15A NCAC 02D .2101 is proposed for readoption without substantive changes as follows:

SECTION .2100 – RISK MANAGEMENT PROGRAM

15A NCAC 02D .2101 APPLICABILITY
(a) This Section applies to any owner or operator of a stationary source that has more than a threshold quantity of a regulated substance listed in 40 CFR 68.130, except for those exemptions listed in Paragraph (b) of this Rule. The facility owner or operator of the stationary source shall comply with this Section no later than the latest of the following dates:

1) July 1, 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 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 §68.130 that are 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 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.

History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);

Eff. July 1, 2000; 2000;

Readopted Eff.
15A NCAC 02D .2102 is proposed for readoption without changes as follows:

**15A NCAC 02D .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 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.
15A NCAC 02D .2103 is proposed for readoption without substantive changes as follows:

**15A NCAC 02D .2103 REQUIREMENTS**

Except as provided in 40 CFR 68.2 and 15A NCAC 02D .2101(b), the owner or operator of any stationary source 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;
4. 40 CFR Part 68, Subpart C, Program 2 Prevention Program;
5. 40 CFR Part 68, Subpart D, Program 3 Prevention Program;
8. 40 CFR 68.200, Recordkeeping; and

**History Note:** Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);

**Eff. July 1, 2000.**

**Readopted Eff.**

**Commented [AR7]:** DAQ Staff is proposing to update rule language to add clarifications and be consistent with federal rule language.

**Commented [AR8]:** DAQ staff is proposing to update rule language to be consistent with 40 CFR Part 68.
15A NCAC 02D .2104 is proposed for readoption without substantive changes as follows:

**15A NCAC 02D .2104 IMPLEMENTATION**

(a) The owner or operator of each facility any stationary source covered under this Section shall:

1. submit a risk management plan or a revised plan to the Environmental Protection Agency; and
2. submit a source certification or, in its absence, submit a compliance schedule to meet the requirements specified in 15A NCAC 2Q .0508(h)(2).

(b) The Division 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 Division 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 Division may take enforcement action if the owner or operator fails to comply with the provisions of 40 CFR 68.220.

**History Note:** Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);

Eff. July 12000;

Readopted Eff. .

Commented [AR9]: DAQ Staff is proposing to update rule language to add clarifications, update rule references.

Commented [AR10]: DAQ staff is proposing to update rule language to be consistent with 40 CFR Part 68.

Commented [AR11]: DAQ staff is proposing to update rule language to add clarification for submitting risk management plan.

Commented [AR12]: DAQ staff is proposing to update rule language to be consistent with federal rules and update federal rule reference.