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OSWER Docket,  
Attn: Docket ID No. EPA-HQ-OEM-2014-0328  
EPA Docket Center,  
Mail Code 2822-1T,  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OEM-2014-0328

Dear Docket Clerk:

On July 31, 2014, in response to Executive Order 13650, the U.S Environmental Protection Agency (EPA) published a request for information (RFI) related to potential revisions to its Risk Management Plan (RMP) regulation. In this RFI, EPA asks for information and data on specific rulemaking and policy options.

The Gas Processors Association (GPA) has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA is composed of 130 corporate members that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as "midstream activities." Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (NGLs) such as ethane, propane, butane and natural gasoline. GPA members account for more than 90 percent of the NGLs produced in the United States from natural gas processing. GPA member-companies fully share EPA's commitment to workplace and community safety and support its efforts to identify revisions to its regulations which are "*necessary to meet the goal of preventing major chemical accidents.*"

In the RFI, EPA requested detailed responses to questions covering several topics. GPA is providing responses to certain questions applicable to our member's activities and operations.

## **II. Discussion and Request for Data**

### **C. Items in OSHA's RFI Relevant in EPA's RMP Regulation**

#### **2. Additional Risk Management Program Elements**

**b. Would expanding the scope of the RMP regulation to require additional management-system elements, or expanding the scope of existing RMP management-system elements, improve the protection of human health and the environment? Should EPA require safety culture assessments, job safety analyses, or any of the other new management system elements described above? If so, please describe the elements, the safety benefits, any economic impacts associated with expanding the scope of the RMP regulation in this way, and any special circumstances involving small entities that EPA should consider. Would**

**current staff at a facility be able to implement these additional elements or would new staff need to be hired?**

*The GPA, in support of processing risk mitigation, supports the enforcement of the current RMP rule as a first step. GPA does not believe additional elements need to be added to the current RMP regulation. The current regulation adequately covers the risks associated with gas processing and the midstream industry in general and are effective in driving industry performance. Since its inception, the existing RMP regulation has been effective in meeting its stated purpose of preventing catastrophic releases at subject midstream facilities. The proposed changes would be redundant to actions already taken by industry and could inadvertently undermine the flexibility the current rules allow for implementation at individual facilities. If the EPA is able to show through sufficient industry data that the proposed new elements are necessary to prevent or mitigate accidents, then GPA recommends the EPA work with industry to propose only non-prescriptive, performance-oriented requirements allowing the appropriate flexibility for companies to address local needs and conditions.*

**c. In systems using management and metrics, how do facilities develop useful leading indicators? Do you track the frequency of events such as process upsets, accidental releases, and “near miss” incidents? Does tracking such events allow managers and employees to make changes that prevent accidental releases? What other metrics and indicators do you use, and how do they help prevent releases?**

*The development and tracking of leading process safety performance indicators would differ across the midstream industry as some have adopted API Recommended Practice 754 and others use company-specific criteria. The size of the facility, resources available, and local conditions dictate what is meaningful for that organization to drive a culture of safety. The use of leading indicators to drive action are best left for site-by-site interpretation and implementation. It is not appropriate to require use of specific leading indicators because they may not be relevant across the wide variety of RMP-regulated facilities. Each RMP-subject facility should be able to utilize facility-specific indicators to gauge the performance of their RMP program. Further, defining specific leading indicators could have the reverse effect of increasing risk by discouraging the facility to track and analyze meaningful data that keep safety awareness high and employees engaged.*

**e. Would expansion of the RMP employee participation provision to include requirements such as the SEMS II stop-work authority, or other efforts to involve employees in all management-system elements, enhance protection of human health and the environment?**

*GPA member companies have programs in place which address stop work authority. Employees are already involved in the implementation of a facility’s RMP program elements as required by the Employee Participation element in 40 C.F.R. § 68.83. GPA believes the current employee participation requirements and all other RMP elements are appropriate for preventing catastrophic releases and protecting human health and the environment. Lastly, because RMP-subject facilities are already obligated to provide a safe facility that minimizes the consequences of accidental releases as required by EPA’s General Duty Clause [112(r)(1)], adding a stop-work authority or any of the other management-system elements would be duplicative and unnecessary to protect human health and the environment.*

**f. Are there any other management-system elements in the existing RMP regulation that EPA should expand or clarify (e.g., a new requirement that facilities perform a root-cause analysis for incidents under § 68.81, clarify PHA and hazard review requirements, require more frequent PHA and hazard review updates, strengthen contractor requirements, or require pre-startup reviews prior to all process startups)? If so, please describe the**

**additional requirements, the safety benefits, any economic impacts associated with expanding the RMP regulation in this way, and any special circumstances involving small entities that EPA should consider.**

*The existing RMP regulation is a performance-based program, which currently has appropriate elements including incident investigation. The GPA member companies believe that the current RMP elements are effective and have driven process improvements to organizations as they have been implemented and engrained in their operating cultures. Expanding the existing elements with additional, specific requirements, would diminish the flexibility of a performance-based standard and would deter the ability for organizations to continually modernize and enhance their processes as safety cultures evolve and technologies improve.*

### **3. Define and Require Evaluation of Updates to Applicable Recognized and Generally Accepted Good Engineering Practices**

**a. What does your facility use as a definition for RAGAGEP? Would adding a definition for RAGAGEP to the RMP rule improve understanding of RMP requirements and prevent accidental releases? If so, what specific definition for RAGAGEP should EPA add to the RMP rule? What would be the economic impacts of adding such a definition?**

*GPA member companies do not support defining the term RAGAGEP because it would take away the performance based intent of the rule and become prescriptive. The rule must be flexible enough to allow industry to identify and select the most appropriate standards and practices for their covered process(es). RAGEGEP is widely accepted as industry consensus, industry guidance, and company specific internal operating standards. It is a flexible concept that must allow for each facility to determine its own site specific requirements through learnings and experiences to help prevent accidental releases.*

### **4. Extend Mechanical Integrity Requirements to Cover Any Safety-Critical Equipment**

**a. Should EPA amend the mechanical integrity provisions of the RMP rule to explicitly cover all safety critical process equipment? If so, what type(s) of equipment? Did you identify safety critical equipment not explicitly covered under § 68.73 that is critical to process safety? If so, how did your facility determine that the equipment was safety critical, and does your facility treat the equipment as if it were RMP-covered for safety or other reasons? Did you identify the equipment as safety-critical through an RMP process hazard analysis?**

*EPA should not amend the mechanical integrity (MI) provisions to explicitly cover all safety critical process equipment. GPA members currently implement mechanical integrity programs to ensure equipment is maintained appropriately and suitable for service, including safety critical equipment. There are existing industry standards/recommended practices on mechanical integrity, thus the RMP scope/list as defined in 40 C.F.R. § 68.73 does not need to be expanded. Member companies already use engineering analyses and RAGAGEP when considering their individual MI programs. GPA believes that equipment integrity, including equipment that is critical to protecting human health and the environment, is adequately managed by companies implementing existing MI prevention program requirements.*

**b. Please provide any data or information on accidental releases, near misses, or other safety-related incidents related to the mechanical integrity of safety-critical equipment not covered under § 68.73.**

*No comment. GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

**c. Would expanding the scope of § 68.73 to explicitly cover the integrity of all equipment critical to process safety make it more likely to prevent accidental releases?**

*Currently 40 C.F.R. § 68.73 provides a well-defined scope of equipment whose mechanical integrity is essential to prevent loss of primary containment. Expanding this well-defined scope by adding a performance requirement to include all equipment identified as “critical to process safety” without formally defining this term could result in significant economic impacts without a corresponding reduction in risk. GPA believes the existing mechanical integrity requirements are appropriate for preventing accidental releases and protecting human health and the environment.*

**5. Require Owners and Operators to Manage Organizational Changes**

**a. What do you consider to be an organizational change within the context of process safety management practices? For example, would you consider the following, or similar, changes to be organizational changes: reducing the number of operators in a shift; changing from 5-day to 7-day operations; changing from 8-hour to 12-hour operator shifts; replacing a unit manager; reducing the facility operations or maintenance budget; relocating a technical group to a remote corporate location; changing a supervisory or compensation structure; or hiring contractors to do the work formerly performed by employees of the regulated facility? Are there other examples of organizational changes that may be relevant to safety management practices?**

*GPA believes the existing language already supports the concept that organizational changes that affect covered processes fall within the scope of the Manage Organizational Changes (MOC) element for PSM-covered facilities. In a March 31, 2009, standard interpretation letter from Richard E. Fairfax, the Director of Enforcement Programs at OSHA, OSHA stated that organization changes, where they relate to a facility’s process, process chemicals, technology, equipment, and procedures, are part of the MOC process.*

**c. Would clarifying § 68.75 with an explicit requirement that employers manage organizational changes prevent worker injuries and fatalities? What would be the economic impact of such a clarification? Are there any special circumstances involving small entities that EPA should consider with respect to this option?**

*GPA believes the existing language already supports the concept that organizational changes that affect covered processes fall within the scope of the MOC element for PSM-covered facilities.*

**e. What do you consider to be the best safety practices concerning management of organizational change?**

*No comment. GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

**f. Please provide any data or information on accidents, near misses, or other safety-related incidents involving the failure to manage organizational change. Would following management-of-change procedures under § 68.75 prevent these incidents?**

*No comment. GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

## 6. Require Third-Party Compliance Audits

**c. Would revising § 68.58 and § 68.79 to require owners and operators of RMP-regulated facilities to use a third party for compliance audits help prevent accidental releases? What would be the economic impacts of revising § 68.58 and 68.79 in this way (e.g., typical consultant fees, additional work hours required, special circumstances involving small entities, etc.)?**

*GPA does not support requiring third-party auditors to conduct compliance audits. GPA believes the performance aspect of complying with 40 C.F.R. § 68.58 and § 68.79 provide flexibility to member companies to conduct audits using either internal or external resources. One of the benefits of this flexibility is the use of company personnel in audits to develop an employee's RMP knowledge and promote best practices across the company's RMP-covered processes. Use of competent company auditors, who have both technical and firsthand working knowledge of a company's operations and are independent from the RMP-covered process being audited, will result in a more comprehensive, effective, and meaningful audit than using a third party.*

*In addition, there are an insufficient number of competent third-party auditors available to conduct audits at all RMP-covered processes. Requiring third-party auditors could impact a RMP-covered facility's ability to meet § 68.58 and § 68.79 requirements. Also, requiring a competent third-party auditor would result in significant cost to the regulated entity.*

**d. Should EPA revise § 68.58 and § 68.79 to require owners and operators to use compliance auditors (internal or third party) with certain minimum credentials or certifications? If so, what minimum credentials or certifications should the Agency require?**

*EPA should not require certain minimum credentials or certifications for RMP compliance auditors. Requiring a "certified" auditor does not necessarily mean an auditor has the requisite knowledge and experience to conduct a RMP compliance audit. Many GPA member company's RMP auditors have significant experience in RMP, operations, engineering, maintenance/reliability, and process control automation in the gas processing industry. In addition, many GPA member companies will use subject matter experts to focus on specific areas of the RMP program to evaluate compliance.*

**e. How should owners/operators of RMP-regulated facilities address the findings of the third-party auditor? Should EPA amend the RMP rule to require owners/operators to document how they addressed each of the findings of the third-party auditor? Should a timeframe for addressing those findings be included in the RMP regulation? Should EPA include a procedure for how an owner/operator may appeal the findings of the third-party auditor?**

*GPA does not support use of third-party auditors as stated in response above to question "d."*

## D. Additional Items for Which EPA Requests Information

### 1. Safer Technology and Alternatives Analysis

**a. Should EPA require a safer alternatives options analysis either as a new prevention program element, as part of the existing PHA/Hazard Review element, or as a separate new requirement under CAA section 112(r)?**

*GPA member companies and the midstream industry, in general, have a strong safety performance record. This can be attributed to complying with existing hazard evaluation*

*requirements. EPA should not require an additional “options” analysis to consider safer alternatives, but rather should allow companies to apply existing hazard evaluation methods as appropriate to their RMP-covered process to prevent accidental releases. Inherently safer approaches to midstream industry processes have been, and will continue to be, considered by facilities as a matter of course, and the facility operators are in the best position to understand the full ramifications of implementing Inherently Safer Technology (IST). GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating ISTs.*

**b. How should safer alternatives be defined if it were to be a requirement under CAA section 112(r) regulations? What specifically should a safer alternatives analysis require and how would this differ from what is already required under other provisions of the RMP?**

*As described in the response to question “a” above, GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating inherently safer technologies.*

**c. How should industries determine if a safer alternative exists for their particular process? What safer alternative chemicals are available for the listed RMP chemicals and for ammonium nitrate?**

*Gas processing plant technology has been consistent over the past several decades. GPA member companies consider alternatives as needed to ensure safe and efficient operations. The solvents and solids used in gas processing are already inherently safe and are not on the EPA list of RMP regulated toxic and flammable materials. The actual products and byproducts themselves (natural gas, NGL’s and Hydrogen Sulfide) from gas processing are hazardous and are covered by the RMP regulation. Process Hazard Analyses are required for EPA RMP Program 3 compliance and RMP-subject facilities have made the currently used processes safer through a rigorous hazard analysis review. GPA urges the EPA to enforce existing RMP elements rather than add additional requirements to evaluate and implement IST.*

**d. What should facilities consider when determining if such technologies, when identified, are effective, available, and economically justified for their particular process or facility? Can the RMP national database, Lessons Learned Information System or other federal databases be structured to promote the exchange of information both within industry and with other stakeholders on potentially safer technologies?**

*GPA is a trade association representing multiple companies and cannot respond to a facility-specific question. However, GPA does not endorse using national databases or other systems to openly share potentially proprietary technology or trade secrets.*

**e. If EPA were to require facilities to undertake an evaluation of the potential to incorporate safer alternatives, what minimum criteria should this evaluation be required to meet? How would the evaluation determine if a particular alternative is feasible, cost effective and results in less risk? What requirements or incentives, if any, should there be for implementation of identified safer alternatives? How should any such requirements be structured and enforced?**

*GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

**f. Should EPA require facilities to use a safer alternatives evaluation method such as the CCPS Inherently Safer Technology Checklist?**

*GPA agrees the CCPS IST checklist is a good tool for RMP-subject facilities to use when considering safer alternatives. However, EPA should not require facilities to use a specific safer alternatives evaluation method. Companies and/or trade organizations may develop other tools for specific plants or industries to use. As such, owners/operators are in the best position to develop and/or use tools appropriate for their RMP-covered process. Furthermore, requiring a specific checklist could diminish innovation and continuous improvement in developing and using evaluation tools and resources.*

**g. How should EPA and facilities address the risk tradeoffs that could result when changing a process to incorporate safer alternatives?**

*GPA urges the EPA to not specify how a company would evaluate risk and benefits when evaluating safer alternatives due to the broad nature of RMP-covered processes and operations.*

**h. Should EPA consider requirements similar to those used by the State of New Jersey or Contra Costa County, California, and if so, why? What have been the benefits of such programs in risk reduction or process safety for the facilities covered under these requirements? What have been the limitations or drawbacks of these programs?**

*The GPA has no comment on these questions.*

**i. If EPA were to develop regulatory requirements for safer alternatives, which facilities should be subject to those requirements? Should all RMP facilities be subject to such requirements, or only “high risk” facilities, such as refineries and large chemical plants? How would “high risk” be defined? Are there particular processes or chemicals that should be targeted or prioritized for implementation of such requirements?**

*As described in the response to question “a” above, GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating ISTs. An overwhelming majority of gas processing facilities are remotely located, reducing the possible exposure of potential offsite receptors. Further, for those facilities removing toxic Hydrogen Sulfide, this gas is either burned to Sulfur Dioxide or recovered as elemental Sulfur onsite in these remote locations to comply with EPA emission regulations.*

**j. What barriers exist for industry to adopt safer alternatives? What incentives can be used by government to have facilities implement safer alternatives? Should the Agency provide special recognition to companies that implement safer alternatives?**

*The GPA has no comment on these questions.*

**k. What are other options (other than regulatory requirements) exist to encourage facilities to investigate, develop or implement safer alternatives and how can EPA further these efforts?**

*Inherently safer approaches to midstream industry processes have been, and will continue to be, considered by facilities as a matter of course, and the facility operators are in the best position to investigate, develop, or implement IST without government agency intervention.*

**l. If RMP facilities are required to perform safer alternative options analyses and implementation plans, should EPA require that the analyses and/or implementation plans be submitted to the Agency? Should EPA have any role in approving such analyses or plans? In lieu of an approval, can EPA promote safer alternatives through reporting and the dissemination of information on potentially applicable practices?**

*As described in the response to question “a” above, GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating ISTs. GPA is concerned that the high number of analyses submitted to the agency for approval would be overwhelming and could compromise safety by lengthy delays in the approval process. Therefore, GPA urges EPA to not include a requirement to submit an options analysis to the agency for approval. GPA member companies are committed to operating safely and preventing accidental releases of flammable products.*

**m. If RMP facilities are required to consider safer alternative options, what role should local communities have in these analyses? Should facilities be required to disclose these analyses or recommendations resulting from such analyses to local authorities or the public prior to the selection of options? Are there any other disclosure options that will ensure that decisions on implementing safer technologies are made with transparency? Are there any means of oversight other than disclosure that would ensure that safer alternatives analyses are thorough and implementation decisions are appropriate?**

*As described in the response to question “a” above, GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating ISTs. Decisions regarding safer alternatives are typically confidential business decisions involving experienced operations, engineering, safety, and management personnel. Disclosing options analysis information to third-parties, including the public, would be difficult because those individuals may not understand the context underlying any decisions that were made.*

**n. What would be the economic impacts of requiring facilities to analyze safer alternative options? Are there any special circumstances involving small entities that EPA should consider?**

*GPA urges EPA to not require an options analysis. There is a potentially significant cost in performing formal options analyses and this could be excessively burdensome to smaller entities. Inherently safer approaches to midstream industry processes have been, and will continue to be, considered by facilities as a matter of course, and the facility operators are in the best position to understand the full ramifications of implementing IST. GPA advocates continued enforcement of current hazard evaluation processes as required by existing regulations rather than implementing additional requirements for evaluating ISTs.*

### **3. Automated Detection and Monitoring for Releases of Regulated Substances**

**a. Should facilities be required to install monitoring equipment or sensors to detect releases of RMP regulated substances, or the conditions that could lead to such a release? Should the systems provide for continuous detection and monitoring? How should any such requirements be crafted to provide appropriate site-specific flexibility?**

*GPA does not agree that facilities should be explicitly required to install monitoring equipment or sensors to detect releases of RMP regulated substances. Rather, installation of monitoring equipment/sensors should be and are made by experienced personnel based on the facility’s risk assessment from process hazard analysis (PHA) which considers factors such as quantity of*

*flammable products that could be released, proximity of off-site receptors, and emergency response capabilities.*

**c. Should an automated mechanism to notify, alert and warn the local responders and surrounding public of an incident be considered as part of any detection and monitoring system requirement? If so, how should the potential for false alarms be addressed within such a requirement?**

*GPA urges EPA to not require an automated mechanism to notify, alert, and warn the local responders and surrounding public. The existing RMP Prevention Program elements are effective in driving industry performance and should be supported by proper site implementation and competent enforcement. Automated notification of alarms/sensor activation could inadvertently cause numerous false alarms and responses and take away resources from where they may be needed in the event of a real emergency. GPA member companies use emergency procedures as required by § 68.95 to notify the local responders when an actual emergency exists.*

**d. How can a requirement for automated detection and monitoring systems be best coordinated with the community emergency response plan? What are the advantages/disadvantages between continuous monitoring conducted by automated systems in contrast to third-party alarm agencies?**

*As discussed in the response to question “c,” GPA urges EPA to not require an automated mechanism to notify, alert, and warn the local responders and surrounding public.*

**f. How would the significance and appropriate protective response action of the alarms/alerts be best communicated to responders and the public (including shelter-in-place and evacuations)?**

*As discussed in the response to question “c,” GPA member companies currently use emergency procedures as required by § 68.95 to notify the local responders when an actual emergency exists. In addition, these emergency plans are shared with local first responders where they act as the primary responder to an emergency.*

**g. What involvement should LEPCs and SERCs have in the development of the emergency response plan, particularly with respect to what actions are to be taken in the event of an incident where and alarm/alert is activated?**

*Currently, as required by § 68.95(c), LEPCs may request the emergency response plan developed under paragraph § 68.95(a)(1). The LEPC is directed to update the community emergency response plan with information from the facility emergency response plan. In addition, the owner or operator must promptly provide to the local emergency response officials, information necessary for developing and implementing the community emergency response plan when requested to do so. GPA member companies do not agree that any additional regulatory amendments are required to the RMP rule.*

#### **4. Additional Stationary Source Location Requirements**

**a. Would additional specifics on stationary source siting and occupancy siting under the RMP minimize the impacts of chemical accidents to local communities? How should RMP stationary source siting requirements relate to OSHA PSM and other industry standards?**

*No, EPA is already clear on stationary source siting considerations as stated on pages 7-6 of EPA’s General Guidance for Risk Management Programs (40 C.F.R. Part 68). In that guidance,*

*EPA points out that “...there should be few instances where the scenarios considered for OSHA fail to address offsite impacts. A well-done PHA should identify all failure scenarios that could lead to significant exposure of workers, the public, or the environment.” The GPA agrees with EPA’s view that existing PHA requirements are appropriate for considering offsite impacts.*

*In addition, with respect to the midstream industry, many GPA member companies operate RMP-subject facilities in remote areas near the gas production source(s). The natural benefit of this is that any hazardous impacts to human health and the environment are minimized in the event of a loss of containment or release.*

*The primary hazard associated with the midstream and LPG industry is the formation of a flammable hydrocarbon vapor cloud caused by a release. Therefore, OSHA requires a facility siting evaluation be performed during the facility’s process hazard analysis, which is essentially a stationary source siting evaluation. API RP 752 and 753 are the standards used to manage hazard risks to on-site facility personnel in a PSM regulated facility. Any additional EPA stationary source requirements should not duplicate OSHA’s PSM standard requirements or API RP 752 and 753 standards.*

**c. What information should EPA consider in the development of stationary source buffer or setback zones for different risks? How should EPA address siting when limited space is available?**

*GPA recommends using consequence results from the site-specific facility sitings study to determine if any off-site receptors could be affected and whether a setback zone is necessary. GPA urges the EPA to not use the RMP\*Comp analysis data for the Worst Case Scenario (WCS) because the results are overly conservative and present unrealistic impacts. An independent facility siting study presents a more realistic simulation of an explosion, fire, and toxic release hazards based on the same criteria used in the RMP\*Comp equation, resulting in a practical safe radius, which could be used in determining buffer zones.*

*Regarding limited siting space, EPA should give consideration for the pro-active measures companies employ to minimize the risk and consequences of a catastrophic event. GPA points out that member companies focus heavily on reducing the likelihood of a catastrophic event from occurring, as well as, attempting to reduce the severity of a potential incident. Several of the pro-active measures member companies employ are:*

- *Limiting on-site quantities and types of hazardous materials, where practical;*
- *Contain and control measures such as mechanical integrity programs, operating procedures, and operator training;*
- *Change management processes including pre-startup reviews;*
- *Emergency response training and equipment; and*
- *Installing appropriate safeguards to reduce the risk of a catastrophic event.*

**d. What administrative processes and controls should be incorporated into stationary source siting requirements?**

*GPA urges EPA to not add any additional administrative processes or controls to the stationary source siting requirements. There are several existing requirements in both the OSHA PSM and EPA RMP regulations that affect stationary source siting. For example, a stationary source’s initial process hazard analysis typically accounts for stationary source siting with respect to identified hazards and risks. Re-validation PHAs which are required every five (5) years per the*

*current OSHA PSM standard and EPA's RMP standard, study any modifications and/or incidents that occurred within the 5-year time period. Additionally, both operating and maintenance procedures and training help minimize potential human error during normal operations, start-up operations, start-up after turn-around operations, and maintenance operations. Also, a stationary source's mechanical integrity program identifies all critical equipment and piping systems necessary to contain the hazard(s) while requiring specific inspection, testing, and preventative maintenance as recommended by the manufacturer or the owner/operator. EPA has not shown that the existing requirements listed above are inadequate for stationary source siting considerations and that additional administrative processes and controls are needed.*

**e. What safety and process devices, instruments and controls should be incorporated into stationary source siting requirements?**

*GPA recommends that EPA not mandate specific safety and process devices, instruments and controls into stationary source siting requirements. GPA points out that member companies, and the midstream industry in general, already incorporate necessary safety devices, instruments, and controls at facilities based on site-specific conditions through the hazard evaluation process. For example, gas, fire, and smoke detection and alarm systems provide early warning of any potential hazards. A stationary source's relief and vent system protects against an unscheduled loss of containment. Instrumentation allows for continuous monitoring of safety design limits and can provide early warning to operators of a process upset, and ultimately function independently to prevent the upset condition and loss of containment. Combining these systems with safety interlock systems (e.g., Emergency Shutdown Systems), which isolate areas where a loss of containment is suspected to minimize the hazard and risk to human health and the environment. Therefore, companies should be allowed to determine which devices, instruments, and controls are necessary for their specific facilities and should not be explicitly specified in the RMP rule.*

**f. What criteria are appropriate for siting of occupancies (such as offices, control rooms, cafeterias, etc.) near an RMP-regulated process?**

*In regards to onsite siting requirements, these criteria are already considered under OSHA's PSM Standard [29 C.F.R. §1910.119(e)]. Therefore, GPA recommends EPA stay within its jurisdiction, which is off-site siting considerations and default to OSHA's PSM standard for onsite siting requirements.*

**g. How often should stationary source siting be evaluated for effectiveness? What criteria should be used?**

*Prescribed scheduled evaluations are already a requirement under § 68.67(c)(5) for revalidation of a PHA and are also considered for significant modifications under the management of change element. GPA recommends EPA not make a separate requirement for evaluating stationary siting on an interval different than for PHA revalidations. The criteria for current evaluations takes into account the following considerations:*

- *A process modification which involves removing any structure or equipment which originally provided a barrier between the building(s) and the process in the event of an explosion or fire.*
- *An expansion which encroaches closer to the occupied building(s).*
- *An occupied building modification which may impact the structural integrity of the building set forth in API RP 752.*

**h. What documentation should be required for evaluating stationary source siting determinations?**

*GPA recommends that EPA not add additional documentation requirements. The existing process safety information requirements for stationary source siting as part of a PHA is appropriate.*

**i. Is it appropriate to reflect the environmental burden of the surrounding community in siting criteria for either new facilities or expansions within an existing site? Is it appropriate to consider chronic burdens or only burdens associated with accidental releases?**

*The EPA should not consider chronic burden to communities in the RMP regulation, as there are other successful EPA regulations that cover chronic burdens.*

**j. What challenges would the agency face in specifying uniform siting requirements for the wide variety of covered sites?**

*The EPA should not specify uniform siting requirements that would overstep state and local zoning processes, which is the purview of local, state, or tribal organizations.*

**k. If EPA mandated siting criteria, how should EPA account for local zoning codes when establishing such criteria? Would setting federal requirements overstep into the normal state and local zoning processes, or would it act as a supplemental measure ensuring minimal safety standards across the country?**

*The EPA should not be involved with zoning issues, which is the purview of local, state, or tribal organizations.*

**l. What would be the economic impacts of specifying additional siting requirements? Are there any special circumstances involving small entities that EPA should consider with respect to siting requirements?**

*Requiring additional siting requirements for both new and existing facilities could result in significant cost to the regulated entity.*

**6. Incident Investigation and Accident History Requirements**

**a. Are the RMP incident investigation requirements too narrowly focused? Would identifying a broader range of incidents requiring investigation (e.g., near misses) help prevent additional accidental releases? Please provide specific examples where possible. EPA requests information on alternative definitions or incident classifications that could be included within the rule's incident investigation requirements.**

*The incident investigation requirements are appropriate and no additional requirements are needed. GPA interprets the existing criteria for conducting an investigation as including near misses. In § 68.60, an owner/operator must “investigate each incident which resulted in, or could reasonably have resulted in a catastrophic release.” [emphasis added]. However, GPA does not recommend expanding the criteria to include process upsets. Many process upsets affect product specification requirements or operational efficiencies but do not rise to the level of a catastrophic release near miss. While GPA member companies generally perform investigations of process upsets, requiring a formal incident investigation under § 68.60 would require significant resources and provide little additional value than the investigation practices already performed. In addition, there are already existing local, state, and federal reporting requirements for reporting process upsets depending upon the environmental media that is affected.*

**b. Are there any data or information on process upsets, near misses or other incidents that were not required to be investigated, but where an investigation and resulting changes in management systems might prevent accidental releases?**

*GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

**d. Would a specific time frame for incident investigations to be completed benefit overall safety? What should be the basis for establishing an appropriate timeframe requirement for an incident investigation to be completed? What are the challenges and limitations to completing an incident investigation within a specified timeframe?**

*GPA does not endorse requiring specific time frames for completing incident investigations. A limitation to this specified timeline approach would require companies to focus on complying with defined timelines rather than performing an investigation using a level of rigor commensurate with the incident risk.*

**e. Are there benefits from requiring that investigations must be performed even in cases where the owner/operator elects to decommission the process involved, where the process is destroyed in the incident, or where a facility determines there were no actual or potential off-site consequences?**

*GPA member companies acknowledge there is benefit to conducting investigations on incidents meeting the criteria in § 68.60. GPA does not recommend changing the criteria nor revising the RMP rule to add additional investigation requirements.*

**g. Would a modification of the accident history reporting requirements to reflect a broader range of incidents being investigated assist in disseminating lessons learned across industry?**

*The accident history reporting requirements are appropriate and broadening the reporting criteria would be burdensome and unnecessary. While many GPA member companies develop lessons learned documents from investigations and disseminate them internally across the company, there is limited value gained from sharing across industry. Many lessons learned are associated with company-specific processes, procedures, and tasks and are not necessarily transferrable to other companies within the same industry. GPA does acknowledge that lessons learned from infrequent catastrophic incidents may have broader application to other companies in the same industry and there may be value in sharing these learnings. However, these are typically unique, catastrophic incidents and the approach to sharing lessons learned on less severe incidents does not have the same value or applicability, especially across different industry segments.*

**h. Should EPA require facilities that have incidents or near misses to conduct a full compliance audit under § 68.58 and § 68.79?**

*GPA does not recommend conducting a full compliance audit for RMP-reportable incidents and near misses. The incident investigation requirements in § 68.60 require facilities to determine “the factors that contributed to the incident” and develop “any recommendations resulting from the investigation.” The investigation will identify if any RMP program elements were deficient or contributed to the incident and the facility will develop recommendations to correct those deficiencies or strengthen the program elements. Requiring a compliance audit would provide no benefit and be duplicative to the incident investigation process.*

**i. Is it appropriate for facilities to share the results of accident investigations with the local community or alternatively a summary of the accident, and its root cause? Is there an appropriate role for the local community in conducting investigations?**

*GPA does not recommend sharing the results of accident investigations with local communities. Many investigation reports are written using industry and engineering terminology and concepts and may be misunderstood by non-technical persons. GPA cannot identify a role for the local community in conducting investigations. However, GPA member companies do incorporate any lessons learned from investigations into their emergency response plans which are shared with local responders for their planning purposes.*

**j. What would be the economic impact of broadening the RMP incident investigation requirements to require root cause investigations of near misses? Are there any special circumstances involving small entities that EPA should consider? Would small businesses have the capacity to investigate near miss incidents?**

*GPA does not recommend conducting a root cause investigation for all near misses. Like incidents, near misses can range from minor (improperly torqued flange bolts) to significant (closing an isolation valve on PSV). Requiring a root cause analysis (RCA) for minor near misses would be burdensome and costly. RCA typically involves a defined methodology or approach with trained and qualified facilitators and are more appropriate for significant incidents and near misses rather than minor ones. Also, requiring RCA for all near misses could discourage employees and contractors from reporting near misses because of the burden of conducting a rigorous investigation involving RCA. Lastly, small businesses would be especially burdened by this requirement because of the cost of formal training, minimal internal staffing, or use of third-party investigators.*

**8. Public Disclosure of Information to Promote Regulatory Compliance and Improve Community Understanding of Chemical Risks**

**a. Should EPA amend the RMP regulation to require RMP-regulated facilities to post chemical hazard-related information on their Web sites (if they have one) such as RMP chemical names, chemical quantities, executive summaries, links to LEPCs, community emergency plans, Safety Data Sheets (SDS) for hazardous chemicals present on site, EPCRA Tier 2 reports, release notification reports, accident history and cause and other similar information? What requirements should be considered for facilities that do not have a Web site?**

*GPA recommends EPA not require RMP-regulated facilities to post RMP-related information on their websites. Currently, GPA member companies prepare and submit annually, chemical hazard-related information in compliance with Emergency Preparedness Community Right to Know Act, which provides similar information to Local Emergency Planning Committees (LEPC), Emergency Responders, Law Enforcement and local fire departments. GPA is confident this distribution is more appropriate than adding additional duplicative requirements in the RMP rule.*

*Also, there is already facility-specific RMP information on EPA's website that can be used for facilities that do not have their own website.*

**b. Would requiring facilities to make this information available on the company Web site promote improved regulatory compliance? What additional economic burden would be associated with such a requirement?**

*As stated in the response to question “a,” GPA recommends EPA not require RMP-regulated facilities to post RMP-related information on their websites. There is no additional benefit from posting duplicative information and would not enhance compliance.*

**c. Do RMP-regulated facility owners/ operators have any safety or security concerns with posting the executive summary from the RMP, or linking to EPCRA reports and community response plans on the company Web sites? Please explain any concerns regarding specific elements of this information.**

*GPA supports providing emergency responders and security personnel with the necessary information to perform their function. However, considerations should be made to safeguard critical information that may show facility vulnerabilities and responses to incidents. Posting critical information on a public website could pose an unnecessary safety and security risk.*

**d. Would posting the RMP executive summary on a Web site cause facility owner/operators to remove important information from the executive summary? Does EPA need to better define the contents of an executive summary in order to allay security concerns?**

*Posting critical information on a public website could pose an unnecessary safety and security risk.*

**e. Is there other information (web based or otherwise) that would assist local communities, emergency planners, and responders in understanding facility risks that should be made publicly available? For example, would disclosure of the facility’s PHA or compliance audit to local authorities such as the LEPC result in improved safety?**

*GPA does not recommend posting sensitive facility documents such as a process hazard analysis (PHA) or compliance audit on a public website. PHAs contain specific deviation scenarios, safeguards, and consequences. This information is considered safety sensitive and could potentially expose vulnerabilities.*

**f. Does your facility interact with community groups (e.g., a citizen advisory panel)? If so, what information do you provide to such groups?**

*GPA is a trade association representing multiple companies and cannot respond to a facility-specific question.*

**g. Are there other activities or measures that RMP-facility owner/ operators can use to ensure that communities, planners, and responders have access to appropriate information?**

*Currently, GPA member companies prepare and submit annually, chemical hazard-related information in compliance with Emergency Preparedness Community Right to Know Act, which provides similar information to Local Emergency Planning Committees (LEPC), Emergency Responders, Law Enforcement and local fire departments. GPA is confident this distribution is more appropriate than adding additional duplicative requirements in the RMP rule.*

**h. Can the use of social media or other forms of community outreach be incorporated into hazard assessment, prevention, and response to leverage community involvement in oversight? For example, would increased public disclosure of RMP-related information, such as accidental releases, near misses, and subsequent safety enhancements, or increased community involvement in facility emergency response planning, lead to improvements in facility safety? Please identify aspects of the RMP rule where there are opportunities for community involvement.**

*GPA does not recommend incorporating social media or other community outreach into hazard assessment, prevention, or response requirements. Most RMP-related information contains industry and engineering terminology and concepts and may be misunderstood by non-technical persons. At this time, GPA cannot identify a role for the local community in emergency response planning. However, many GPA member companies do share their emergency response plans with local responders for their planning purposes.*

## **11. The “Safety Case” Regulatory Model**

*General Response: It is understandable and reasonable to expect high-risk facilities to design, operate, and manage their facilities with engineering and administrative controls in place to minimize risk. The purpose of the PHA is to evaluate and rank the hazards associated with PSM and RMP regulated facilities. The PHA criteria prescribed by OSHA’s 29 C.F.R. § 1910.119(e) standard and RMP 40 C.F.R. § 68.67 require experienced engineers and operators to participate in the PHA. These experienced personnel are essential in the hazard evaluation, and ensure that a facility is equipped with the necessary devices and procedures to minimize risks within the facility process, with the ultimate goal to maintain a safe facility by reducing the risks to an acceptable level based on the hazard’s risk ranking.*

*The EPA’s proposal requiring regulated facilities to submit their PHA for approval could have significant ramifications for the midstream industry. The timeframe required for the EPA to review and comment on a PHA could potentially add several months on a project before all EPA questions are answered satisfactorily. Furthermore, the manpower which would be required by the EPA to review the volume of PHAs would be significant due the numerous facilities currently being planned, constructed, or expanded.*

*Before the EPA considers implementing additional regulations with regard to the safety case in high-risk facilities, consider that the majority of chemical and petroleum facility catastrophic incidents occur when “starting-up” a system within the facility. The Bhopal and BP Texas City incidents are prime examples of catastrophes which have occurred during start-up of a process system. The PSM and RMP requirement for operating procedures (§ 1910.119(f)), maintenance procedures (§ 1910.119(j)(2)), and the Mechanical Integrity (§ 1910.119(j)) program were established to minimize the risk associated with start-ups.*

**b. The CSB Draft Regulatory Report on the Chevron Richmond Refinery Pipe Rupture and Fire highlights the NRC as a U.S. regulator that has established a safety case for licensing and oversight of commercial nuclear power plants in the United States. The NRC oversees approximately 100 nuclear reactor and 3,000 nuclear materials facilities in the U.S.; the NRC has nearly 4,000 employees and an annual budget of over \$1 billion. What additional resources would be required by EPA and OSHA in order to establish and oversee a safety case regulatory regime for RMP and PSM-covered facilities?**

*As discussed in the General Comments above, the EPA and OSHA would require a significant increase in manpower, or resources, to address the existing regulated facilities and the future facilities, especially relating to the natural gas midstream industry and the natural gas liquids industry. Considering the NRC maintains approximately 4,000 employees to oversee 3,100 facilities, the EPA and OSHA would have to add a significant number of employees to oversee the approximately 12,000+ RMP-subject facilities.*

**c. Is the safety case approach suitable for all RMP and PSM covered facilities, or, if adopted, should it be limited to only the most high-risk facilities, such as petroleum refineries and other high risk chemical processing facilities?**

*No, the safety case approach is not appropriate for all RMP and PSM covered facilities. The oil and gas midstream industry has a strong safety performance record and should not be considered a high-risk industry. Midstream natural gas processing plants process wellhead gas to produce marketable dry natural gas. Before the natural gas is processed, it must be treated to remove corrosive contaminants such as H<sub>2</sub>S, CO<sub>2</sub>, and H<sub>2</sub>O. Both natural gas treating facilities and natural gas processing plants continue to utilize the same technologies used for many years. The hazards associated with these types of facilities are accounted for by implementing appropriate engineering standards and complying with OSHA's and EPA's existing standards (PSM & RMP).*

*Also, Natural Gas Liquids (NGL) fractionation facilities should not be considered high-risk. These facilities utilize a distillation process to produce the pure hydrocarbons ethane, propane, and butane, or liquid petroleum gases (LPGs). In addition to the required PHA, NGL fractionation plants often incorporate additional engineering studies to ensure the facility has reduced risks as low as reasonably practicable. These studies typically include a Layer of Protection Analysis, or LOPA, and Safety Integrity Level analysis, or SIL.*

**d. What would be the economic impacts of moving to a safety case based regulatory regime for chemical facility safety? Are there any special circumstances involving small entities that EPA should consider with respect to safety case based approach?**

*GPA does not recommend moving from the current RMP rule to a safety case regulatory regime. The RMP rule has provided significant benefit to improving chemical facility safety since its promulgation. However, there could be significant economic and resource impact both for industry and EPA and OSHA by moving to a safety case regime. From the midstream industry, there could be a potential loss in production due to resource constraints caused by the requirement to "demonstrate" their facility's risks level have been reduced to ALARP.*

## **12. Streamlining RMP Requirements**

**a. Are there steps that EPA could take to simplify the process of determining whether the RMP rule applies to particular facilities? Are there other potential revisions to the rule that would make it easier for regulated entities to comply with its provisions?**

*The RMP applicability is developed to allow companies to self-determine based on established criteria which are well defined and appropriate. There are no additional steps needed or revisions necessary.*

**b. Are there steps that EPA could take to simplify the RMP submission process? For example, are there advances in electronic reporting or information technology that EPA could use in order to make RMP submissions easier?**

*The rollout of the 2009 electronic submission and resubmit process was a significant improvement over the previous CD mail-in process and is simple for end-users to use including certification, it is not necessary to simplify the current process.*

**c. Should EPA require that RMP submissions be certified by a senior corporate official, such as the Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, or the equivalent to ensure corporate-wide awareness and accountability in the RMP submission?**

*The current certification process allows for companies to certify by an owner or operator of a stationary source; no changes recommended.*

**d. Is the three-tiered program level structure of the RMP regulation appropriate, or should EPA consider simplifying the rule to make only two program tiers, or only a single prevention program applicable to all facilities?**

*Current process of three program levels is appropriate to address the oil and gas industry.*

**e. Are the accident prevention program elements clearly defined? Should EPA further clarify any of the existing elements?**

*The accident prevention program elements are appropriately defined by 40 C.F.R. § 68.48 and § 68.65 and applicable for the oil and gas industry with no need for additional clarification.*

**f. Are the regulatory terms and definitions contained in section 68.3 sufficiently clear? Are there additional terms that EPA should define in this section?**

*The list of terms and definitions contained in 40 C.F.R. § 68.3 are complete and appropriate for the oil and gas industry.*

Respectfully Submitted,



Johnny Dreyer  
Sr. VP and Corporate Secretary  
Gas Processors Association