

**§ 68.220 Audits.**

(a) In addition to inspections for the purpose of regulatory development and enforcement of the Act, the implementing agency shall periodically audit RMPs submitted under subpart G of this part to review the adequacy of such RMPs and require revisions of RMPs when necessary to ensure compliance with subpart G of this part.

(b) The implementing agency shall select stationary sources for audits based on any of the following criteria:

(1) Accident history of the stationary source;

(2) Accident history of other stationary sources in the same industry;

(3) Quantity of regulated substances present at the stationary source;

(4) Location of the stationary source and its proximity to the public and environmental receptors;

(5) The presence of specific regulated substances;

(6) The hazards identified in the RMP; and

(7) A plan providing for neutral, random oversight.

(c) Exemption from audits. A stationary source with a Star or Merit ranking under OSHA's voluntary protection program shall be exempt from audits under paragraph (b)(2) and (b)(7) of this section.

(d) The implementing agency shall have access to the stationary source, supporting documentation, and any area where an accidental release could occur.

(e) Based on the audit, the implementing agency may issue the owner or operator of a stationary source a written preliminary determination of necessary revisions to the stationary source's RMP to ensure that the RMP meets the criteria of subpart G of this part. The preliminary determination shall include an explanation for the basis for the revisions, reflecting industry standards and guidelines (such as AIChE/CCPS guidelines and ASME and API standards) to the extent that such standards and guidelines are applicable, and shall include a timetable for their implementation.

(f) *Written response to a preliminary determination.* (1) The owner or operator shall respond in writing to a preliminary determination made in accord-

ance with paragraph (e) of this section. The response shall state the owner or operator will implement the revisions contained in the preliminary determination in accordance with the timetable included in the preliminary determination or shall state that the owner or operator rejects the revisions in whole or in part. For each rejected revision, the owner or operator shall explain the basis for rejecting such revision. Such explanation may include substitute revisions.

(2) The written response under paragraph (f)(1) of this section shall be received by the implementing agency within 90 days of the issue of the preliminary determination or a shorter period of time as the implementing agency specifies in the preliminary determination as necessary to protect public health and the environment. Prior to the written response being due and upon written request from the owner or operator, the implementing agency may provide in writing additional time for the response to be received.

(g) After providing the owner or operator an opportunity to respond under paragraph (f) of this section, the implementing agency may issue the owner or operator a written final determination of necessary revisions to the stationary source's RMP. The final determination may adopt or modify the revisions contained in the preliminary determination under paragraph (e) of this section or may adopt or modify the substitute revisions provided in the response under paragraph (f) of this section. A final determination that adopts a revision rejected by the owner or operator shall include an explanation of the basis for the revision. A final determination that fails to adopt a substitute revision provided under paragraph (f) of this section shall include an explanation of the basis for finding such substitute revision unreasonable.

(h) Thirty days after completion of the actions detailed in the implementation schedule set in the final determination under paragraph (g) of this section, the owner or operator shall be in violation of subpart G of this part and this section unless the owner or operator revises the RMP prepared

under subpart G of this part as required by the final determination, and submits the revised RMP as required under § 68.150.

(i) The public shall have access to the preliminary determinations, responses, and final determinations under this section in a manner consistent with § 68.210.

(j) Nothing in this section shall preclude, limit, or interfere in any way with the authority of EPA or the state to exercise its enforcement, investigatory, and information gathering authorities concerning this part under the Act.

APPENDIX A TO PART 68—TABLE OF TOXIC ENDPOINTS  
[As defined in § 68.22 of this part]

| CAS No.    | Chemical name                                                                               | Toxic end-point (mg/L) |
|------------|---------------------------------------------------------------------------------------------|------------------------|
| 107-02-8   | Acrolein [2-Propenal]                                                                       | 0.0011                 |
| 107-13-1   | Acrylonitrile [2-Propenenitrile]                                                            | 0.076                  |
| 814-68-6   | Acrylyl chloride [2-Propenoyl chloride]                                                     | 0.00090                |
| 107-18-6   | Allyl alcohol [2-Propen-1-ol]                                                               | 0.036                  |
| 107-11-9   | Allylamine [2-Propen-1-amine]                                                               | 0.0032                 |
| 7664-41-7  | Ammonia (anhydrous)                                                                         | 0.14                   |
| 7664-41-7  | Ammonia (conc 20% or greater)                                                               | 0.14                   |
| 7784-34-1  | Arsenous trichloride                                                                        | 0.010                  |
| 7784-42-1  | Arsine                                                                                      | 0.0019                 |
| 10294-34-5 | Boron trichloride [Borane, trichloro-]                                                      | 0.010                  |
| 7637-07-2  | Boron trifluoride [Borane, trifluoro-]                                                      | 0.028                  |
| 353-42-4   | Boron trifluoride compound with methyl ether (1:1) [Boron, trifluoro[oxybis(methane)]-, T-4 | 0.023                  |
| 7726-95-6  | Bromine                                                                                     | 0.0065                 |
| 75-15-0    | Carbon disulfide                                                                            | 0.16                   |
| 7782-50-5  | Chlorine                                                                                    | 0.0087                 |
| 10049-04-4 | Chlorine dioxide [Chlorine oxide (ClO2)]                                                    | 0.0028                 |
| 67-66-3    | Chloroform [Methane, trichloro-]                                                            | 0.49                   |
| 542-88-1   | Chloromethyl ether [Methane, oxybis(chloro-)]                                               | 0.00025                |
| 107-30-2   | Chloromethyl methyl ether [Methane, chloromethoxy-]                                         | 0.0018                 |
| 4170-30-3  | Crotonaldehyde [2-Butenal]                                                                  | 0.029                  |
| 123-73-9   | Crotonaldehyde, (E)-, [2-Butenal, (E)-]                                                     | 0.029                  |
| 506-77-4   | Cyanogen chloride                                                                           | 0.030                  |
| 108-91-8   | Cyclohexylamine [Cyclohexanamine]                                                           | 0.16                   |
| 19287-45-7 | Diborane                                                                                    | 0.0011                 |
| 75-78-5    | Dimethyldichlorosilane [Silane, dichlorodimethyl-]                                          | 0.026                  |
| 57-14-7    | 1,1-Dimethylhydrazine [Hydrazine, 1,1-dimethyl-]                                            | 0.012                  |
| 106-89-8   | Epichlorohydrin [Oxirane, (chloromethyl)-]                                                  | 0.076                  |
| 107-15-3   | Ethylenediamine [1,2-Ethanediamine]                                                         | 0.49                   |
| 151-56-4   | Ethyleneimine [Aziridine]                                                                   | 0.018                  |
| 75-21-8    | Ethylene oxide [Oxirane]                                                                    | 0.090                  |
| 7782-41-4  | Fluorine                                                                                    | 0.0039                 |
| 50-00-0    | Formaldehyde (solution)                                                                     | 0.012                  |
| 110-00-9   | Furan                                                                                       | 0.0012                 |
| 302-01-2   | Hydrazine                                                                                   | 0.011                  |
| 7647-01-0  | Hydrochloric acid (conc 37% or greater)                                                     | 0.030                  |
| 74-90-8    | Hydrocyanic acid                                                                            | 0.011                  |
| 7647-01-0  | Hydrogen chloride (anhydrous) [Hydrochloric acid]                                           | 0.030                  |
| 7664-39-3  | Hydrogen fluoride/Hydrofluoric acid (conc 50% or greater) [Hydrofluoric acid]               | 0.016                  |
| 7783-07-5  | Hydrogen selenide                                                                           | 0.00066                |
| 7783-06-4  | Hydrogen sulfide                                                                            | 0.042                  |
| 13463-40-6 | Iron, pentacarbonyl- [Iron carbonyl (Fe(CO)5), (TB-5-11)-]                                  | 0.00044                |
| 78-82-0    | Isobutyronitrile [Propanenitrile, 2-methyl-]                                                | 0.14                   |
| 108-23-6   | Isopropyl chloroformate [Carbonochloride acid, 1-methylethyl ester]                         | 0.10                   |
| 126-98-7   | Methacrylonitrile [2-Propenenitrile, 2-methyl-]                                             | 0.0027                 |
| 74-87-3    | Methyl chloride [Methane, chloro-]                                                          | 0.82                   |
| 79-22-1    | Methyl chloroformate [Carbonochloric acid, methylester]                                     | 0.0019                 |
| 60-34-4    | Methyl hydrazine [Hydrazine, methyl-]                                                       | 0.0094                 |
| 624-83-9   | Methyl isocyanate [Methane, isocyanato-]                                                    | 0.0012                 |
| 74-93-1    | Methyl mercaptan [Methanethiol]                                                             | 0.049                  |
| 556-64-9   | Methyl thiocyanate [Thiocyanic acid, methyl ester]                                          | 0.085                  |
| 75-79-6    | Methyltrichlorosilane [Silane, trichloromethyl-]                                            | 0.018                  |
| 13463-39-3 | Nickel carbonyl                                                                             | 0.00067                |
| 7697-37-2  | Nitric acid (conc 80% or greater)                                                           | 0.026                  |
| 10102-43-9 | Nitric oxide [Nitrogen oxide (NO)]                                                          | 0.031                  |
| 8014-95-7  | Oleum (Fuming Sulfuric acid) [Sulfuric acid, mixture with sulfur trioxide]                  | 0.010                  |
| 79-21-0    | Peracetic acid [Ethaneperoxoic acid]                                                        | 0.0045                 |