

1 15A NCAC 02D .2101 is proposed for readoption without substantive changes as follows:

3 SECTION .2100 – RISK MANAGEMENT PROGRAM

5 15A NCAC 02D .2101 APPLICABILITY

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

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

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

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

- 21 (c) A covered process that meets all the requirements of 40 CFR 68.10(b) is eligible for Program 1 requirements.
- 22 (d) A covered process that meets the requirements of 40 CFR 68.10(c) is subject to Program 2 requirements.
- 23 (e) A covered process that meets the requirements of 40 CFR 68.10(d) is subject to Program 3 requirements.
- 24 (f) If at any time a covered process no longer meets the eligibility criteria of its Program level, the owner or operator  
25 of the facility shall comply with the requirements of the new Program level that applies to the process and update the  
26 risk management plan as provided in 40 CFR 68.190.

28 History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);  
29 Eff. July 1, 2000-2000;  
30 Readopted Eff. \_\_\_\_\_.

Commented [AR1]: DAQ Staff is proposing to update rule language to add clarifications, remove redundant language and update rule references. These changes are necessary to make the rule language consistent with the language in Federal requirements.

Commented [AR2]: DAQ staff is proposing to update rule language to be consistent with 40 CFR Part 68.

Commented [AR3]: DAQ Staff is proposing to update rule language to remove redundant federal rule reference and clarify exemption statement.

Commented [AR4]: DAQ Staff is proposing to update rule language to remove outdated requirements.

Commented [AR5]: DAQ Staff is proposing to update rule language to clarify exemptions for ammonia and flammable substances.

Commented [ZV6]: DAQ staff is proposing to update rule language to be consistent with 40 CFR Part 68.

1 15A NCAC 02D .2102 is proposed for readoption without changes as follows:

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3 **15A NCAC 02D .2102 DEFINITIONS**

4 For the purpose of this Section the definitions contained in 40 CFR 68.3 shall apply with the following exception:

5 "Implementing agency" means the Division of Air Quality.

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

8 *Eff. July 1, ~~2000-2000~~;*

9 *Readopted Eff.*

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1 15A NCAC 02D .2103 is proposed for re adoption without substantive changes as follows:  
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3 **15A NCAC 02D .2103 REQUIREMENTS**

4 Except as provided in 40 CFR 68.2 and 15A NCAC 02D .2101(b), the owner or operator of any facility-stationary  
5 source covered under this Section shall comply with all the applicable requirements in:

- 6 (1) 40 CFR 68.12, General Requirements;
- 7 (2) 40 CFR 68.15, Management;
- 8 (3) 40 CFR Part 68, Subpart B, Hazard Assessment, including 40 CFR Part 68, Appendix A, Table of  
9 Toxic Endpoints;
- 10 (4) 40 CFR Part 68, Subpart C, Program 2 Prevention Program;
- 11 (5) 40 CFR Part 68, Subpart D, Program 3 Prevention Program;
- 12 (6) 40 CFR Part 68, Subpart E, Emergency Response;
- 13 (7) 40 CFR Part 68, Subpart G, Risk Management Plan;
- 14 (8) 40 CFR 68.200, Recordkeeping; and
- 15 (9) 40 CFR 68.220(f).

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

18 *Eff. July 1, 2000-2000;*

19 *Readopted Eff. \_\_\_\_\_.*  
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**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.

1 15A NCAC 02D .2104 is proposed for re adoption without substantive changes as follows:

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**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 ~~when as required by this Section~~ 40 CFR 68.150 to the Environmental Protection Agency; and
  - (2) submit a source certification or, in its absence, submit a compliance schedule ~~consistent with 15A NCAC 2Q .0508(g)(2). 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 conduct periodic audits following the audit procedures ~~of pursuant to~~ 40 CFR 68.220. The Division may take enforcement action if the owner or operator fails to comply ~~with the provisions of pursuant to~~ 40 CFR 68.220.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.107(a)(10);  
Eff. July 12000-2000;  
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.