences of releases that do occur. During our evaluation of U.S. Environmental Protection Agency (EPA) implementation of this program, we identified concerns with EPA Region 8's coordination and management of the Program that require the attention of Region 8 management.

Background

Under the CAA Section 112(r) Risk Management Program, stationary sources that contain more than the threshold quantity of any of the regulated substances on-site in a process must implement a risk management program. Within Region 8, the Office of Ecosystems Protection and Remediation (EPR) and the Office of Enforcement, Compliance, and Environmental Justice (ECEJ) are jointly responsible for implementing the Program.

For further information, contact our Office of Congressional, Public Affairs and Management at (202) 566-2391.

To view the full report, click on the following link:
www.epa.gov/oig/reports/2009/20090330-09-P-0130.pdf

EPA Region 8 Needs to Better Manage the Risk Management Program for Airborne Chemical Releases

What We Found

The two Region 8 offices jointly responsible for implementing the CAA 112(r) Risk Management Program have not effectively planned or coordinated compliance assurance activities. Further, regional operating guidance for the Program is inconsistent concerning the roles and responsibilities of each office. Consequently, over half of the high-risk facilities have never been audited or inspected, while duplicative oversight activities have been performed at lower-risk facilities. Further, cases of identified noncompliance remain unresolved.

Based on criteria such as amount of covered chemicals stored on-site and potential population exposed during a worst-case scenario, we identified 61 high-risk facilities in Region 8. The Region had never inspected or audited 38 of these 61 high-risk facilities (62 percent) since the Program's inception in 1999. Cumulatively, these 38 high-risk facilities could potentially impact over one million people during a worst-case chemical release. Although 38 high-risk facilities had never been audited or inspected, 59 lower-risk facilities received duplicative oversight by being both audited and inspected by the Region.

We reviewed nine cases that EPR referred to ECEJ for possible enforcement action because the facilities failed to certify they came into compliance after a program audit found noncompliance. ECEJ concluded that no enforcement action could be taken and returned the cases. Two of the facilities eventually certified they had come into compliance. However, no follow-up actions were taken by either office for the remaining seven facilities, and their compliance status has been unresolved for over 2 years. Cumulatively, these seven facilities could impact over 10,000 people in a worst-case chemical release scenario. Compared to other regions, Region 8 has taken fewer CAA Section 112(r)-related enforcement actions, and none have been taken at high-risk facilities.

Region 8 has partnered with North Dakota to gain assistance in oversight activities at RMP facilities. Since 2004, North Dakota has assisted Region 8 by conducting 40 audits at agricultural ammonia facilities.

What We Recommended

We recommended that the Regional Administrator develop (1) a strategy for implementing the Risk Management Program in Region 8 that defines program goals, performance measures, and organizational responsibilities; and (2) an oversight process to evaluate the Region's success in implementing the strategy. Region 8 agreed with our findings and recommendations, and has already completed the recommended actions.