

SECTION .2100 – RISK MANAGEMENT PROGRAM

15A NCAC 02D .2101 APPLICABILITY

(a) This Section shall apply to an owner or operator of a stationary source with more than a threshold quantity of a regulated substance in a process as determined by 40 CFR 68.115, except as set forth in Paragraph (b) of this Rule. An owner or operator of a stationary source shall comply with this Section no later than the latest of the following dates:

- (1) June 21, 1999;
- (2) three years after the date on which a regulated substance is first listed according to 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 shall be exempt from the provisions of this Section:

- (1) ammonia used as an agricultural nutrient, when held by farmers, pursuant to 40 CFR 68.125; and
- (2) a flammable substance listed in Tables 3 and 4 of 40 CFR 68.130 that is used as a fuel or held for sale as a fuel at a retail facility pursuant to 40 CFR 68.126.

(c) A covered process that meets 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 stationary source shall comply with the requirements of the new Program level as set forth in Paragraphs (c), (d), and (e) of this Rule as it applies to the process and shall update the risk management plan as required by 40 CFR 68.190.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000;
Readopted Eff. November 1, 2019.*

15A NCAC 02D .2102 DEFINITIONS

For the purpose of this Section the definitions set forth in 40 CFR 68.3 shall apply with the following exception:
"Implementing agency" means the Division of Air Quality.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000;
Readopted Eff. November 1, 2019.

15A NCAC 02D .2103 REQUIREMENTS

Except as provided in 40 CFR 68.2 and 15A NCAC 02D .2101(b), the owner or operator of a stationary source governed by 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).

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000;
Readopted Eff. November 1, 2019.*

15A NCAC 02D .2104 IMPLEMENTATION

(a) The owner or operator of a stationary source governed by this Section shall:

- (1) submit a risk management plan, or a revised plan as required by 40 CFR 68.150, to the Environmental Protection Agency; and
- (2) submit a source certification or, in its absence, submit a compliance schedule to meet the requirements of 15A NCAC 02Q .0508(h)(2).

(b) The Division shall use one or more mechanisms such as completeness checks, source audits, record reviews, or facility inspections to ensure that facilities covered under this Rule are in compliance with the requirements of this Section. The Division shall conduct periodic audits in accordance with the audit procedures in 40 CFR 68.220.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);
Eff. July 1, 2000;
Readopted Eff. November 1, 2019.*