RMP PROGRAM LEVEL 1 AND 2 CHECKLIST

NORTH DAKOTA DEPARTMENT OF AGRICULTURE
PESTICIDE AND FERTILIZER DIVISION
SFN 60326 (5-2023)

Date of Inspection	Date of Last Submission	RMP Number	Facility License Number AA	
Name of Owner			Telephone Number	
Address		City	State	ZIP Code
FAX Number	Cell Phone Number	Email Address		
User Location		GPS Location	County	
Contact Person	Email Address		Telephone Number	
Name of Inspector				

Program Levels	Yes	No	N/A
1. Does the facility have more than the 10,000 pound threshold quantity of anhydrous ammonia? [68.10(a)]]	☐	☐	☐
2. The facility **has not** had a release in the last 5 years with **off-site** exposure? [68.10(b)(1)]	☐	☐	☐
3. Is the endpoint distance for a worst-case release **less than** the distance to a public receptor? [68.10(b)(2)]	☐	☐	☐
4. Have emergency response procedures been coordinated with local planning and response organizations? [68.10(b)(3)]	☐	☐	☐
5. Does the facility have a listed NAICS code(s)? (325311- nitrogenous fertilizer manufacturing) [68.10(d)(1)]	☐	☐	☐
6. Is the facility subject to OSHA PSM? [68.10(d)(2)] (anhydrous ammonia facilities meet the retail exemption if more than 50% of their sales are to end users)	☐	☐	☐

If you answered "yes" to 1-4 then the facility qualifies for Program 1. Complete Program 1 check list.

If you answer "yes" to 5 or 6 then **stop** and complete Program 3 check list.

If the facility doesn't qualify for program 1 or 3 then it is the default Program level 2.

The following 4 parameters are for Program 1 facilities. If this facility is a Program 1 facility then complete this section and go to the summary page.

68.12 Program Level 1 General Requirements	Yes	No	N/A
1. Has the facility analyzed the worst case scenario for each P1 process as provided in 68.12(a)(1)? [68.12(b)(1)]	☐	☐	☐
2. Has the facility had an accident in the last 5 years and completed its 5-year accident history? All accidents must be included in the accident history within 6 months of the accident. [68.12(b)(2)]	☐	☐	☐
3. Have emergency actions been coordinated with local planning and emergency response organizations? [68.12(b)(3)	☐	☐	☐
4. Has the facility certified correctly in the RMP that the worst-case endpoint distance is less than the distance to the nearest public receptor? [68.12(b)(4)]	☐	☐	☐

The following parameters are for program level 2 facilities.

Section A: MANAGEMENT [68.15]

Management system developed and implemented as provided in 40 CFR 68.15?	☐ S	☐ U	☐ N/A
Comments			

Section A: MANAGEMENT [68.15] (continued)

Has the owner or operator:	Yes	No	N/A
1. Developed a management system to oversee the implementation of the risk management program elements? [68.15(a)]	☐	☐	☐
2. Assigned a qualified person or position that has the overall responsibility for the development, implementation, and integration of the risk management program elements? [68.15(b)]	☐	☐	☐
3. Documented other persons responsible for implementing individual requirements of the risk management program and defined the lines of authority through an organization chart or similar document? [68.15(c)]	☐	☐	☐

Section B: HAZARD ASSESSMENT [68.20-68.42]

Hazard assessment conducted and documented as provided in 40 CFR 68.20-68.42? ☐ S ☐ U ☐ N/A

Comments

Hazard Assessment: Off-site consequence analysis parameters [68.22]	Yes	No	N/A
1. Used for toxics the following endpoints for off-site consequence analysis for a worst-case scenario provided in Appendix A of 40 CFR Part 68 (.14 for Ammonia)	☐	☐	☐
2. Used for toxics the following endpoints for off-site consequence analysis for an alternative release scenario [68.22(a)] provided in Appendix A of 40 CFR Part 68 (.14 for Ammonia)	☐	☐	☐
3. Used appropriate wind speeds and stability classes for the release analysis? [68.22(b)] 1.5 meters/second and F stability class for worst case	☐	☐	☐
4. Used appropriate ambient temperature and humidity values for the release analysis? [68.22(c)] 77 degrees F (25 degrees C) per worst case	☐	☐	☐
5. Used appropriate values for the height of the release for the release analysis? [68.22(d)] Ground level (oft) for worst case	☐	☐	☐
6. Used appropriate surface roughness values for release analysis? [68.22(e)] Urban or rural	☐	☐	☐
7. Do tables and models, used for dispersion analysis of toxic substances, appropriately account for dense or neutrally buoyant gases? [68.22(f)]	☐	☐	☐

Hazard Assessment: Worst-case release scenario analysis [68.25]	Yes	No	N/A
8. Analyzed and reported in the RMP one worst-case release scenario estimated to create the greatest distance to an endpoint resulting from an accidental release of a regulated toxic substance from covered processes under worst-case conditions? [68.25(a)(2)(ii)]	☐	☐	☐
9. Analyzed and reported in the RMP additional worst-case scenarios for a hazard class if the worst-case release from another covered process at the stationary source potentially affects public receptors different from those potentially affected by the worst-case release scenario under 68.25(a)(2)(ii)? [68.25(a)(2)(iii)]	☐	☐	☐
10. Has the owner or operator determined the worst-case release quantity to be the greater of the following: [68.25(b)] ☐ If released from a vessel, the greatest amount held in a single vessel, taking into account administrative controls to limit the maximum quantity? ☐ If released from a pipe, the greatest amount held in the pipe, taking into account administrative controls that limit the maximum quantity?	☐	☐	☐
11. Has the owner or operator of the anhydrous ammonia facility: (should normally be yes to both) ☐ Assumed the whole quantity in the vessel or pipe would be release as a gas over 10 minutes? [68.25(c)(1)] ☐ Assumed the release rate to be the total quantity divided by 10, if there are no passive mitigation systems in place? [68.25(c)(1)	☐	☐	☐
12. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.25(g)]	☐	☐	☐
13. Determined the rate of release to air by using the methodology in the RMP Off-site Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or propriety models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.25(g)] What modeling technique did the owner or operator use? [68.25(g)]	☐	☐	☐

	Yes	No	N/A
14. Ensured that the passive mitigation system, if considered, is capable of withstanding the release event triggering the scenario and still function as intended? [68.25(h)]	☐	☐	☐
15. Considered also the following factors in selecting the worst-case release scenario: [68.25(i)] ☐ Smaller quantities handled at higher process temperature or pressure? ☐ Proximity to the boundary of the stationary source?	☐	☐	☐

Hazard Assessment: Worst-case release scenario Alternative release scenario analysis [68.28]	Yes	No	N/A
16. Identified and analyzed at least one alternative release scenario for each stationary source in a covered process (es)? [68.28(a)]	☐	☐	☐
17. Selected a scenario: [68.28(b)] ☐ That is more likely to occur than the worst-case scenario under 68.25? ☐ That will reach an endpoint off-site, unless no such scenario exists?	☐	☐	☐
18. Considered release scenarios which included, but are not limited to, the following: [68.28(b)(2)] ☐ Transfer hose release due to splits or sudden hose uncoupling? ☐ Process piping releases from failures at flanges, joints, welds, valves and valve seals, and drains or bleeds? ☐ Process vessel or pump releases due to cracks, seal failure, or drain, bleed, or plug failure? ☐ Vessel overfilling and spill, or over pressurization and venting through relief valves or rupture disks? ☐ Shipping container mishandling and breakage or puncturing leading to a spill? ☐ Other _____	☐	☐	☐
19. Used the parameters defined in 68.22 to determine distance to the endpoints? [68.28(c)]	☐	☐	☐
20. Determined the rate of release to air by using the methodology in the RMP Off-site Consequence Analysis Guidance, any other publicly available techniques that account for the modeling conditions and are recognized by industry as applicable as part of current practices, or propriety models that account for the modeling conditions may be used provided the owner or operator allows the implementing agency access to the model and describes model features and differences from publicly available models to local emergency planners upon request? [68.28(c)] What modeling technique did the owner or operator use? [68.25(g)]	☐	☐	☐
21. Ensured that the passive and active mitigation systems, if considered, are capable of withstanding the release event triggering the scenario and will be functional? [68.28(d)]	☐	☐	☐
22. Considered the following factors in selecting the alternative release scenarios: [68.28(e)] ☐ The five-year accident history provided in 68.42? (should be used, if applicable) ☐ Failure scenarios identified under 68.50?	☐	☐	☐

Hazard Assessment: Defining off-site impacts-Population [68.30]	Yes	No	N/A
23. Estimated population that would be included in the distance to the endpoint in the RMP based on a circle with the point of release at the center? [68.30(a)]	☐	☐	☐
24. Identified the presence of institutions, parks and recreational areas, major commercial, office, and industrial buildings in the RMP? [68.30(b)]	☐	☐	☐
25. Used the most recent Census data, or other updated information to estimate the population? [68.30(c)]	☐	☐	☐
26. Estimated the population to two significant digits? [68.30(d)]	☐	☐	☐

Hazard Assessment: Defining off-site impacts-Environment [68.33]	Yes	No	N/A
27. Identified environmental receptors that would be included in the distance to the endpoint based on a circle with the point of release at the center? [68.33(a)]	☐	☐	☐
28. Relied on information provided on local U.S.G.S. maps, or on any data source containing U.S.G.S. data to identify environmental receptors? [68.33(b)]	☐	☐	☐

Hazard Assessment: Review and update [68.36]	Yes	No	N/A
29. Reviewed and updated the off-site consequence analyses at least once every five years? [68.36(a)]	☐	☐	☐
30. Completed a revised analysis and submit a revised RMP within six months of a change in processes, quantities stored or handled, or any other aspect that might reasonably be expected to increase or decrease the distance to the endpoint by a factor of two or more? [68.36(b)]	☐	☐	☐

Hazard Assessment: Documentation [68.39]	Yes	No	N/A
31. For worst case scenarios: a description of the vessel or pipeline and substance selected, assumption and parameters used, the rationale for selection, and anticipated effect of the administrative controls and passives mitigation on the release quantity and rate? [68.39(a)]	☐	☐	☐
32. For alternative release scenarios: a description of the scenarios identified, assumption and parameters used, the rationale of specific scenarios, and anticipated effect of the administrative controls and mitigation on the release quantity and rate? [68.39(b)]	☐	☐	☐
33. Documentation of estimated quantity released, release rate, and duration of release? [68.39(c)]	☐	☐	☐
34. Methodology used to determine distance to endpoints? [68.39(d)]	☐	☐	☐
35. Data used to estimate population and environmental receptors potentially affected? [68.39(e)]	☐	☐	☐

Hazard Assessment: Five-year accident history [68.42]	Yes	No	N/A
36. Has the owner or operator included all accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on-site, or known off-site deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage? [68.42(a)]	☐	☐	☐
37. Has the owner or operator reported the following information for each accidental release: [68.42(b)] ☐ Date, time, and approximate duration of the release? ☐ Chemical(s) released? ☐ Estimated quantity release in pounds? ☐ NAICS code for the process? ☐ The type of release event and its source? ☐ Weather conditions (if known)? ☐ On-site impacts? ☐ Known off-site impacts? ☐ Initiating event and contributing factors (if known)? ☐ Initiating event and whether off-site responders were notified? ☐ Operational or process changes that resulted from investigation of the release?	☐	☐	☐

Section C: PREVENTION PROGRAM

Implemented the Program 2 prevention requirements as provided in 40 CFR 68.48-68.60?	☐ S	☐ U	☐ N/A
Comments			

Prevention Program - Safety information [68.48]	Yes	No	N/A
1. Compiled and maintained the following up-to-date safety information, related to the regulated substances, processes, and equipment: [68.48(a)] ☐ Material Safety Data Sheets (MSDS) that meet the requirements of the OSHA Hazard Communication Standard [29 CFR 1910.1200(g)]? ☐ Maximum intended inventory of equipment in which the regulated substances are stored or processed? ☐ Safe upper and lower temperature, pressure, flows, and compositions? (listed on MSDS? ☐ Equipment specifications? ☐ Codes and standards used to design, build, and operate the process? (1989 ANSI K61.1 and NDAC 7-12)	☐	☐	☐
2. Ensured the process is designed in compliance with recognized and generally accepted good engineering practices? [68.48(b)]	☐	☐	☐
3. Updated information if a major change occurred that made the information inaccurate?	☐	☐	☐

Prevention Program - Hazard review [68.50]	Yes	No	N/A
4. Has the owner or operator conducted a review of the hazards associated with the regulated substances, processes, and procedures? [68.50(a)]	☐	☐	☐
5. Did the review identify: (all must be identified) ☐ The hazards associated with the process and regulated substances? ☐ Opportunities for equipment malfunctions or human errors that could cause an accidental release? ☐ The safeguards used or needed to control the hazards or prevent equipment malfunctions or human error? ☐ Any steps used or needed to detect or monitor releases?	☐	☐	☐
6. Determined by inspecting all equipment that the processes are designed, fabricated, and operated in accordance with applicable standards or rules, if designed to meet industry standards or Federal or State design rules? [68.50(b)]	☐	☐	☐
7. Documented the results of the review? [68.50(c)]	☐	☐	☐
8. Ensured that problems identified were resolved in a timely manner? [68.50(c)]	☐	☐	☐
9. Updated the review at least once every five years or whenever a major change in the processes occurred? [68.50(d)]	☐	☐	☐
10. Resolved all issues identified in the review before startup of the changed process? [68.50(d)]	☐	☐	☐

Prevention Program - Operating procedures [68.52]	Yes	No	N/A
11. Has the owner or operator prepared written operating procedures that provide clear instructions or steps for safely conducting activities associated with each covered process consistent with the safety information for that process? (Operating procedures may be provided by equipment manufacturers or by persons or organizations with knowledge about the process) [68.52(a)]	☐	☐	☐
12. Do the procedures address the following: [68.52(b)] (all are required) ☐ Initial startup? ☐ Normal operations? ☐ Temporary operations? ☐ Emergency shutdown and operations? ☐ Normal shutdown? ☐ Startup following a normal or emergency shutdown or a major change that requires a hazard review? ☐ Consequences of deviations and steps required to correct or avoid deviations? ☐ Equipment inspections?	☐	☐	☐
13. Has the owner or operator ensured that the operating procedures have been updated, if necessary, whenever a major change occurred and prior to startup of the changed process? [68.52(c)]	☐	☐	☐

Prevention Program - Training [68.54]	Yes	No	N/A
14. Certified that each employee presently operating a process, and each employee newly assigned to a covered process have been trained or tested competent in the operating procedures provided in 68.52 that pertain to their duties? [68.54(a)]	☐	☐	☐
15. Provided refresher training at least every three years, or more often if necessary, to each employee operating a process, to ensure that the employee understands and adheres to the current operating procedures of the process? [68.54(b)] (NDAC 7-12-01-07 requires yearly refresher training)	☐	☐	☐
16. Determined, in consultation with the employees operating the process, the appropriate frequency of refresher training? [68.54(b)]	☐	☐	☐
17. Certified that each employee was trained in any updated or new procedures prior to startup of a process after a major change? [68.54(d)]	☐	☐	☐

Prevention Program - Maintenance [68.56]	Yes	No	N/A
18. Prepared and implemented procedures to maintain the on-going mechanical integrity of the process equipment? [68.56(a)]	☐	☐	☐
19. Trained or caused to be trained each employee, involved in maintaining the on-going mechanical integrity of the process, in the hazards of the process, in how to avoid or correct unsafe conditions, and in the procedures applicable to the employees job tasks? [68.56(b)]	☐	☐	☐
20. Has every maintenance contractor ensured that each contract maintenance employee is trained to perform the maintenance procedures developed? [68.56(c)]	☐	☐	☐
21. Has the owner or operator performed or caused to be performed inspections and tests on process equipment that follow recognized and generally accepted engineering practices? [68.56(d)]	☐	☐	☐

Prevention Program - Compliance audits [68.58]	Yes	No	N/A
22. Has the owner or operator certified that compliance audits are conducted at least every three years to verify that the procedures and practices are adequate and are being followed? [68.58(a)]	☐	☐	☐
23. Has compliance audits been conducted by at least one person knowledgeable in the process? [68.58(b)]	☐	☐	☐
24. Has the owner or operator developed a report of the audits findings? [68.58(c)]	☐	☐	☐
25. Has the owner or operator promptly determined and documented an appropriate response to each of the findings of the audit and documented that deficiencies has been corrected? [68.58(d)]	☐	☐	☐
26. Has the owner or operator retained the two most recent compliance audit reports, unless more than five years old? [68.58(e)]	☐	☐	☐

Prevention Program - Incident investigation [68.60]	Yes	No	N/A
27. Has the owner or operator investigated each incident that resulted in, or could reasonably have resulted in a catastrophic release? [68.60(a)]	☐	☐	☐
28. Were all incident investigations initiated not later than 48 hours following the incident? [68.60(b)]	☐	☐	☐
29. Was a summary prepared at the conclusion of every investigation, which included: [68.60(c)] (must be included) ☐ Date of incident? ☐ Date investigation began? ☐ A description of incident? ☐ The factors that contributed to the incident? ☐ Any recommendations resulting from the investigation?	☐	☐	☐
30. Has the owner or operator promptly addressed or resolved the investigation findings and recommendations, and are the resolutions and correct actions documented? [68.60(d)]	☐	☐	☐
31. Has the owner or operator reviewed the finding with all affected personnel whose job tasks are affected by the findings? [68.60(e)]	☐	☐	☐
32. Has the owner or operator retained investigation summaries for five years? [68.60(f)]	☐	☐	☐

Section D: EMERGENCY RESPONSE [68.90-68.95

Developed and implemented an emergency response program as provided in 40 CFR 68.90-68.95? ☐ S ☐ U ☐ N/A	
Comments	

	Yes	No	N/A
1. Is the facility designated as a “first responder” in case of an accidental release of regulated substances?	☐	☐	☐
2. If the facility is not a first responder: ☐ For stationary sources with any regulated substance held in a process above threshold quantities, is the source included in the community emergency plan developed under 42 U.S.C. 11003? [68.90(b)(1)] ☐ Are appropriate mechanisms in place to notify emergency responders when there is need for a response? [68.90(b)(3)] ☐ Have annual emergency response coordination activities been conducted? [68.90(b)(4)] ☐ Have annual notification exercises been conducted? [68.90(b)(5)]	☐	☐	☐
3. ☐ Have required materials been provided to emergency responders during annual coordination activities? [68.93(b)] (should have copies or documentation of what was provided) ☐ Have annual notification exercises been conducted? (a written record of exercise must be maintained for each exercise conducted over last 5 years) [68.96]	☐	☐	☐
4. An emergency response plan is maintained at the stationary source and contains the following? [68.95(a)(1)] (Needs all three as a minimum) ☐ Procedures for informing the public and local emergency response agencies about accidental releases? ☐ Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures? ☐ Procedures and measures for emergency response after an accidental release of regulated substance?	☐	☐	☐

	Yes	No	N/A
5. The emergency response plan contains procedures for the use of emergency response equipment and for its inspection, testing, and maintenance? [68.95(a)(2)]	☐	☐	☐
6. The emergency response plan requires, and there is documentation of, training all employees in relevant procedures? [68.95(a)(3)]	☐	☐	☐
7. The owner or operator has developed and implemented procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes? [68.95(a)(4)]	☐	☐	☐
8. Did the owner or operator use a written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Teams Integrated Plan Guidance? If so, does the plan include the elements provided in paragraph (a) of 68.95, and also complies with paragraph (c) of 68.95? [68.95(b)]	☐	☐	☐
9. Has the emergency response plan been coordinated with the community emergency response plan developed under EPCRA? [68.95(c)]	☐	☐	☐

Section E: RISK MANAGEMENT PLAN [40 CFR 68.190-68.195]	Yes	No	N/A
1. Does the single registration form include, for each covered process, the name and CAS number of each regulated substance held above the threshold quantity in the process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, the five or six digit NAICS code that most closely corresponds to the process and the Program Level of the process? [68.160(b)(7)]	☐	☐	☐
2. Has the owner or operator reviewed and updated the RMP and submitted it to EPA? [68.190(a)] Reason for update: ☐ Five-year update. ☐ Within three years of newly regulated substance listing. ☐ At the time a new substance is first present in an already regulated process above threshold quantities. ☐ At the time a regulated substance is first present in a new process above threshold quantities. ☐ Within six months of a change requiring PHA or hazard review. ☐ Within six months of a change requiring OCA as provided in 68.36. ☐ Within six months of a change that alters the Program Level that applies to any covered process.	☐	☐	☐
3. If the owner or operator experience and accidental release that met the five-year accident history reporting criteria (68.42) subsequent to April 9, 2004, did the owner or operator submit the information required at 68.168, 68.170(j) and 68.175(l) within six months of the release or by the time the RMP was updated as required at 68.190, whichever was earlier. [68.195(a)]	☐	☐	☐
4. If the emergency contact information required (68.160(b)(6) has changed since June 21, 2004, did the owner or operator submit corrected information within thirty days of the change? [68.195(b)]	☐	☐	☐

Inspection/Audit Summary or Other Comments