

## Chemical Facility Security

**P**resident Bush signed HR 5441, Homeland Security Appropriations Act of 2007 on October 4, 2006. Included in Section 550 of this Act, was the requirement that the Department of Homeland Security (DHS) prepare interim final regulations establishing a risk-based performance standard for security of chemical facility. This would also include the development and implementation of vulnerability assessments and site security plans for identified facilities. On December 28, 2006, the DHS issued the notice of rulemaking in the Federal Register for the "Chemical Facility Anti-Terrorism Standards." Comments were required to be submitted by February 7, 2007. The proposed text can be viewed at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20061800/edocket.access.gpo.gov/2006/06-9903.htm>

An excellent summary and review of the proposed rule and associated issues surrounding Chemical Facility Security is provided in the CRS Report for Congress, "Chemical Facility Security: Regulation and Issues for Congress", January 31, 2007, authored by Dana Shea and Todd Tatelman. This report can be found at:

<http://www.fas.org/sgp/crs/homesecc/RL33847.pdf>

### Who will be covered?

This is not clear – yet. Under the proposed rulemaking, the following details define facility applicability:

*"any facility that possesses or plans to possess, at any relevant point in time, a quantity of a chemical substance determined by the Secretary to be potentially dangerous or that meets other risk-related criterion identified by the Department."*

### What chemicals / quantities will be covered?

This is not clear – yet. Under the proposed rulemaking, a regulated facility will include any facility that:

*"in the discretion of the Secretary of Homeland Security, presents a high risk of significant adverse consequences for human life or health, national security and/or critical economic assets if subjected to terrorist attack, compromise, infiltration, or exploitation."*

One data point (2005) from the Department of Homeland Security (DHS), is that there are approximately 3,400 chemical facilities considered high-risk. At that time, DHS considered a facility as being a "high risk" as having the ability to impact 1,000 or more people. It is not clear at this time if this will be included in the current rule making.

Another potential source for chemical facilities, included in the preamble, is the Environmental Protection Agency's Risk Management Program. This program includes 15,000 facilities.

Facilities exempt from these regulations include facilities defined as a

water system or wastewater treatment works, facilities owned or operated by the Department of Defense or Department of Energy, facilities regulated by the Nuclear Regulatory Commission, and those facilities regulated under the Maritime Transportation Security Act of 2002. Look for the final rulemaking to be completed by April 7, 2007. ✓

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## Risk Group Update - Eastern Washington Facilities Cited for Risk Management Plan Violations

Over the past several months, several facilities located in Eastern Washington have been cited for Risk Management Program violations. These facilities include six food-processing/storage facilities and one wastewater treatment facility. All of the facilities have entered into settlement agreements with EPA and have corrected their violations.

The violation settlements range from as little as \$2,208 to \$7,488. This cost does not include costs associated with implementation of listed mitigation measures.

The Risk Management Program requires facilities with over a determined threshold amount of a hazardous substance, to conduct hazard analyses, develop a prevention program, and develop emergency response procedures. Basically, the Risk Management Program is about reducing hazardous risks at the local level. The information it provides helps local fire, police, and emergency responders in dealing with a release, while informing local citizens of the chemical hazards located in their communities.

According to EPA officials, six out of the seven penalties were due to the failure to address potential re-

lease concerns in an appropriate manner. These concerns range from improper maintenance, lack of proper training, operating procedure issues, inadequate offsite consequence analysis, etc. Most of these issues can be easily avoided by paying greater attention to the Risk Management Program in place. As shown above, negligence can lead to some heavy but avoidable penalties.

It is important to stress to facilities to not overlook the Risk Management Program. In the event of an emergency, it could be a matter of life or death. The Risk Management Program is there to prevent chemical releases, protect workers and the surrounding community, and to help coordinate a quick and effective response in the event of a release.

Source: U.S. EPA ✓

### Tracer ES&T Anniversaries

Some of the Tracer ES&T staff have been together through several name changes: Tracer Technologies, Team Environmental Services, and now, Tracer ES&T. Our staff is the foundation for this company and we appreciate their effort and dedication.

24 Years	Tom Rappolt	(03/03/83)
24 Years	Lynn Teuscher	(03/03/83)
24 Years	Steve Kerrin	(03/03/83)
7 Years	Adrienne Tober	(04/17/00)
4 Years	Alicia Froke	(04/21/03)
2 Years	Lesley Evans	(03/07/05)
2 Years	Jackie Musgrove	(04/07/05)

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Do you have questions about an article appearing in Tracer ES&Times?  
Call us at (760) 744-9611.

# California Greenhouse Gas Regulatory Update

California recently adopted the Global Warming Solutions Act of 2006 (also known as AB 32) which will reduce the emissions of greenhouse gases to 1990 levels by the year 2020. AB 32 defines greenhouse gases as including all of the following: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The following provides a summary of key implementation deadlines for AB 32:

July 1, 2007

The California Air Resources Board (ARB) adopts list of early emission reduction measures that can be implemented by January 1, 2010.

January 1, 2008

ARB adopts regulations for mandatory reporting of greenhouse gas emissions.

January 1, 2009

ARB adopts plan for reducing greenhouse gas emissions from significant sources through regulations, market-based emission credit trading mechanisms, and other actions.

January 1, 2010

Early emission reduction measures go into effect.

January 1, 2011

ARB finalizes major rules for reducing greenhouse gas emissions.

January 1, 2012

Greenhouse gas rules take effect.

Note, there are many questions regarding implementation including (but not limited to):

- What sources / source categories will be regulated by AB 32?
- How do I take credit for voluntary emission reductions of greenhouse gas emissions that have occurred since 1990?
- What fees will be associated with greenhouse gas emissions?

- How will the local Air Pollution Control Districts (APCDs) and Air Quality Management District (AQMDs) be involved?

Since the key implementation details are still pending, it is unclear what will be the best overall strategy for companies to achieve compliance with AB 32 while minimizing the operational burden. However, it is recommended that facilities begin to determine their greenhouse gas emission levels for 1990 and 2006 in order to be prepared for developments as they unfold. For more information please visit <http://www.arb.ca.gov/cc/cc.htm> or contact Mr. Greg Hauser at (760) 744-9611 x106. ✓

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and run!!



**YMCA Tri-For-Fun Triathlon**  
**April 28, 2007**

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For more information contact the YMCA

3400 Skyway Drive  
Santa Maria, CA 93455  
Tele: 805-937-8521  
Fax: 805-937-7007

## CALLING ALL REFRIG- ERATION OPERATORS AND TECHNICIANS...

The RETA Los Angeles Chapter, *19<sup>th</sup> Annual Ammonia & Refrigeration Safety Seminar* is set for April 20, 2007. FREE admission to the first 250 registered attendees.

Where: Holiday Inn Select  
14299 Firestone Blvd,  
La Mirada, CA

When: April 20, 2007  
6:00 am – 8:00 am  
Registration &  
Continental Breakfast  
8:00 am – 4:00 pm  
Conference

Be sure to stop by and see Tracer ES&T's Table-Top Display.