



Refrigeration Systems Targeted: Risk Management Plans and Release Reporting

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Companies operating ammonia refrigeration systems are easy targets for EPA under a number of environmental programs. Recent history suggests release reporting under Section 112(r) of the Clean Air Act (CAA) and under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Emergency Planning and Community Right-to-Know Act (EPCRA) result in the greatest risk of enforcement.

For example, from 2014 to 2016, a California food processor experienced releases of excessive ammonia from its refrigeration systems on two occasions. The first release in 2014 resulted in 2,700 pounds of anhydrous ammonia escaping to the atmosphere. The second release in 2016 resulted in the release of 800 pounds. Fifteen employees were hospitalized as a result of the ammonia releases.

Section 112(r) of CAA requires a facility to prepare a risk management plan (RMP) if it has in process more than a threshold amount of a regulated substance. Anhydrous ammonia is a regulated substance with a reporting threshold of 10,000 pounds. Covered facilities must file an updated RMP every five years; updated RMPs must include (1) a hazard assessment, (2) a prevention program, and (3) an emergency response program.

Following the 2014 release, EPA alleged that the California food processor had committed violations of these CAA §112(r) prevention program requirements:

- Lack of employee training about risks associated with the release of ammonia and about use of personal protective equipment;
- Failure to perform annual inspections and tests on refrigeration system; and
- Absence of documentation showing the ammonia process equipment complied with industry standards (primarily for piping at the plant).

EPA also cited the processing plant for failing to timely file CERCLA and EPCRA reports. Under CERCLA §103(a), a facility must “immediately” report to the National Response Center (NRC) a release to the environment of a hazardous substance if the release exceeds the reportable quantity (100 pounds for ammonia) within a 24-hour period. EPA defines “immediately” as reporting to NRC with 15 minutes after “knowledge” of a reportable release. EPCRA requires a duplicate report to the Local Emergency Planning Committee (LEPC) if the release has the potential to cross the property boundary.

The California food processor cited by EPA released more than 100 pounds of ammonia in both the 2014 and 2016 incidents. However, the company did not report either release until two hours after the release and did not report to the LEPC at all. Fines and costs assessed by the United States for these violations totaled \$437,930. This evidences a marked increase in EPA penalties for similar events. Since none of these reporting requirements are delegated to state environmental agencies, these penalties indicate EPA is not shy about taking enforcement action.

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