

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.*