



MICHAEL P. WALLS
VICE PRESIDENT
REGULATORY & TECHNICAL AFFAIRS

Mailed electronically

May 30, 2017

Mr. Barry Breen
Acting Assistant Administrator
Office of Land and Emergency Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Request for Expedited Final Agency Action on Proposed Stay of Effective Date for RMP final rule.

Dear Mr. Breen:

On April 3, 2017, the Environmental Protection Agency (EPA) proposed to delay the effective date of the final rule that amends the Risk Management Program (RMP) regulations under the Clean Air Act. The comment period on that proposal ended on May 19, 2017. The American Chemistry Council (ACC) submitted comments strongly supporting the Agency's proposed action. We now request that the Agency complete its review and consideration of the comments expeditiously and publish its final action in the Federal Register on or before June 19, 2017.

Although a decision by June 19, 2017 could be challenging given the administrative and intra-agency review process that must be followed, it is critically important to the regulated community that there be a seamless extension of the existing administrative stay, which expires on that day.

On March 16, 2017, Administrator Pruitt used his authority under section 307(d) of the Clean Air Act to put in place a 90 day administrative stay. That action followed a March 13, 2017 notice that EPA would convene a proceeding for reconsideration of the final rule.¹ The 90 day administrative stay provided immediate relief to the regulated community, which otherwise would have had to begin complying with some of the final rule's new requirements. For example, upon the effective date of the rule, an RMP facility will be required to audit "each

¹ See, Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date; Final Rule, 82 Fed. Reg. 13,968 (Mar. 16, 2017).



Mr. Barry Breen
May 30, 2017
Page 2

covered process” when undertaking its next scheduled compliance audit. For some RMP facilities, the next scheduled compliance audit is this year, 2017. If the Agency is unable to complete and publish its final action on extending the stay by June 19th, the rule will become “effective” on June 20, 2017 -- and will create significant confusion and uncertainty in the regulated community as to the extent of actions that must be taken immediately.

ACC and our member companies would be most appreciative of any efforts you make take to expedite a decision to delay the effective date of the RMP rule. If you have any questions or need further information, please do not hesitate to contact me at 202-249-6400 or at mike_walls@americanchemistry.com. Thank you in advance for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Walls". The signature is written in a cursive style and is placed on a light gray, textured rectangular background.

Michael P. Walls
Vice President
Regulatory & Technical Affairs