

SECTION .2100 – RISK MANAGEMENT PROGRAM**.2101 APPLICABILITY**

(a) This Section applies to any facility that has more than a threshold quantity of a regulated substance listed in 40 CFR 68.130 in a process as determined under 40 CFR 68.115, except for those exemptions listed in Paragraph (b). The facility shall comply with this Section no later than the latest of the following dates:

- (1) July 10, 2000 [NOTE: Before the effective date of the rules in this Section, the U. S. Environmental Protection Agency is the implementing agency of 40 CFR Part 68. Under 40 CFR 68.10(a)(1) the facility is required to comply by June 21, 1999.];
- (2) three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or
- (3) the date on which a regulated substance is first present above a threshold quantity in a process.

(b) The following substances are exempt from the provisions of this Section:

- (1) exemptions listed in 40 CFR 68.125,
- (2) flammable substances that are used as a fuel or held for sale as a fuel at a retail facility.

(c) A covered process that meets all the requirements of 40 CFR 68.10(b) is eligible for Program 1 requirements.

(d) A covered process that meets the requirements of 40 CFR 68.10(c) is subject to Program 2 requirements.

(e) A covered process that meets the requirements of 40 CFR 68.10(d) is subject to Program 3 requirements.

(f) If at any time a covered process no longer meets the eligibility criteria of its Program level, the owner or operator of the facility shall comply with the requirements of the new Program level that applies to the process and update the risk management plan as provided in 40 CFR 68.190.

NCDQA History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000.

WNCRAQA History Note: Adopted Eff. July 10, 2000.

.2102 DEFINITIONS

For the purpose of this Section the definitions contained in 40 CFR 68.3 shall apply with the following exception: "Implementing agency" means the Agency.

NCDAQ History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000.

WNCRAQA History Note: Adopted Eff. July 10, 2000.

.2103 REQUIREMENTS

Except as provided in 40 CFR 68.2 and Rule .2101(b), the owner or operator of any facility covered under this Section shall comply with all the applicable requirements in:

- (1) 40 CFR 68.12, General Requirements,
- (2) 40 CFR 68.15, Management,
- (3) 40 CFR Part 68, Subpart B, Hazard Assessment, including 40 CFR Part 68, Appendix A, Table of Toxic Endpoints,
- (4) 40 CFR Part 68, Subpart C, Program 2 Prevention Program,
- (5) 40 CFR Part 68, Subpart D, Program 3 Prevention Program,
- (6) 40 CFR Part 68, Subpart E, Emergency Response,
- (7) 40 CFR Part 68, Subpart G, Risk Management Plan,
- (8) 40 CFR 68.200, Recordkeeping, and
- (9) 40 CFR 68.220(f).

NCDAQ History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000.

WNCRAQA History Note: Adopted Eff. July 10, 2000.

.2104 IMPLEMENTATION

- (a) The owner or operator of each facility covered under this Section shall:
 - (1) submit a risk management plan or a revised plan when required by this Section to the Environmental Protection Agency; and
 - (2) submit a source certification or, in its absence, submit a compliance schedule consistent with Chapter 17 .0508(g)(2).
- (b) The Agency may initiate enforcement action against any facility that fails to comply with the requirements of this Section or any provision of its plan submitted pursuant to this Section.
- (c) The Agency may conduct completeness checks, source audits, record reviews, or facility inspections to ensure that facilities covered under this Section are in compliance with the requirements of this Section. In addition, the Agency may conduct periodic audits following the

audit procedures of 40 CFR 68.220. The Agency may take enforcement action if the owner or operator fails to comply with the provisions of 40 CFR 68.220.

NCDAQ History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000.

WNCRAQA History Note: Adopted Eff. July 10, 2000.