

SECTION .2100 – RISK MANAGEMENT PROGRAM

15A NCAC 02D .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) of this Rule.

The facility 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 40 CFR 68.125, and
 - (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.

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