



EPA's 2017 Risk Management Program Rule Amendments

Who is affected by this initiative?

Facilities in New Jersey regulated by the Toxic Catastrophe Prevention Act (TCPA) Program Rules, N.J.A.C. 7:31, are impacted by this rule change.

Why would I need help?

Following a series of regulatory delays and court rulings, EPA's 2017 Amendments to the Accidental Release Prevention Requirements for Risk Management Programs at 40 CFR Part 68 (also known as the "RMP Rule") became effective as of September 21, 2018. Because the EPA delegated implementation of the federal RMP rules, many of the 2017 amendments are incorporated by reference in New Jersey's TCPA Rules and therefore impact TCPA registrants.

While certain requirements introduced in the EPA's 2017 Amendments took effect immediately on September 21, 2018, most of the incorporated amendments have compliance dates in March 2021.

TCPA registrants should also note that, on May 30, 2018, the EPA proposed a separate RMP Reconsideration Rule to revise and rescind some of the 2017 Amendments, including many with future compliance dates. Should these proposed amendments become effective, DEP will update its guidance as necessary.

What is DEP doing?

DEP recognizes the challenges faced by the regulated community to come into compliance with these new requirements and is committed to assisting TCPA registrants in their efforts. Nonetheless, DEP fully expects, and the TCPA Rules require, registrants to make the changes to their risk management programs that are necessary to ensure compliance.

To assist the regulated community in understanding how they are impacted by the RMP Rule, including the effective dates of the 2017 Amendments, the DEP has prepared a table summarizing the EPA's 2017 Amendments. The table indicates which provisions are incorporated by the TCPA Program, the actions required by TCPA registrants, and the time frame to complete those actions. The summary table document can be viewed and downloaded from the "Rules and Regulations" section of the DEP's TCPA Downloads webpage at <https://www.nj.gov/dep/enforcement/tcpa/tcpadown.htm>.

Note: The table is only intended to serve as a summary while providing compliance assistance. For additional information and specifics regarding the EPA's 2017 Amendments to the RMP Rule, utilize the link to the Federal Register listed in the last section of this advisory.

COMPLIANCE ADVISORY

Who should I contact with questions?

Questions can be directed to the Bureau of Release Prevention's TCPA section of Compliance and Enforcement at (609) 633-0610 or tcpa@dep.nj.gov

Where can I get more information?

Additional information can be accessed via the links below:

EPA's Amendments to the RMP Rule, as published in the Federal Register on January 13, 2017
(Note that the actual amendments begin on page 4696 of the Register):

<https://www.gpo.gov/fdsys/pkg/FR-2017-01-13/pdf/2016-31426.pdf>

"RMP Amendments Compliance Information" as prepared by the EPA:

https://www.epa.gov/sites/production/files/2018-09/documents/rmp_emergency_coordination_minor_provisions_compliance_info_9-24-18_final.pdf

Summary of the RMP Delay Rule Vacatur as prepared by the EPA:

<https://www.epa.gov/rmp/risk-management-plan-rmp-delay-rule-vacatur>

Please note this advisory is for informational purposes only and is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the Enforcement number listed above or speak to your attorney.