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L E T T E R

EPA Region 10 CAA 112(r) Update

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Latest News on the Accidental Release Prevention Requirements of the Clean Air Act

INSIDE

EPA Region 10 CAA 112(r) Update
EPA Region 10, WA Ops Office

The Update is a monthly newsletter on issues relating to the Accidental Release Prevention Requirements of the Clean Air Act.

To automatically receive a copy via the post or E-mail, send a message to hoff.melanie@epamail.epa.gov or call Melanie Hoff at 360-753-9477

One-Day RMP Course Scheduled for Delivery

The one-day Risk Management Programs course covers the following:

- Risk management programs regulations
- Hazard analysis techniques using EPA's RMP Offsite Consequence Analysis Guidance
- Release prevention and emergency response activities
- Risk management plan (RMP) data elements

This course is intended for Federal, State and local personnel, government facilities personnel (ie. water treatment plant employees, etc.), SERC and LEPC members, and local emergency management and response personnel.

The course is provided free of charge to Federal, State and local governmental personnel (including SERC and LEPC members). Private industry personnel are allowed to attend, but, only on a space available basis. Private industry attendees will be charged a fee of $125.00 for the course. This fee is paid directly to the EPA.

If you are interested in attending a course or scheduling one in your area, call Melanie Hoff (see sidebar). To date courses are scheduled in the following locations:

February 19	Boise, ID
March 9	Seattle, WA
April 20	Tri-Cities area, WA
April 21	Spokane, WA
April 24	Juneau, AK
May 4	Anchorage, AK
May 6	Tacoma, WA
May 8	Portland, OR

Ammonia Q & A's

Question: Does the exemption at 40 CFR 68.125 for "ammonia used as an agricultural nutrient, when held by farmers" apply to the CAA Section 112(r)(1) general duty clause?
Answer: No. The exemption for ammonia held by farmers for use as fertilizer applies only to the provisions of the risk management program regulations at 40 CFR Part 68. The general duty requirement is statutory rather than regulatory and is, therefore, not subject to the regulatory exemption at 40 CFR 68.125.
(CAA Q&A Database, July 1997)

Question: Are agricultural facilities potentially subject to the risk management program requirements of 40 CFR Part 68?
Answer: Yes. Although there is one specific exemption from the provisions of 40 CFR Part 68 for ammonia held by a farmer for use as an agricultural nutrient (40 CFR §68.125), there is no general exemption from the risk management program regulations for farms. If fertilizers, pesticides, or any other materials present at a farm are (or contain) regulated substances in excess of the applicable threshold quantity, the facility must comply with the requirements of 40 CFR Part 68. Ammonia held for distribution at a farm would not be exempt. In addition, even if a farmer is exempt from the Risk Management Plan rule, he is still subject to the General Duty Clause under CAA §112(r)(1) (see questions under General Duty Clause)

Question: The list of regulated toxic substances at 40 CFR Section 68.130 includes both "ammonia (anhydrous)" and "ammonia (conc 20% or greater)," but does not include a specific listing for "ammonium hydroxide." The Chemical Abstract Registry Service (CAS) number for ammonium hydroxide is 1336-21-6, and the CAS number for ammonia is 7664-41-7. Ammonium hydroxide is, however, simply a mixture of ammonia and

water. Must a stationary source owner or operator consider the amount of ammonia present in ammonium hydroxide that is contained in a process when determining whether the threshold for ammonia is exceeded?

Answer: Yes. For the purposes of the risk management program regulations at 40 CFR Part 68, ammonium hydroxide must be treated as a solution of ammonia and water, regardless of the fact that ammonium hydroxide may be identified by a unique CAS number. The Agency has made it clear that the listing for "ammonia (conc 20% or greater)" applies to aqueous solutions of ammonia (List Rule Response to Comments document, page 50). If the concentration of ammonia in the ammonium hydroxide is 20% or greater, then the mixture is subject to threshold determination for "ammonia (conc 20% or greater)" under 40 CFR Section 68.115.

Question: The list of regulated substances at 40 CFR Section 130 includes aqueous ammonia that is at a concentration of 20 percent (by weight) or greater. Why did EPA select 20 percent as the concentration cut-off value?
Answer: Commonly used commodity solutions of ammonia (which mean the bulk shipments, not bottles of ammonia you can buy in the supermarket which are considerably more dilute) usually contain at least 20 percent ammonia by weight. The 20 percent concentration cut-off was proposed for regulation so that these solutions would be covered by the risk management program regulations (58 FR 5110; January 19, 1993). EPA did not revise the concentration cutoff in the final rule because such solution exceeded the volatility criterion of the final rule (59 FR 4488; January 31, 1994).
(CAA Q&A Database, July 1997).

Question: Several toxic substances are listed as a regulated substances under 40 CFR §68.130 with concentration qualifiers (e.g., "conc 30% or greater"). What does this concentration mean? When determining whether a threshold amount of these substances exists in a process, should I consider the weight of the entire solution, or simply the amount of the regulated toxic substance in the solution?
Answer: If a regulated substance has a specific concentration listed, you need only consider solutions/mixtures with concentrations of the regulated substance that are at or above this concentration. You do not need to consider solutions/mixtures with concentrations of a regulated substance below the listed concentration when you determine threshold quantities. Examples: Ammonia has a specified concentration of 20%. Hence, you do not need to consider a 15 percent ammonia solution, but do need to account for a 25 percent ammonia solution. For any regulated substance without a listed concentration cutoff, you must consider the quantity of the regulated substance if the concentration exceeds one percent.

Once you have determined that the solution/mixture must be accounted for, you need to determine whether you exceed the threshold quantity. For regulated toxic substances, you must consider only the weight of the regulated substance in the solution/mixture towards the threshold quantity. Examples: The Threshold Quantity for ammonia solutions is 20,000 pounds. If you have more than 100,000 total pounds of a 20% ammonia solution, then you would have more than 20,000 pounds of ammonia in the solution and would have more than a threshold quantity. Similarly, if you have more than 50,000 total pounds of a 40% solution, you would also have more than a threshold quantity.

There are four regulated substances that have concentration qualifiers:
Ammonia (conc 20% or greater)
Hydrochloric acid (conc 37% or greater) see NOTE
Hydrogen fluoride/hydrofluoric acid (conc 50% or greater)
Nitric acid (conc 80% or greater)
(CAA Q&A Database, July 1997)

For More Information

Contact the Emergency Planning and Community Right-to-Know Hotline at (800)424-9346 or (703)412-9810.

Visit the 112(r) CEPPO Home Page at www.epa.gov/swercepp/acc-pre.html

Contact your EPA Region 10 representative, Melanie Hoff, at (360)753-9477 or hoff.melanie@epamail.epa.gov