



Compliance Advisory

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Compliance & Enforcement #2020-14 Issued: 9/23/2020

EPA's 2019 Risk Management Program Reconsideration Rule

WHO IS AFFECTED BY THIS ADVISORY?

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

WHY WOULD I NEED HELP?

In 2017, the EPA issued a number of Amendments to the Accidental Release Prevention Requirements for Risk Management Programs at 40 CFR Part 68 (also known as the "RMP Rule"), which became effective as of September 2018. As a result of several petitions subsequently submitted to the Agency, as well as their own re-evaluation of the 2017 Amendments, the EPA has since issued a separate RMP Reconsideration Rule, effective December 19, 2019.

Because the EPA delegated implementation of the Federal RMP rules, many of the changes associated with the 2019 Reconsideration Rule are incorporated by reference in New Jersey's TCPA Rules and therefore impact TCPA registrants. Certain requirements introduced in the 2017 Amendments were retained in the RMP Rule and have immediate compliance dates; several other rule requirements have compliance dates that have been extended to December 19, 2024, as per the Reconsideration Rule.

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 Reconsideration Rule, including the effective dates of any new or modified requirements, the DEP has prepared a table summarizing the latest changes from the EPA. The *Summary Table for Changes to 40 CFR Part 68 Chemical Accident Prevention Provisions (2017 and 2019)* indicates which provisions are incorporated by the TCPA Program, the actions required by TCPA registrants, and the time frame to complete those actions. The table also shows how this latest round of revisions is related to the previous changes associated with the RMP Amendments Rule, which became effective in 2018 and was the subject of an earlier Compliance Advisory. 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 *Summary Table for Changes to 40 CFR Part 68 Chemical Accident Prevention Provisions (2017 and 2019)* is only intended to serve as a summary while providing compliance assistance. For additional information and specifics regarding the EPA's 2019 RMP Reconsideration Rule, utilize the links to the Federal Register and Code of Federal Regulations listed in the last section of this 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 RMP Reconsideration Rule Summary and other supporting information:

<https://www.epa.gov/rmp/final-risk-management-program-rmp-reconsideration-rule>

EPA's RMP Reconsideration Rule, as published in the Federal Register on December 19, 2019:

<https://www.gpo.gov/fdsys/pkg/FR-2019-12-19/pdf/2019-25974.pdf>

The latest version of 40 CFR Part 68 as published in the Electronic Code of Federal Regulations, which includes the changes specified in EPA's Reconsideration Rule:

[https://www.ecfr.gov/cgi-bin/text-](https://www.ecfr.gov/cgi-bin/text-idx?SID=cc8ccd07358b09e0ee7a0dde18bcd556&mc=true&node=pt40.17.68&rgn=div5)

[idx?SID=cc8ccd07358b09e0ee7a0dde18bcd556&mc=true&node=pt40.17.68&rgn=div5](https://www.ecfr.gov/cgi-bin/text-idx?SID=cc8ccd07358b09e0ee7a0dde18bcd556&mc=true&node=pt40.17.68&rgn=div5)

Please note this advisory is intended to be a summary explanation of department requirements. It does not include all potentially applicable requirements. If you have any questions related to compliance, please contact an Enforcement number listed above.