

**COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD**

**ENVIRONMENTAL QUALITY BOARD REGULATION FOR
THE CONTROL OF ATMOSPHERIC POLLUTION**

BE IT ENACTED BY THE
ENVIRONMENTAL QUALITY BOARD

"TO PRESERVE THE NATURAL QUALITY OF THE AIR, AND TO PREVENT, ELIMINATE AND CONTROL ATMOSPHERIC POLLUTION; TO ESTABLISH STANDARDS AND REQUIREMENTS FOR THE PREVENTION, ELIMINATION, AND CONTROL OF ATMOSPHERIC POLLUTION IN ACCORDANCE WITH LAW NO. 9, OF JUNE 18, 1970, AS AMENDED, THE PUBLIC POLICY ENVIRONMENTAL ACT."

JULY 1995

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PART I - GENERAL PROVISIONS

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RULE 101 TITLE

This set of rules shall be known as the
REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION OF THE
COMMONWEALTH OF PUERTO RICO.

RULE 102 DEFINITIONS

Accidental Release

Means an unanticipated emission of a regulated substance or other hazardous air pollutant or hazardous solid waste into the ambient air from a stationary source.

Act ("the Act")

Means the Clean Air Act, as amended, 42 U.S.C. 7401, et seq.

Actual Emissions

The actual rate of emissions of an air pollutant from an emission unit as determined in accordance with the following paragraphs (A) through (D) of this definition.

- (A) Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the two-year period which precedes the particular date and which is representative of normal source operation. The Board will allow the use of a different timeframe if it is demonstrated to the Board's satisfaction that such other period is more representative of the source's normal operation.
- (B) Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
- (C) For any emission unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- (D) The EQB may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit, if actual emissions exceed allowable emissions or in cases where it is demonstrated that no data is available for determining creditable increases and decreases.

Actual Emissions (for the purpose of Rule 211)

The emissions of a regulated air pollutant from a stationary source for every 12-month period. Valid continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of valid continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughput of process materials, throughput of materials stored, usage of materials, data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses, other information as required by this rule and any applicable EQB and EPA regulations; or information requested in writing by the Board. All calculations of actual emissions shall use EPA approved methods, including emission factors, source testing, continuous emissions monitoring, and mass balance calculations.

Acute Adverse Effects

Those adverse effects that occur or develop rapidly on living organisms after an acute exposure which is a one-time or short-term exposure with a duration of less than or equal to 24 hours.

Administrator

means the Administrator of the United States Environmental Protection Agency (EPA)

Affected Source

For the purpose of 40 CFR Part 63, means the stationary source, the group of stationary sources or the portion of a stationary source that is regulated by a relevant standard or other requirements established pursuant to section 112 of the Act. Each relevant standard will define the "affected source" for the purposes of that standard. The term "affected source", as used in Part 63 is separate and distinct from any other use of that term in EPA's regulation such as those implementing Title IV of the Act. Sources regulated under Part 60 or part 61 of the 40 CFR are not affected sources for the purposes of 40 CFR Part 63.

Affected States / Territories

Are all States / Territories that are within 50 miles of the permitted source.

Agricultural Burning

Burning or combustion of sugar cane, pineapple pruning and rice hulls and stubble on the fields where grown, when said fields are in active use for the raising of crops for commercial purposes.

Agricultural Wastes

Any discarded material, solid or liquid, produced as a result of agricultural activities, except pineapple pruning and rice hulls and stubble.

Air Pollutant

Dust, fumes, mist, smoke, other particulate matter, vapors, gases, odors, physical, chemical, biological, or radioactive substances, or any combination thereof, but not including uncombined water vapor.

Air Pollution

The presence in the ambient air of one or more air pollutants in such quantities and for such duration as could be injurious to human health or welfare, animal or plant life, or property, or which interferes with the enjoyment of life or property, or which violates any standard established in this Regulation or under the Federal Clean Air Act.

Air Pollution Control Equipment

Any process (including a sulfur recovery plant) equipment, device, and all appurtenances thereto, used for eliminating, reducing, or controlling the emission of any air pollutant.

Air Toxic Limits (ATLs)

Refer to the numerical values, based on available health effects data, that serve as health based guidelines in the management of the risk associated with air toxic emissions. These values are based only on health effects and do not include consideration of technical, economic, and analytical feasibility. The ATLs' values are derived by using any of the following methods, as described in the "Methodology for the Derivation of the ATLs": a quantitative dose-response assessment for non-threshold effects, the uncertainty factor (UF) approach for threshold effects, or the application of uncertainty factors (UFs) to occupational exposure levels. The derived numerical value represents a recommended maximum level of the contaminant in ambient air that will protect the general population from its adverse health effects.

Allowable Emissions

The emissions rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (A) The applicable "Standards of Performance for New Stationary Sources" (SPNSS) or

the "National Emission Standard for Hazardous Air Pollutants" (NESHAPS) set forth in the 40 CFR part 60, 61 or 63;

- (B) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
- (C) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

Alternative Operational Limit (for the purpose of Rule 211)

A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product.

Ambient Air

Any unconfined portion of the atmosphere; open air, outdoor atmosphere.

Applicable Rules and Regulations

All rules and regulations promulgated under the Environmental Public Policy Act (Law No.9, June 18, 1970, as amended) and the "Clean Air Act" for the control of atmospheric pollution, including but not limited to:

- (1) All requirements established by these regulations or any other applicable laws or regulations of the Commonwealth of Puerto Rico;
- (2) The "Standards of Performance of New Stationary Sources" (40 CFR Part 60);
- (3) The "National Emission Standards for Hazardous Air Pollutants" (40 CFR Part 61);
- (4) Any other requirements established by the government of the United States under the Clean Air Act as amended;
- (5) Any other requirement established by the EQB to insure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

Applicable requirement

Means all of the following as they apply to emissions units in a Title V source (including requirements that have been promulgated or approved by EPA through rule-making at the time of issuance but have future-effective compliance dates):

- (1) Any standard or other requirement provided for in the Commonwealth's implementation plan approved or promulgated by EPA through rule-making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to the plan promulgated in 40 CFR Part 52, Subpart BBB.
- (2) Any term or condition of any construction permits issued pursuant to regulations approved or promulgated through rule-making under Title I, including Parts C or D, of the Act;
- (3) Any standard or other requirement under Section 111 of the Act (New Source Performance Standards), including Section 111(d);
- (4) Any standard or other requirement under Section 112 of the Act (National Emission Standards for Hazardous Air Pollutants), including any requirement concerning accident prevention under Section 112(r)(7) of the Act and any substances listed under Section 112 (r)(3);
- (5) Any requirements established pursuant to Section 504(b) (Monitoring and Analysis) or Section 114(a)(3) (Enhanced Monitoring) of the Act;
- (6) Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;
- (7) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;
- (8) Any standard or other requirement for tank vessels under Section 183(f) of the Act;
- (9) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the Act;
- (10) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit.

Asbestos

Means the asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonitegrunerite, anthophyllite, and actinolite-tremolite.

Asbestos-containing material (ACM)

Means any material or product which contains more than 1 percent of asbestos (by volume).

Asbestos Inspector

A person accredited by an asbestos-training school and registered in the Board; the one that determines the presence of asbestos in a building. Must evaluate the asbestos-containing material and building characteristics.

Asbestos Planner

A person accredited by an asbestos-training school and registered in the Board; the one that determines the presence of asbestos in a building, who uses the inspector information to prepare an Asbestos Management Plan for schools.

Asphaltic Concrete Batching Plant

Any facility used to manufacture asphalt concrete by heating and drying the aggregate and mixing it with asphaltic cements, comprised only of any combination of the following: dryer systems for screening, handling, storing and weighing hot aggregates; systems for loading, transferring and storing filler minerals; systems for mixing asphalt concrete; and the loading transfer, and storage systems associated with emission control systems.

Baseline Concentration (RESERVED)**Baseline Emissions**

The total emission from existing sources or facilities allowed under the applicable rules and regulations, prior to the application for location approval of a new major source or major modification.

Best Available Control Technology (BACT)

The emission limitation (including the visible emission standard) based on the maximum degree of reduction of each pollutant subject to applicable rules and regulations emitted from a proposed major stationary source or major modification, determined achievable for said source by the Board (taking in consideration energy, environmental, economic impact, and other costs), and which in no event shall be less stringent than the "Standards of Performance for New Stationary Sources (SPNSSL)", and the "National Emission Standards for Hazardous Air Pollutant (NESHAPS)", and the applicable standards established in this regulation.

Blending of Fuels

The mixing or combination of different fuels at the source premises to produce a fuel of new characteristics for use in fuel burning equipment.

Board, the

The Environmental Quality Board of the Commonwealth of Puerto Rico.

Burning of Multiple Fuels

The simultaneous use of different grades of liquid fuels or the simultaneous use of liquid, gaseous and solid fuels, or any combination thereof, inside the combustion chamber of any fuel burning equipment.

Burning or Incineration

The complete or incomplete combustion of any material.

Chairperson

Refers to the Chairperson of the Puerto Rico Environmental Quality Board.

Chronic Adverse Effects

Those adverse effects that are developed after multiple/ repeated exposure occurring over an extended period of time, or a significant fraction of the animal's or the individual's lifetime.

Commenced

The date on which the owner or operator of a stationary source has obtained all necessary preconstruction approvals or permits required by Federal and Commonwealth of Puerto Rico air pollution control laws and regulations, whichever applicable, and either has (i) begun, or caused to begin, a continuous program or physical on-site construction of such source, or (ii) entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of construction of such source, to be completed within a reasonable time.

Commonwealth

Refers to the island of Puerto Rico.

Complete Application

A complete application means the application containing all of the information that EQB determines is necessary for processing the application. The EQB may request or accept additional information after it has determined that the application is complete.

Construction

Any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emission unit) which will result in an increase in emissions.

Construction (for the purpose of section 112 (g) of the Act)

Means the on-site fabrication, erection or installation of an affected source.

De-minimis means

- (1) a rate of emissions less than or equal to any of the emission rates listed in Appendix E (taken from section 63.44 of 40 CFR Part 63 Subpart B), or
- (2) a rate of emissions:
 - (i) that is less than or equal to 10 tons per year, and
 - (ii) for which EQB has approved a case-by-case- demonstration that ambient impacts are de-minimis.
- (3) If the emission rate included in Appendix E is different from the one established in section 63.44 of subpart B of the 40 CFR Part 63, the federal regulation will prevail.

De-Minimis Source (for the purpose of Rule 211)

Any stationary source with de-minimis emissions or operations as specified below:

- (a) In every 12-month period, any stationary source which emits less than or equal to the following thresholds:
 - (i) 2 tons of regulated air pollutant (excluding HAPs),
 - (ii) 5 tons of any combination of regulated pollutants (excluding HAP's),
 - (iii) the insignificant activity threshold for HAP emissions listed in Appendix E of the regulation.

Demolition

Means the wrecking or taking out of any load supporting structural member and any related razing, removing, or stripping of asbestos-containing material.

Dispersion Models

Mathematical techniques which simulate the atmospheric transport of pollutants for the purpose of estimating concentrations of air pollutants for the purpose of estimating concentrations of air pollutants which may be or are emitted from a source.

Dispersion Techniques

Any method which attempts to affect the concentration of a pollutant in the ambient air by:

- (1) The use of that portion of stack which exceeds good engineering practice stack height;
- (2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or
- (3) The manipulation of process parameters, exhaust gas parameters, stack parameters other than height, or other selective handling of exhaust gas plume rise, (except the reheating of a gas stream following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the source generating the gas stream).

Domestic non-hazardous solid waste incineration unit

means a unit which combusts non-hazardous solid waste that is generated by the general public in single or multiples residences, hotels, motels, etc.

Draft permit

Means the version of a permit for which the Board offers public participation under section (a) of Rule 609 or affected State / Territory review under Rule 609.

Electric utility steam generating unit

means any fossil fuel fired combustion unit with a design capacity of more than 25 megawatts that serves a generator that produces electricity for sale. A unit that co-generates steam and electricity and supplies more than one-third of its potential electric output capacity and more than 25 megawatts electrical output to any utility power distribution system for sale shall be considered an electric utility steam generating unit.

Electric Power Plant Company

Any plant engage in the generation of electrical power by any means.

Emission

The release or discharge of air pollutants into the ambient air.

Emissions Factor

Estimated averages of the rate at which pollutants are released to the ambient air as specified in the latest version of USEPA Publication No. AP-42, "Compilation of Air Pollutants Emission Factors", or such other factors as may be approved by the Board.

Emission Offset

Emission reduction provided from an existing source or facility by the owner or operator of a new major source, or major modification or significant source when applying for a location approval in order to furnish a net ambient air quality benefit in the area.

Emission point (for purpose of Section 112(g) of the Act)

means any part or activity of a major source that emits or could emit any hazardous air pollutant.

Emission Statement (for the purpose of Rule 211)

An annual report from an owner or operator of a stationary source certifying the actual emissions of each regulated air pollutant and each hazardous air pollutant emitted from the stationary source.

Emissions unit

Means any part or activity of a stationary source that emits or has the potential to emit any air pollutant subject to applicable rules and regulations.

Emission Unit (for the purpose of Rule 211)

Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.

Emission unit (for purpose of Section 112(g) of the Act)

means the collection of emission points within a source requiring a MACT determination. An emission unit can be defined (by the permitting authority) as any of the following:

- (1) An emitting point that can be individually controlled, e.g., a boiler, a spray booth, etc.
- (2) The smallest grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.
- (3) The grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.
- (4) A grouping of emission points that are functionally related. Equipment is functionally related if the operation or action for which the equipment was specifically designed could not occur without being connected with or relying on the operation of another piece of equipment.
- (5) For modifications under Section 112(g), only those emission points affected by the modification shall be included.

Encapsulation

Means the treatment of ACM with a material that surrounds or embeds asbestos fibers in an adhesive matrix to prevent the release of fibers, as the encapsulant creates a membrane over the surface (bridging encapsulant) or penetrates the material and binds its components together (penetrating encapsulant).

Enclosure

Means an airtight, impermeable, permanent barrier around Asbestos Containing Building Material (ACBM) to prevent the release of asbestos fibers into the air.

Enhanced Monitoring

means the methodology used by an owner or operator to detect deviations with sufficient representativeness, accuracy, precision, reliability, frequency, and timeliness in order to determine if compliance is continuous during a reporting period. Such monitoring shall be conducted through an enhanced monitoring protocol.

Enhanced monitoring protocol

means the methodology and all installation, equipment, performance, operation and quality assurance requirements applicable to such methodology, developed by the owner or operator for the purpose of conducting enhanced monitoring.

EPA

The Environmental Protection Agency of the United States of America.

Federally Enforceable

Means all limitations and conditions that are enforceable by the Administrator and citizens under the Act or that are enforceable under other statutes administered by the Administrator. Examples of federally enforceable limitations and conditions include, but are not limited to:

- (1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;
- (2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990.
- (3) All terms and conditions in a Title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;
- (4) All limitations and requirements under the applicable implementation plan for the Commonwealth of Puerto Rico.
- (5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR 51;
- (6) Limitations and conditions in a State rule or program that has been approved by the EPA under Subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing section 112.

Final permit

Means the version of a Title V permit issued by the Board that has completed all review procedures required by Rules 605, 606, 608, and 609.

Fossil Fuel Boiler

A unit (or combination of such units) which combusts fossil fuel (or receives heat from other fossil fuel units) to produce steam by indirect heat transfer and includes such units that produce steam for electric generation. The heat input for such units includes any heat provided to such units from the combustion of fossil fuels in other units. The total heat input from fossil fuel firing for a combination of such units is the sum of the heat inputs from fossil fuel firing for each unit.

Fuels

Any liquid, solid, or gaseous substance burned to produce heat or power.

Fuel Burning Equipment

Any furnace boiler, apparatus, stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

Fugitive Dust

Particulate matter which is or may be omitted from any activity other than through a stack, chimney or vent.

Fugitive Emissions

Those emissions which do not pass through a stack, chimney, vent or other functionally equivalent opening.

Garbage

Animal and vegetable matter originating in houses, kitchens, restaurants, hotels, produce markets, and similar places.

GACT- Generally Available Control Technology

Refers to the control technology or management practices promulgated as standard for the reduction of emissions of hazardous air pollutants from categories or subcategories of area sources (non major source).

Good Engineering Practice (GEP) Stack Height

GEP stack height means the greater of:

- (1) 65 meters, measured from the ground-level elevation at the base of the stack; or
- (2)(i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR Parts 51 and 52. $H_g = 2.5H$, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitations;
- (ii) For all other stacks, $H_g = H + 1.5L$ where

H_g = good engineering practice stack height, measured from the ground-level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack, and

L = lesser dimension, height or projected width, of nearby structure(s), provided that the EPA, State or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

- (3) The height demonstrated by a fluid model or a field study approved by the EPA, State or local control agency, which ensures that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

Grains

Means alfalfa, corn, wheat, sorghum, rice, rye, oats, barley, cotton seeds, beetroot, purine, bran, sun flower seeds, soy wheat, soy pellets and soybeans.

Hazardous Air Pollutant

Any air pollutant listed in Appendix A of these regulation and any other substance adopted by the EPA after EQB complies with the public notice and public hearing regulatory requirements, pursuant to the Puerto Rico Administrative Procedures Act.

Hazardous solid waste (based on the Puerto Rico Hazardous Solid Waste Regulation or 40 CFR 261)

Residues, solid waste or combination of wastes which quantity, concentration or chemical or physical characteristics might:

- (1) represent a potential or substantial risk to the human health or to the environment when managed, treated or disposed in an inappropriate way; or
- (2) causes or contributes in a significant increase in mortality or irreversible or reversible serious handicapped illness.

Heat Input

The total gross calorific value (where gross calorific value is measured by ASTM Method D2015-66, D240-64, or D1826-64) of all fuels burned. Heat input is calculated in British thermal units (BTU) per hour using the higher heating value of the fuel.

Incinerator

Any apparatus, equipment, and all appurtenances thereof, used for the burning or incineration of refuse or other combustible wastes, either liquid, solid or gaseous.

Increments of Progress

The steps to be taken by the owner or operator for bringing a source into a compliance with applicable rules and regulations, or with any condition imposed by the Board, as specified in an approved compliance plan or on any other legally binding or enforceable document issued by the Board.

Intermediate Sources (for the purpose of Rule 211)

Any stationary source with emissions or operations as specified below:

- (a) In every 12-month period, the stationary source emits more than the minor source levels, but less than the following quantities of emissions:
 - (i) 100% of the threshold levels for major sources of a regulated air pollutants (excluding HAPs),
 - (ii) 100% of the threshold levels for major sources of HAPs,
 - (iii) 100% of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.

Lowest Achievable Emission Rate (LAER)

means, for any source, the rate of emissions which reflects:

- 1- The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or
- 2- The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emission rate for the new or modified emissions unit within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

MACT- Maximum Achievable Control Technology

Are emission standards based on the best demonstrated control technology and practices in the regulated industry as promulgated by the Administrator pursuant to Section 112 of the Act. MACT for existing sources in a category or subcategory with 30 or more sources must be as stringent as the average emission limitation of the best controlled 12 % of similar sources, excluding sources which have achieved the LAER within 18 months prior to proposal or 30 months prior to promulgation. **MACT** for existing sources in a category or

subcategory with fewer than 30 sources must be as stringent as the average emission limitation of the best performing 5 sources. **MACT** for new sources must be as stringent as the best controlled similar source.

Major Modification (for purposes of Part II of this Regulation)

- (A) Any physical change or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to any applicable rule or regulation;
- (B) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone;
- (C) A physical change or change in the method of operation unless previously limited by enforceable permit conditions shall not include:
 - (1) Routine maintenance, repair and equivalent replacement;
 - (2) Use of an alternative fuel or raw material by reason of an order in effect under Section 2(a) & (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 - (3) Use of an alternative fuel or raw material by reason of an order or rule section 125 of the Act;
 - (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.
 - (5) Use of alternative fuel or raw material by a stationary source which:
 - (a) The source was capable of accommodating such fuel or material before December 21, 1976 unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 subpart I or §51.166, or under operating permits issued pursuant to 40 CFR Part 70 or 40 CFR Part 71, or,
 - (b) The source is approved to use such fuel material under any permit issued under 40 CFR 52.21 or under regulations promulgated pursuant to 40 CFR 51.24;
 - (6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which

was established after December 21, 1976, pursuant to 40 CFR 51.21 or regulations approved pursuant to 40 CFR part 51 subpart I or under operating permits issued pursuant to 40 CFR Part 70 or 40 CFR Part 71.

- (7) Any change in ownership at a stationary source.
- (8) Raw materials substitutions, provided that emissions have the same or lesser impact on public health and welfare as that attributed to emissions before the substitutions and the Board approves such substitution.
- (9) Any increase due to operational changes that occur as a result of changes in the use or configuration of the equipment at a Title V source where such changes do not result in an increase in emissions above those allowable under the operating permit issued under Part VI of this Regulation.

Major Stationary Source

Means any stationary source (or any group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control)) belonging to a single major industrial grouping and that are described in paragraph (A) or (B) of this definition. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two-digit code) as described in the Standard Industrial Classification Manual.

- (A) For the purpose of construction will be define as:

Any of the following sources which have potential to emit one hundred tons per year or more of any air pollutant from the following types of stationary sources:

- (1) Coal cleaning plants (with thermal dryers);
- (2) Kraft pulp mills;
- (3) Portland Cements plants;
- (4) Primary zinc smelters;
- (5) Iron and steel mill plants;
- (6) Primary aluminum ore reduction plants;
- (7) Primary copper smelters;
- (8) Municipal incinerators with a capacity of more than fifty (50) tons of refuse per day;
- (9) Hydrofluoric acid plants;
- (10) Nitric acid plants
- (11) Sulfuric acid plants
- (12) Sulfur recovery plants;
- (13) Petroleum refineries;
- (14) Lime plants;

- (15) Coke oven batteries;
- (16) phosphate rock processing plants;
- (17) Fuel conversion plants;
- (18) Carbon black plants (furnace process);
- (19) Sintering plants;
- (20) Primary lead smelters;
- (21) Fossil-fuel fired steam electric plants of more than two hundred and fifty (250 x 10⁶) million British thermal units per hour heat input; fuel conversion plants;
- (22) Secondary metal production facilities;
- (23) Chemical process plants;
- (24) fossil-fuel boilers (or combination thereof) totalling more than two hundred and fifty millions (250 x 10⁶) British Thermal units per hour heat input;
- (25) Petroleum storage and transfer facilities with a capacity exceeding three hundred thousands (300,000) barrels;
- (26) Taconite ore processing facilities;
- (27) Glass fiber processing plant,
- (28) Charcoal production facilities; or
- (29) Any other stationary source category regulated under section 111 or 112 of the Act.

Such term also includes any other source with the potential to emit two hundred and fifty (250) tons per year or more of any air pollutant, PROVIDED THAT, in the case of a source locating in a non-attainment area, or the emission of which may significantly impact a non-attainment area, such term means any source having the potential to emit one-hundred tons per year (100 tons/year) or more of any air pollutant.

(B)- For the purpose of operating a source it will be define as:

- (1) A major source under Section 112 of the Act, is defined as:
 - (i) For pollutants other than radionuclides, any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to Section 112(b) of the Act (provided in Appendix A of these Part VI rules), 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule (including fugitive emissions of any such pollutant from the source). Notwithstanding the preceding sentence, emissions from any oil gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

- (ii) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.
- (2) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including fugitive emissions of any such pollutant from the source). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- (1) Coal cleaning plants (with thermal dryers);
 - (2) Kraft pulp mills;
 - (3) Portland Cements plants;
 - (4) Primary zinc smelters;
 - (5) Iron and steel mill plants;
 - (6) Primary aluminum ore reduction plants;
 - (7) Primary copper smelters;
 - (8) Municipal incinerators with a capacity of more than fifty (50) tons of refuse per day;
 - (9) Hydrofluoric acid plants;
 - (10) Nitric acid plants
 - (11) Sulfuric acid plants
 - (12) Sulfur recovery plants;
 - (13) Petroleum refineries;
 - (14) Lime plants;
 - (15) Coke oven batteries;
 - (16) phosphate rock processing plants;
 - (17) Fuel conversion plants;
 - (18) Carbon black plants (furnace process);
 - (19) Sintering plants;
 - (20) Primary lead smelters;
 - (21) Fossil-fuel fired steam electric plants of more than two hundred and fifty (250×10^6) million British thermal units per hour heat input; fuel conversion plants;
 - (22) Secondary metal production facilities;
 - (23) Chemical process plants;
 - (24) fossil-fuel boilers (or combination thereof) totalling more than two hundred and fifty millions (250×10^6) British Thermal units per hour heat input;
 - (25) Petroleum storage and transfer facilities with a capacity exceeding three hundred thousands (300,000) barrels;
 - (26) Taconite ore processing facilities;
 - (27) Glass fiber processing plant,
 - (28) Charcoal production facilities; or
 - (29) Any other stationary source category regulated under section 111 or

112 of the Act.

- (3) A major stationary source as defined in Part D of Title I of the Act, including:
- (i) For ozone non-attainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme," (fugitive emissions shall not be considered in determining whether a source is a major source unless the source belongs to one of the stationary source categories listed in paragraph 2 above); except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f) (1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;
 - (ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more of volatile organic compounds;
 - (iii) For carbon monoxide non-attainment areas:
 - (A) That are classified as "serious," and
 - (B) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and
 - (iv) For particulate matter (PM-10) non-attainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10, or where applicable a PM-10 precursor.

Malfunction

Any failure of air pollution control equipment or process equipment, or of a process to operate in a normal or usual manner.

Manufacturing Waste

Solid or liquified material or rubbish resulting from the operation of any business, construction activity, building, or industrial operation, such as plastic products, carton, paints, grease, oil, and other petroleum products, chemicals reagents, cinders, and other forms of solid or liquid waste material, or any other substances classified as hazardous material.

Maritime Vessel

Any type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Mass Emissions Rate

The average rate at which a pollutant is actually released to the ambient air from any activity, such as combustion or industrial process, expressed in weight or mass per unit time.

Maximum Allowable Increments (RESERVED)

Minor Source (for the purpose of Rule 211)

Any stationary source with emissions or operations as specified below:

- (a) In every 12-month period, the stationary source emits more than the de minimis source levels, but less than or equal to the following quantities of emissions:
 - (i) 75% of the threshold levels for major sources of regulated air pollutants (excluding HAPs),
 - (ii) 75% of the threshold levels for major sources of HAPs,
 - (iii) 75% of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.
 - (iv) No stationary source subject to a NSPS, NESHAPS or MACT standard shall be considered a minor source for the purpose of Rule 211.

Modification (for the purposes of Part II of this Regulation)

Any physical change in, change in the method of operation or a change in type of fuel used of an existing stationary source, that would result in a net increase in that stationary source's potential to emit any air pollutant (subject to any standard), or which results in the emission of any pollutant (subject to an standard) not previously emitted.

A physical change shall not include routine maintenance, repair and the replacement of any equipment having the same capacity, equal efficiency or greater environmental benefit to be used for the same purpose.

Modification (for purpose of Section 112 (g) of the Act)

means the fabrication (on site), erection, or installation of any physical change in, or change in the method of operation of, a major source which increases the actual emissions of any hazardous air pollutant emitted by such source by more than a de minimis amount or which results in the emission of any hazardous air pollutant not previously emitted by more than a de minimis amount. A physical change in, or change in the method of operation of, a major source which results in a greater than de minimis increase in actual emissions of hazardous air pollutants shall not be considered a modification, if such increase in the quantity of actual emissions of any hazardous air pollutant from such source will be offset by an equal or greater decrease in the quantity of another hazardous air pollutant (or pollutants) from such source which is deemed more hazardous.

Motor vehicle

means any vehicle propelled by means other than human or muscular power, excepting such vehicles as run only upon rails or tracks.

Non-hazardous solid waste

Any solid waste not regulated as a hazardous solid waste.

National Ambient Air Quality Standards (NAAQS)

The primary and secondary national ambient air quality standards set forth by the US Environmental Protection Agency in 40 CFR, Part 50.

National Emission Standards for Hazardous Air Pollutants (NESHAPS)

The national emission standards for hazardous air pollutants set forth by the US Environmental Protection Agency in 40 CFR, Part 61 or Part 63.

Net Air Quality Benefit

A net air quality benefit is achieved when the air quality impact does not exceed the significant air quality impact levels and the modelling analysis predicts that the Lowest Achievable Emission Rate (LAER) and emission offsets proposed will result in a net concentration change that is less than zero at a number of receptors agreed upon by the Board.

Net Emission Increase

- (A) The amount by which the sum of the following exceeds zero:
 - (1) Any increase in actual emissions from a particular physical change or any changes in the method of operation at a stationary source, and

- (2) Any other increases or decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- (B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction commences and the date that the increase from the particular change occurs;
- (C) An increase or decrease in actual emissions is creditable only if:
 - (1) The Board has not relied on it in issuing a permit for the source under regulations approved pursuant to this section which permit is in effect when the increase in actual emissions from the particular change occurs.
- (D) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (E) A decrease in actual emissions is creditable only to the extent that:
 - (1) The old level of actual emission or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (2) It is federally enforceable and in effect at and after the time that actual construction on the particular change begins; and
 - (3) The Board has not relied on it in issuing any permit under these Regulations or in demonstrating attainment or reasonable further progress;
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

Non-Attainment Area

With regard to any air pollutant, an area which is shown by monitoring data, or by air quality modeling (or other methods determined by the Board to be reliable), to exceed any NAAQS for such pollutant.

Non-hazardous solid waste

Any solid waste not regulated as a hazardous solid waste.

Non-Process Source

Any source other than a process source.

Notice of MACT Approval

Refers to the procedures established in Subpart B of 40 CFR Part 63 by which a Maximum Achievable Control Technology analysis is performed by the owner or operator of a source and submitted to the permitting authority for determination of equivalency of emission limitation applicable to such source.

Opacity

A state which renders a material or substance partially or totally blocked to the transmission of visible light and is expressed as the percentage of light obstructed.

Open Burning

The burning of solid waste, agricultural waste, or plant life "without:

- (1) Control of combustion air to maintain adequate temperature for efficient combustion;
- (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
- (3) Control of the emission of the gaseous combustion products.

Organic Compound

Any chemical substance which contains carbon and hydrogen, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

Organic Solvents

Organic materials which are liquids at standard conditions, including, but not limited to, diluents and thinners, and which are used as solvents, viscosity reducers or cleaning agents.

Owner or Operator

Any person who owns, leases, operates, controls or supervises a source or facility.

Particulate Matter

Any material in solid or liquid form sufficiently subdivided into small particles as to be susceptible to dispersion and suspension or to be carried by currents of air or other gases, except water in its uncombined state.

Permit modification

Means a revision to a Title V permit that meets the requirements of section (b) of Rule 606.

Permit program costs

Means all reasonable (direct and indirect) costs required to develop and administer a permit program, as set forth in section (b) of Rule 610 (whether such costs are incurred by the Board or other State or local agencies that do not issue permits directly, but that support permit issuance or administration).

Permit revision

Means any permit modification or administrative permit amendment.

Person

Any person, natural or juridical, or group of persons, private or public, including agencies, government bodies, municipalities and public quasi-public corporations.

Plant Life

Vegetation such as trees, tree branches, leaves, yard trimmings, shrubbery, grass, weeds and crops.

PM₁₀

Particulate matter with a size less than or equal to 10 micrometers in aerodynamic mass median diameter.

PM₁₀ Precursor

Means sulfur dioxide, nitrogen oxides, or volatile organic compounds.

PM₁₀ Non Attainment Area for Guaynabo

The entire Municipality of Guaynabo as defined in the Puerto Rico PM₁₀ State Implementation Plan (PR-SIP) and in Law 81 of August 30, 1991- "Autonomous Municipality Act"

Potential to Emit

The capability of a stationary source, under its physical and operational design and operating at maximum design capacity, to emit an air pollutant. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and

restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

PR-SIP

Puerto Rico State Implementation Plan

Process Source

A source from which emissions are, in whole or in part, the result of a manufacturing process that produces a chemical change in any of the materials or substances used in that process.

Process Statement (for the purpose of Rule 211)

An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughput of process materials; throughput of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the Board.

Proposed permit

Means the version of a permit that the Board proposes to issue and forwards to the Administrator for review in compliance with Rule 609.

Public and Commercial Building

means the interior space of any building which it is not a school building, except that the term does not include any residential apartment building of fewer than ten (10) units or detach single-family homes. The term includes, but is not limited to, industrial and office building, residential building and condominium of 10 or more dwelling units, government-owned building, colleges (private and public university institutions) , museums, airports, hospitals, churches, preschools, stores, warehouses and factories. Interior spaces includes exterior hallways connecting buildings, porticos and mechanical systems used to condition interior spaces.

Puerto Rico Air Quality Control Region

All the land under the jurisdiction of the Commonwealth of Puerto Rico pursuant to Section 110 of the Clean Air Act (42 USC 7410) for the control of air pollution in Puerto Rico, as defined in the PR-SIP.

Reasonable Available Control Technology (RACT)

The lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

Reasonable Further Progress (RFP)

Annual incremental reductions in the emissions of an air pollutant which are sufficient, in the judgement of the Board (and the UP EPA Administrator), to provide for the attainment of the applicable NAAQS by the date specified in the SIP of Puerto Rico.

Refuse

Garbage, rubbish, manufacturing wastes, and sludge resulting from the treatment and purification of wastewater and water.

Refuse Derived Fuel (RDF)

A combustible material of a low to moderate heating value artificially produced by a resource recovery facility.

Regulated air pollutant or Regulated Substance

means the following:

- (1) Nitrogen oxides or any volatile organic compounds;
- (2) Any pollutant for which a national ambient air quality standard has been promulgated;
- (3) Any pollutant that is subject to any standard promulgated under Section 111 of the Act;
- (4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or
- (5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:
 - (i) Any pollutant subject to requirements under Section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to Section 112(e) of the Act; and

- (ii) Any pollutant for which the requirements of Section 112(g)(2) of the Act have been met, but only with respect to the individual source subject to Section 112(g)(2) requirement.

Regulated Medical Waste (based on the Puerto Rico Medical Waste Regulation)

A regulated medical waste is any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that is not excluded or exempted . The characteristics and types of activities are described in Appendix F of this regulation.

Regulated pollutant (for presumptive fee calculation)

Which is used only for purposes of section (b)(2) of Rule 610, means any "regulated air pollutant" except the following:

- (1) Carbon monoxide;
- (2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance to a standard promulgated under or established by Title VI of the Act; or
- (3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act.

Removal

Means the taking out or stripping of asbestos or material containing asbestos.

Renewal

means the process by which a permit is reissued at the end of its term.

Renovation

Means the modifying of any existing structure or portion thereof where exposure to airborne asbestos may result.

Requirements established by the Board

Methods, guidelines, procedures, parameters, limitations, criteria and any other applicable requirement that the Board, after complying with all applicable rules and regulations, deems necessary to protect the environment, safety and human health.

Resource Recovery Facility

Any facility at which solid waste is processed for the purpose of extracting, converting to energy or otherwise separating and preparing solid waste for reuse or utilizing the solid wastes to provide more than 50% of the heat input.

Responsible official

Means one of the following:

- (1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) The facilities employ more than 250 persons or have gross annual sales lb* or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (ii) The delegation of authority to such representatives is approved in advance by the Board.
- (2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).

Rubbish

Solids not considered to be highly flammable or explosive (such as rags, old clothes, leather, leather, rubber, carpets, wood excelsior, paper, ashes, leaves, tree branches, yard trimmings, furniture, incinerator residue, street sweepings, tin cans, glass crockery, masonry, and other similar materials).

Salvage Operation

Any operation or activity from which is reclaimed any product or material, such as metals, chemicals, shipping containers or drums.

Secondary Emissions

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification, itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes then secondary emissions. Secondary emissions include emissions from any off-site support facility with would not otherwise be constructed or increased its emissions except as a result of the construction or operational of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

Section 502(b)(10) changes

Are changes that contravene an express permit term. Such changes do not include changes that:

- (1) would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record-keeping, reporting or compliance certification requirements; or
- (2) are Title I modifications and changes to a federally enforceable emission limit, work practice or voluntary emission cap.

Shutdown

The cessation of the operation of a source or air pollution control equipment for any purpose.

Significant Net Increase (see Major Modification)

Significant Source

A major stationary source or major modification that would exceed any of the significance levels defined in this regulation.

Significant Air Quality Impact Levels (for Class II and Class III Areas as defined in the Code of Federal Regulations- 40 CFR Part 52.21)

An air quality impact equal to or greater than:

POLLUTANT	ANNUAL	24-HOURS	8-HOURS	3-HOURS	1-HOUR
SO ₂	1µg/m ³	5µg/m ³	-	25µg/m ³	-
Particulate	1µg/m ³	5µg/m ³	-	-	-
PM ₁₀	1µg/m ³	5µg/m ³	-	-	-
NO ₂	1µg/m ³	-	-	-	-
CO	-	-	500µg/m ³	-	2000µg/m ³

Significant Emission

In reference to a net emission increase or the potential to emit any of the following pollutants, as rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate (tpy)
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
Ozone	40 (of volatile organic compound)
Lead	0.6
PM ₁₀	15

Source

Any structure, building, facility or installation (or combination thereof), which is located on one or more contiguous or adjacent properties under common ownership or operation, which emits or may emit any air pollutants.

Stack

Any chimney, flue, conduit or duct arranged to exhaust emissions into the ambient air.

Standards Conditions

A temperature of 20° centigrade (68° Fahrenheit) and a pressure of 760 mm Hg (one atmosphere).

Standards of Performance for New Stationary Sources (SPNSS)

The performance standards adopted by the US Environmental Protection Agency for new stationary sources as defined in 40 CFR 60.

Title V permit or permit (unless the context suggests otherwise)

Means any permit or group of permits covering a Title V source that is issued, renewed, amended, or revised pursuant to Part VI of this Regulation.

Title V program or permit program

Means a program approved by the Administrator under Title V of the Act.

Title V source

Means any source subject to the permitting requirements of Part VI, as provided in sections (a) and (b) of Rule 601.

Toxic or Hazardous Substances

For the purpose of this regulations means either of the followings:

- (A) any chemical substance causing adverse effects on living organisms following ingestion, inhalation, topical or other parenteral exposure. An adverse effect includes any alteration in structure or function that is clearly deleterious to the organism causing that the body's normal compensatory and protective mechanisms become overwhelmed, resulting in irreversible or only partially reversible functional changes. For regulation purposes, toxic substances are classified henceforth on the basis of their adverse health effects in a biologic system. A toxic substance might be classified as a chemical carcinogen, genotoxic agent, developmental toxicant, reproductive toxicant, systemic toxicant, and/or sensory irritant. A chemical carcinogen is a type of toxic substance that has the ability to induce neoplasms in animals or humans. A genotoxic agent is a substance that may cause heritable changes or damage leading to heritable changes in genetic material. A developmental toxicant is a substance that may cause adverse effects on the developing organism from exposure prior to conception (either parent), during prenatal development, or postnatally to the time of sexual maturation. A reproductive toxicant is a substance that may induce a dysfunction affecting the processes of gametogenesis from its earliest stage to implantation of the conceptus in the endometrium. A systemic toxicant is a substance

that may produce adverse effects on the function of various organ systems exclusive of cancer, genotoxicity, and developmental/reproductive toxicity. A sensory irritant is defined as a chemical which when inhaled via the nose will stimulate trigeminal nerve endings, evoke a burning sensation of the nasal passages, and inhibit respiration; most will induce coughing from laryngeal stimulation; also, are capable of stimulating trigeminal nerve endings of the cornea and induce tearing; at high concentrations, particularly on moist facial skin, sensory irritants are capable of inducing a burning sensation; some have odorant and/or gustatory qualities; most will induce bronchoconstriction, usually at concentrations in the air higher than required for stimulation of nerve endings in the nasal passages.

- (B) Any air pollutants listed pursuant to Section 112(b) of the Clean Air Act Amendments of 1990.
- (C) Any air pollutants not listed pursuant to Section 112(b) of the Clean Air Act Amendments of 1990, but identified by the Board through emission inventories or by other means and that is in conformity with the part (A) of this definition.

Volatile Organic Compounds (VOC)

Any chemical substance which contains carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate determined to have photochemical reactivity. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: Methane;ethane;methylene chloride (dichloromethane); 1, 1, 1-trichloroethane (methyl chloroform);1,1,1-thrichloro-2,2,2-trifluoroethane(CFC-113); trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12) chlorodifluoromethane (CFC-22), trifluoromethane (CFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);Chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b), 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125; 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

- (i) cyclic branched, or linear, completely fluorinated alkanes;
- (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and
- (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Worst-case operational scenario

For Title V sources, the operational scenario under which the emissions of individual pollutants would be at the maximum levels allowable under the applicable requirements for the particular source.

**RULE 103 SOURCE MONITORING, RECORD KEEPING,
REPORTING, SAMPLING AND TESTING
METHODS**

- (A) The Board may require the owner or operator of any source to install, use, and maintain such monitoring equipment, provide the necessary equipment and appurtenances for the sampling of fuels and emissions, sample ambient air quality, perform such fuel analyses, establish and maintain such records, and make such periodic reports as the Board shall deem necessary. For each major source, moreover, the Board shall, at a minimum, require the owner or operator, at his own expense, to (a) sample ambient air quality, and (b) either sample emissions from each stack or provide an equivalent determination acceptable to the Board.
- (B) Representatives of the Board, upon presentation of their credentials:
 - (1) Shall have right of entry to, upon, or through any premises where a source is located or where any records are located which are required to be maintained under this Regulation, or under the Federal Clean Air Act, and
 - (2) Shall have access to, upon request, and copy pertinent records, inspect and examine any monitoring equipment or method to determine its accuracy, and sample emissions of air quality and fuels.
- (C) All tests shall be made and the results calculated in accordance with test procedures approved by the Board and all tests and calculations shall be certified by an engineer licensed to practice the profession in Puerto Rico. All chemical analyses shall be certified by a chemical engineer or chemist licensed to practice the profession in Puerto Rico.
- (D) All records and reports required pursuant to this Regulation shall be submitted on forms prescribed by the Board and shall be submitted together with a sworn a statement of affidavit of the corporate President, or a Vicepresident reporting directly to the President, or the highest ranking corporate office in Puerto Rico or a duly authorized representative or of an equivalent responsible officer in the case of the organizations, governments agencies or any other political subdivision. Such sworn statement or affidavit shall attest to the truth, correctness, and completeness of such records and reports.
- (E) Emissions of particulate matter, sulfur oxides, and nitrogen oxides and of any air pollutant shall be expressed as follows: in pounds per hour or kilograms per hour, and pounds per million BTU of heat input or grams per million gram-calories of heat input for fuel burning equipment; in pounds per hour or kilograms per hour and pounds per 100 pounds or grams per kilograms of refuse burned for incinerators; and in pounds per hour or kilograms per hour or tons per year or tons per day, or in some other terms easily measured and meaningful process unit specified by the Board.

- (F) The Board may conduct emission tests of air pollutants and sample fuels of any source. Upon request of the Board, the owner or operator of such source to be tested shall provide necessary ports in stacks or ducts, scaffolding and such other safe and proper sampling and testing appurtenances (without including instruments and testing devices, except when required pursuant to other provisions of the Regulations) as may be necessary for proper determination of the emission of air pollutants.
- (G) Whenever the Board has requested the owner or operator of a source to conduct at his own expense sampling and/or tests in accordance with this Regulation, said owner or operator shall notify to the Board in writing at least fifteen (15) days prior to the performance of such sampling and/or tests, the schedule including the specific date, time and place where such sampling and/or tests shall be conducted.

RULE 104 EMISSION DATA AVAILABLE FOR PUBLIC PARTICIPATION

- (A) All emission data obtained by or submitted to the Board, including data reported pursuant to Rule 103 and data obtained in any other way, shall be available for public inspection and may also be made available to the public in any additional ways that the Board may deem appropriate.
- (B) All such emission data shall be presented in such a manner as to show the relationship between measured or estimated emissions and the emissions allowable under applicable rules and regulations or enforceable permit conditions.

RULE 105 MALFUNCTION

- (A) In the event that any source, air pollution control equipment or related equipment breaks down, malfunctions, ruptures, leaks, or is rendered partially or totally inoperative the owner or operator of such equipment shall immediately report to the Board such failure or incident and provide all pertinent available facts, including the estimated duration of the incident. The Board shall be notified in writing not later than one (1) week after the incident. This report shall include specific data concerning the affected source, air pollution control equipment and other related equipment, date, hour and duration of the incident, causes of the incident, and corrective measures taken or to be taken. In the event the malfunction has been corrected within this period of time, the information requested in paragraph E of this Rule shall also be submitted with the written report.
- (B) If the malfunction which causes air pollution extends or will extend for more than twenty-four (24) hours, a written report by fax and a phone call to the Board or the Air Quality Program must be made and the affected facility or source can only be operated to the end of a cycle or within forty-eight (48) hours after the malfunction occurs, whichever is sooner, at which time it shall be shutdown for repairs.

Nevertheless, if the malfunction causes the emission of toxic or hazardous substances into the ambient air, the affected source shall immediately cease operations or shall act as specified in its approved emergency response plan pursuant to Rule 107 (C).

- (C) The facility or source may be operated beyond the limitation in Section B., provided an emergency variance has been granted by the Board in accordance with Rule 302.
- (D) The occurrence of a malfunction shall not relieve the owner or operator from the responsibility of complying with any substantive provisions of this Regulation.
- (E) Not later than one week after correction of a malfunction incident, the owner or operator shall submit a written report to the Board including:
 - (1) A certification that the malfunction has been corrected, specifying the date of correction and proof of compliance;
 - (2) A description of the corrective measures undertaken to avoid such a malfunction in the future;
 - (3) An estimate of the total emissions caused by the malfunction; and
 - (4) Pictures of the equipment or controls which failed, whenever available.
- (F) In case an emission unit is equipped with one or more control equipments or the facility could use more than one control equipment or measure and such alternate controls are operated independently with each other, have equal or greater capacity and efficiency of the remaining control equipment for the pollutants emitted, the source do not need to shutdown during the malfunction as long as it is guaranteed to the Board's satisfaction that the control equipment or measure used during the malfunction renders equal or better environmental benefits.
- (G) If a source suffers repeatedly more than three (3) malfunctions, ruptures, leaks, or is rendered partially or totally inoperative over a 12-month period, the Board may order the shutdown of such equipment until an additional control equipment or measure is installed or substituted with equipment or measures which demonstrate to the Board's satisfaction that equal or better environmental benefits for the affected pollutant(s) is rendered or obtained.
- (H) This rule does not apply to sources subject to Part VI of these regulations.

RULE 106 TEST METHODS

- (A) Compliance with the prohibitions and limitations set forth in this Regulation shall be determined by the test methods specified in Part IV of this Regulation that can be found in 40 CFR 51 Appendix M; 40 CFR 60 Appendices A, B, and F; 40 CFR 61 Appendices B, C, D and E. If more than one method or more than one option is specified in Part IV for a given parameter, PREQB will determine which method and/or option will be required. However, for facilities subject to SPNSS and NESHAPS, the facility shall select from the appropriate Appendices only those methods specifically mandated by the affected SPNSS and NESHAPS Subparts and those testing methods and procedures in 40 Part 64-enhanced monitoring protocol once 40 CFR Part 64 is finally approved.
- (B) EPA approved equivalent or alternative test methods may be used to determine compliance with applicable rules and regulations upon prior approval by the Board, except for determining compliance with any SPNSS and NESHAPS affected facility.
- (C) Every source required by EQB, EPA or by any applicable requirement to be tested must submit to the Board and/or EPA (on a case by case basis) at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance (QA) measures to be utilized. The protocol must be specific for the test, facility, operating conditions and parameters to be measured. The protocol should include at a minimum, the following:
 - (a) Stack diagram showing test ports, their distances from upstream and downstream disturbances, the stack diameter, and planned sampling equipment and monitoring locations.
 - (b) A determination of the presence and degree of cyclonic flow.
 - (c) The proposed number or sampling traverse points, sampling time at each point, and total sampling volume.
 - (d) A detailed description of all sampling, sample recovery, and analytical procedures. The entire procedure in the case of nonstandard procedures or modification should be described with justifications and necessary data for backup. Options offered by the Reference Method should be selected and justified.
 - (e) Any special conditions for the preparation of the sampling equipment and containers to avoid sample contamination.
 - (f) Samples of forms to be used to record sample history, sampling conditions, and plant operating conditions.
 - (g) Methodology for measurement of plant operating conditions, including

production rate, fuel flow rate, process data and pollution control data, all to be recorded at a minimum of 15 minute intervals.

- (h) If more than one sampling train is to be used, detailed description of the relevant sequencing and logistics.
 - (i) If Continuous Emission Monitors (CEMs) are to be used, detailed description of the operating and data logging procedures.
- (D) The owner or operator of a source shall provide the Board at least 15 days of prior written notification of any test required by the Board, to afford the EQB the opportunity to have an observer present. Results of any stack test done in the absence of an EQB's approved protocol will not be accepted.
- (E) Two (2) copies of the emission test reports shall be submitted by the permittee to the Board within 60 days after the performance of the emission test. The emission test report should include at a minimum, the following:
- (a) A summary of emission rates, isokinetic sampling rates, operational level and any other relevant process, fuel, or control device parameters monitored during the test.
 - (b) All field data collected, including legible copies of field data sheets (raw data) and any transcribed or computer data sheets that may be relevant.
 - (c) All laboratory data, including blanks, tare weights, calibration data, quality assurance samples, and results of the analyses.
 - (d) All calculations used in the determinations of emission rates, process rates, or other factors relevant to the test results, compliance, etc.
- (F) During the test, the source must be operated at its maximum rated capacity or based on representative performance of the affected facility; understanding that, after proving compliance with any applicable emission limit, the Board may restrict the operation of the source at the capacity reached during the performance test.

RULE 107 AIR POLLUTION EMERGENCIES

This rule is designed to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency, due to the effects of these pollutants on the health of persons, and to provide with accident prevention and emergency response requirements.

- (A) Episode criteria

The Board shall publicly announce the existence of an air pollution alert, air pollution warning, or air pollution emergency whenever the Board determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination with respect to SO₂ and particulate matter, the Board will be guided by the following:

- (1) "Air Pollution Forecast". An internal watch by the staff of the Board shall be activated by a National Weather Service advisory that the Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.
- (2) "Alert". The alert is that concentration of pollutant at which first stage control actions shall begin. An alert will be declared when anyone of the following levels is reached at any monitoring site:
 - SO₂ - 800 µg/m³ (0.28 ppm) for 24-hour average.
 - Particulate - 3.0 COH_s or 375 µg/m³ for 24-hour average.
 - SO₂ and particulate combined-product of SO₂ ppm for 24-hour average, and COH_s equal to 0.2 or product of SO₂ µg/M³ for 24-hour average and particulate µg/m³ for 24-hour average equal to 65 x 10³.

and meteorological conditions are such that pollutant concentrations can be expected to remain at or increase over the above mentioned levels for 12 or more hours unless control actions are taken.

- (3) "Warning". The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when anyone of the following levels is reached at any monitoring site:
 - SO₂ - 1600 µg/m³ (0.56 ppm) for 24-hour average
 - Particulate - 5.0 COH_s or 625 µg/m³ for 24-hour average
 - SO₂ and particulate combined - product of SO₂ ppm for 24-hour average and COH_s equal to 0.8, or product of SO₂ µg/m³ for 24-hour and particulate µg/m³ for 24-hour average equal to 261 x 10³,

and meteorological conditions are such that pollutant concentration can be expected to remain at or increase over the above levels for 12 or more hours, unless control action are taken.

- (4) "Emergency". The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when anyone of the following levels is reached at any monitoring site:
- SO₂ - 2100 µg/m³ (0.73 ppm) for 24-hour average
 - Particulate - 7.0 COH_s or 875 µg/m³ for 24-hour average
 - SO₂ and particulate combined -product of SO₂ ppm for 24-hour average and COH_s equal to 1.2, or product of SO₂ µg/m³ for 24-hour average and particulate µg/m³ for 24-hour average equal to 393 x 10³, and meteorological conditions are such that this conditions can be expected to continue for 12 hours or more.
- (5) "Termination". Any status reached by application of these criteria will remain in effect once declared until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

(B) Emission Reductions

- (1) When the Board declares an air pollution alert, warning or emergency, and determines that such condition requires immediate action for the protection of the health of human beings, the Board will order persons causing or contributing to the atmospheric pollution to reduce their emissions in order to eliminate such condition, or to immediately discontinue the emission of pollutants.
- (2) Orders issued by the Board pursuant to this Rule will not be subject to hearings prior to compliance.
- (3) All owners or operators of a source or facility shall have available an emergency plan which must be consistent with adequate safety practices, and which provides for the reduction or retention of the emission from the plant during periods classified by the Board as air pollution alerts, warning or emergencies. These plans will include the reduction to be accomplished for each source and the means by which such reduction will be accomplished. These plans will be available to any representative of the Board at any time.

(C) Emergency Response Plan

- (1) Any source which may release, leak or emit toxic or hazardous substances into the atmosphere shall prepare and submit to the Board together with the application for a permit to construct, permit to operate or renewal of a permit to operate, whichever applicable, an emergency response plan according to the provisions set forth in section 2 of this Rule.

- (2) Every emergency response plan shall include, at least, the following:
- (a) Name and location of the source or facility
 - (b) Name, title and telephone number of the owner or operator of the source or facility
 - (c) Possible sources which may cause incidental emissions, releases or leaks
 - (d) Type and amount of substance which may be emitted, released or leaked
 - (e) Details of any prevention measure and counter measures available or proposed to avoid incidental or unexpected emissions, releases or leaks of toxic or hazardous substances
 - (f) In case of proposed prevention/counter measures, the schedule for construction, installation or availability of such measures.
 - (g) An inventory of all equipments, accessories, instruments, connections, process systems or other appurtenances which may emit, release or leaks toxic or hazardous substances.
 - (h) Internal administrative procedures which are or will be instituted to:
 - (i) inspect potential sources of emission, releases or leaks;
 - (ii) An alert notification and procedure, including a notification roster and response team members and responsibilities.
 - (j) Identification of equipment/instrument which are or will be available to detect emissions, releases or leaks.
 - (k) Humans evacuation procedures and plan in case of an emergency.
 - (l) Identify methods to dispose of materials which may produce emission, releases or leaks of toxic or hazardous substances, during emergencies or a prevention measures.
 - (m) Identify methods or procedures to mitigate persisting impact to the environment, after the health and welfare of humans has been safeguarded.
 - (n) Describe the response team members and other involved personnel knowledgeable and trained in emergency response duties.

- (3) Once approved by the Board, the owner or operator of the source shall maintain the emergency response plan current and all involved personnel trained and knowledgeable of emergency response duties and functions.
 - (4) The owner or operator shall keep the emergency response plan accessible to all concerns and shall present it to representative of the Board, upon request.
- (D) General duty

The owner or operator of any stationary source producing, processing, handling or storing any substance regulated under the Section 112(r) of the Federal Clean Air Act, or any other extremely hazardous substance, has a general duty to identify hazards that may result in releases by using generally accepted assessment techniques and must take the appropriate steps to prevent releases and minimize the consequences of accidental releases. Sources that have regulated substances above the threshold quantity, as specified in 40 CFR Part 68 shall register with the Board and/or EPA and a Risk Management Plan (RMP) shall be submitted as required in Rule 604(e).

RULE 108 AIR POLLUTION CONTROL EQUIPMENT

- (A) All air pollution control equipment or control measures shall provide for continuous compliance with applicable rules and regulations. Such equipment or measures shall be installed, maintained, and operated according to those conditions imposed by the Board, within the specified operating limitations of the manufacturer.
- (B) The collected material from the air pollution control equipment shall be disposed in accordance with applicable rules and regulations. The removal, manipulation, transportation, storage, treatment or disposal will be done in such or manner that shall not to produce environmental degradation, and in accordance with applicable rules and regulations.
- (C) The Board may require, when deemed appropriate to safeguard the health and welfare of human beings, the installation and maintenance of additional, complete and separate air pollution control equipment of a capacity equal to the capacity of the primary control equipment. Furthermore, the Board may require that such additional air pollution control equipment be operated continuously and conjunctionally with the primary air pollution control equipment.
- (D) All air pollution control equipment shall be operated at all times while the source being controlled is in operation.
- (E) In the case of a shutdown of air pollution control equipment for the necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Board at least three days prior to the planned shutdown. Such prior notice shall

include, but is not limited to the following:

- (1) Identification of the specific source to be taken out of service with its location and permit number.
 - (2) The expected length of time that the air pollution control equipment will be out of service.
 - (3) The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period.
 - (4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.
 - (5) The reasons why it will be impossible or impractical to shutdown the operating source during the maintenance period.
- (F) The owner or operator of a source shall, to the extent possible, maintain and operate at all times, including periods of start-up, shutdown and malfunction, any affected source and the associated air pollution control equipment, in a manner consistent with the original manufacturers design specifications and in compliance with applicable rules and regulations and permit conditions.

RULE 109 NOTICE OF VIOLATION

- (A) Whenever the Board finds that any provision of this Regulation is being violated, on the basis of any information available, the Board shall issue a written notice of violation to the alleged violator.
- (B) All notices of violations shall specify the deficiencies and/or state the reasons that prompted the notice, and may indicate the requirements that the Board deems pertinent to bring the source into compliance.

RULE 110 REVISION OF APPLICABLE RULES AND REGULATIONS

(A) Effectiveness of Revisions

- (1) Amendments to this Regulation may be adopted by the Board and shall become effective 30 days after the date of their filing in the Department of State pursuant to Law No. 170 of August 12, 1988 as amended.
- (2) Revisions (or additions to) of Federal emission limitations (including "Standards of Performance for New Stationary Sources" and "National Emission Standards for Hazardous Air Pollutants") and of Federal ambient air quality standards (including "National Primary and Secondary Ambient Air Quality Standards") shall become effective as part of applicable rules and regulations immediately upon their promulgation by the Administrator of the U.S. Environmental Protection Agency, pursuant to the Clean Air Act, as amended.

(B) Notice and hearing on amendments to this Regulation:

- (1) The Board shall not adopt any amendment to this Regulation without notice and hearing.
- (2) The public hearing requirements referred to in 110(B)(1) shall not apply in cases where the Board has to modify the text of any pending amendment to the Regulations which has already been considered in a public hearing, and when said modification does not alter or change the concept or intent of said duly scrutinized amendment.

(C) Effect of pending revision

- (1) Notwithstanding any other provision of this Regulation, while any proposed revision of applicable rules and regulations are pending, the Board may not grant any permit or endorse any compliance plan that could not be granted if such proposed revisions or amendments were already in effect. This section does not preclude the Board from issuing a temporary permit to operate under Rule 204 (C).
- (2) For purposes of this Rule, an amendment to this Regulation is "pending".
 - (a) From the date of the first publication of the notice for public hearings on the amendment, until 30 days after the revisions or amendment is filed in the Department of State of the Commonwealth of Puerto Rico, in accordance with Law 170 of August 12, 1988, as amended; or
 - (b) Until the date of final Board action withdrawing the revision or

amendment.

- (3) For purposes of this Rule, a revision of any existing or new Federally enforceable emission limitation or ambient air quality standards or any other requirement is "pending".
 - (a) From the date of the first publication of the proposed limitation, standard or requirement, or
 - (b) Until the date of final promulgation and publication in the Federal Register or withdrawal of the proposal.
- (D) Effect on valid permits, compliance plans, location approvals, and variances.

Revision of applicable rules and regulations shall not impair the validity of any permit, compliance plan, location approval, or variance lawfully granted or approved before the effective date of such revision. The Board may, however, revoke any such permit, plan, location approval or variance, or may impose additional conditions thereon, when the Board finds such action necessary to attain timely compliance with any new or revised national ambient air quality standard.

RULE 111 APPLICATIONS, HEARINGS, PUBLIC NOTICE

(A) Applications

(1) Content of Applications

All applications must comply with the rules and policies of the Board, and must be filed on forms furnished by the Board. All information, plans, specifications, evidence or documentation required by the Board for consideration of the applications must be included therewith.

(2) Oath

Each application shall be submitted by the applicant or his authorized agent attesting to the truth and correctness of all facts, statements, and information submitted.

(3) Single Source

Except as otherwise specifically permitted, each application shall pertain to only one source and shall include specific information about any other activities constituting the source.

(4) Decision and Notification of Applications

- (a) The Board shall notify the applicant in writing of its decision in regard to each application filed pursuant to this Regulation. The Board shall set forth in any notice of disapproval its reasons for disapproval.
- (b) The Board may refrain from issuing a final decision pertaining to any application filed with the Board, if the provisions of Article 4 (C) of the "Environmental Public Policy Law of Puerto Rico" (Law No. 9 of June 18, 1970, as amended) have not been satisfied.

(B) Public Notice

- (1) All public notices shall specify the time and place where the background documents regarding the pending matter will be available for public inspection, including any preliminary determination by the Board on whether an application should be approved, conditionally approved or disapproved, and the period during which interested persons may submit written comments or request for public hearing.
- (2) In case of public hearings, the notice shall also specify the time and place of each public hearing.
- (3) All public notices shall be published at least thirty (30) days prior to any determination by the Board regarding the subject matter or the hearing. However, the Board may, whenever applicable rules and regulations permit, establish a shorter time for public notice.
- (4) The announcement shall be published in at least two of the newspapers of general circulation on the Island, and in case of location approval, the notice must be mailed to the applicant, the US-EPA Regional Administrator, the Chairman of the Planning Board and any other Commonwealth official and agency having jurisdiction over lands which may be affected by the emissions from the proposed source.
- (5) Whenever the notice relates to any application under the consideration of the Board, the applicant shall pay the Board the cost of the notice prior to publication or seek himself the publication of the notice, in such case the public notice shall be made in accordance with this Rule. This requirement may not necessarily apply to sources under the Title V program. Rule 609 of Part VI of these regulations defines the public participation procedures for sources under the Title V program.

RULE 112 COMPLIANCE DETERMINATION/CERTIFICATION

(A) Enforcement

Notwithstanding any other provision in the Puerto Rico State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

- (1) Information from the use of the following test methods is presumptively credible evidence of whether a violation has occurred at a source:
 - (a) Testing methods contained in an enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.
 - (b) A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated in a federally-enforceable operating permit.
 - (c) Compliance test methods specified in the applicable plan approved in this part.
- (2) The following testing, monitoring or information gathering methods are presumptively credible testing, monitoring or information-gathering methods.
 - (a) Any Federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61, 63 and 75.
 - (b) Other testing, monitoring or information-gathering methods that produce information comparable to that produced by any method in (1) or (2).

(B) Compliance Certification

All owners or operators of a major source subject to the provisions of this regulation shall submit a compliance certification on at least an annual basis. The compliance certification shall include, but is not limited to, the following information:

- (1) identification of the applicable requirement that is the basis of the certification;
- (2) the method used for determining the compliance status of the source;
- (3) the compliance status;
- (4) whether compliance is continuous or intermittent; and
- (5) such other facts as the Board may require.

RULE 113 CLOSURE OF A SOURCE

- (A) The Board may order to closure or compel the shutdown of a source which has been found not in compliance with the applicable rules and regulations, or whose violation persists after the time limit granted under a notice of violation or under any other enforcement action taken by the Board. The affected source will have an opportunity for an administrative a hearing before the Board.
- (B) The closure shall remain in effect until the affected source is found to be in compliance with the applicable rules and regulations, or until the reasons that prompted the notice of violation or enforcement action are found to be non-existent.

RULE 114 COMPULSORY AND OPTIONAL HEARINGS

- (1) The Board shall hold public hearings when specifically required by applicable rules and regulations, giving the notice thereof according to Rule 111 B(3).
- (2) The Board may also at its option, hold one or more public hearings on matters under its consideration.
- (3) If the Board decides to hold a public hearing on a matter for which a notice has been published, but for which no hearing has been announced, the Board must publish another notice announcing the hearing.
- (4) Mandatory Periodic Hearings on Regulations

The Board shall periodically hold public hearings to consider possible amendments of this Regulation. The first such hearings shall be held no later than November 12, 1996 or within six (6) months after the date of approval of the Title V Operating Permit Program covered by Part VI of these regulation, whichever is earlier, and each subsequent hearing shall be held no later than 3 years after that date. The Board may, but need not, propose amendments to this Regulation for consideration at any of such hearings.

RULE 115 PUNISHMENT

Any violation of this Regulation will constitute a misdemeanor, and will be subject to the penalty established in the "Environmental Public Policy Law of Puerto Rico" (Law. No. 9 of June 18, 1970, as amended). Moreover, the Board may, in the case of infraction of any of the applicable rules and regulations, suspend, modify, or revoke any relevant permit, approval, variance or other authorization issued under this Regulation.

RULE 116 PUBLIC NUISANCE

- (A) Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance as defined in Article 329 of the Penal Code of Puerto Rico.
- (B) This section shall not be understood as a limit or restriction of the other prohibitions established in other parts of this Regulation.

RULE 117 OVERLAPPING OR CONTRADICTORY PROVISIONS

- (A) If a requirement established by any provision of this Regulation is either more restrictive or less restrictive than a requirement established by any other provision of this Regulation or by any other law, regulation, standard or limit established by any duly constituted governmental authority having jurisdiction, the most restrictive requirement shall prevail.
- (B) If any state definition or requirement is adopted in these regulation from the proposed 40 CFR Part 63, 64 and Part 68, the final federal definition or requirement will prevail in case of any difference.

RULE 118 SEGREGATION AND COMBINATION OF EMISSIONS

The emissions from any source are specifically subject to the applicable emission limitations imposed by this Regulation regardless of whether the emissions generated by each individual source are totally emitted through one stack, or whether two or more stacks are simultaneously used for such purpose. However, if the total emissions from two or more sources are simultaneously emitted through one stack, the aggregate of the individual emissions shall be considered as originating from one discrete source with a capacity equal to the sum of the capacities of each individual source.

RULE 119 DEROGATION

This Regulation amends any previous provision, resolution, agreement or regulation of the same subject which may contradict it, except as provided in Rule 121.

RULE 120 SEPARABILITY CLAUSE

If any provision of this Regulation is declared illegal or unconstitutional by judgement of a court, such declaration or judgement will not affect the other provisions of this Regulation, since each one is being considered separate.

RULE 121 EFFECTIVENESS

This Regulation shall be considered adopted 30 days after the date of its filing at the Department of State of the Commonwealth of Puerto Rico, in conformity with Law 170 of August 12, 1988, as amended; PROVIDED that, any requirement or provision existing prior to the effective date of this Regulation which is hereby amended, shall remain in effect until the future effective date specified in such Regulation, as amended.

PART II - APPROVAL AND PERMIT

PART II APPROVAL AND PERMIT

RULE 201 LOCATION APPROVAL

(A) Approval Required

After January 1, 1973, no person shall cause, or permit the location or construction of a new major stationary source, or major modification or significant source, without first obtaining a location approval from the Board.

(B) Standards for Granting a Location Approval

Location Approval shall only be granted upon the satisfaction of all the following requirements with regard to the pollutant for which the source or modification is major or significant:

- (1) The proposed location shall be propitious from the standpoint of the projected air quality impact, based upon the following considerations:
 - (a) the existing air quality at the proposed site,
 - (b) the climate, topography and meteorology,
 - (c) land use and planning
 - (d) effects on nearby ecological sensitive areas.
- (2) The emissions from the new major source, or major modification or significant source shall not cause a violation of any applicable NAAQS or exacerbate an existing NAAQS violation. A major source or major modification or significant source will be considered to exacerbate a NAAQS violation when such source or modification exceeds the significant air quality impact levels (as defined in Rule 102) at any locality that does not or would not meet the applicable NAAQS.
- (3) An emission offset shall be provided for, as required in Section C of this Rule, whenever the increase in allowable emissions from major source, major modification or significant source would otherwise cause or exacerbate a violation of any applicable NAAQS or in case of non-attainment area such increase may exacerbate an existing violation of any NAAQS.
- (4) Notice must be published as prescribed in Rule 111(B) and an opportunity for a public hearing must be offered.
- (5) The proposed source complies with all applicable rules and regulations and other applicable standards.
- (6) Air pollutant emissions from the new major source, major modification, or significant source, will be limited by means of:

- (a) In cases of sources located in attainment areas, the Best Available Control Technology (BACT).
 - (b) In cases of sources locating in or significantly impacting a non-attainment area, the Lowest Achievable Emission Rate (LAER) for the relevant criteria pollutant.
 - (7) If an emission offset is part of the location approval, all other sources owned or controlled by the applicant in the Air Quality Control Region of the Commonwealth of Puerto Rico shall be in compliance with applicable rules and regulations, or with an approved compliance plan.
 - (8) Any proposed major source, major modification, or significant source located in or significantly impacting a non-attainment area shall conduct an analysis of alternative sites (within Puerto Rico) sizes, production processes, and environmental control techniques for such proposed source which demonstrates that benefits of the proposed source significantly outweigh the environmental and social cost imposed as a result of its location, construction, or modification.
- (C) Emission Offset Required
- (1) The Board shall require from a new major source, or major modification or significant source an emission reduction beyond that of LAER, in terms of an "emissions offset", for any pollutant whenever:
 - (a) the new major source or major modification is located in a non-attainment area for that pollutant;
 - (b) the source or modification is located in an attainment or unclassifiable area and would cause an exceedance of the significant air quality impact levels in any non-attainment area for that pollutant.
 - (c) Sources that are not subject to emission offset requirements include source or modifications that would be major sources or major modifications only if fugitive emissions are considered in calculating the potential to emit and the sources do not belong to any of the 28 categories specified in the definition of major stationary source.
 - (2) Pre-application Conference

A conference between the owner or operator of a source or facility affected by the emission offset requirement and a representative of the Board shall demonstrate to the Board the feasibility and availability of emission offset, as required.

(3) Emission Offset Quantified

- (a) The emission offset required by this section shall be that necessary to compensate for the increase in allowed emissions from a new major source, major modification so as to represent reasonable further progress.
- (b) Any emission offset ratio must be greater than 1;1.
- (c) The baseline for determining credit for emission offsets shall be the SIP emission limitations in effect at the time the application to construct or modify a source is filed. Where the SIP does not contain an emission limitation for a source, the emission offset baseline involving such source of facility shall be the actual emissions, determined in accordance with sub-section (d) regarding operating conditions.
- (d) Emission offsets should be made on a "pound per hour" basis, when the sources involved in the emission offsets calculations are operating at their maximum expected or allowed production rate, or according to any other averaging period (e.g., tons per year) deemed necessary by the Board to carry out the intent of this Rule. If offsets are calculated on a tons per year basis, the baseline emissions for existing sources producing the offsets should be calculated using the actual annual operating hours for the previous one or two year period (or other appropriate period, if warranted by cyclical business conditions). Where the SIP requires certain hardware controls in lieu of an emission limitation (e.g., floating roof tanks for petroleum storage), baseline emission should be based on actual operating conditions for the previous one or two year period (e.g., actual throughput and vapor pressures) in conjunction with the required hardware control.
- (e) To be considered as emission offsets, emission reductions must meet the following conditions:
 - (i) emission reductions must be of the same contaminant for which the area is classified as non-attainment;
 - (ii) emission reductions must be obtained from the same source or other existing sources located in the same non-attainment area;
 - (iii) emission reductions must be based in actual emissions and federally enforceable, through a permit condition made to the existing source, by the time the new or modified source commences operation;

- (iv) emission reductions must result in a real reduction in actual emissions;
 - (v) emission reductions must have approximately the same qualitative significance for public health and welfare as that of the emissions that are increased;
 - (vi) emission reductions must not have been used for demonstrating attainment of the NAAQS or reasonable further progress or any other reductions otherwise required by the Act.
 - (vii) emission reductions from source shutdowns or curtailments must have occurred on or after November 15, 1990;
 - (viii) PM₁₀ precursors may be offset by reductions in PM₁₀ precursors of the same type or with PM₁₀. Offsetting between different types of PM₁₀ precursors is not allowed. PM₁₀ precursor emissions may also be offset with a combination of the same type of PM₁₀ precursor and PM₁₀.
- (4) Emission reductions required to comply with Federal or Commonwealth of Puerto Rico emission limitations, or with any applicable rules and regulations, shall not be considered decreases in emissions for the purpose of this section.
 - (5) Emissions offsets must be sufficient to insure a net air quality benefit. A net air quality benefit is achieved when the air quality impact does not exceed the significant air quality levels defined in Rule 102 and the modeling analysis predicts that the Lowest Achievable Emission Rate (LAER) and emission offsets proposed will result in a net concentration change that is less than zero at an agreed upon (by the Board) number of receptors.

(D) Application for Location Approval

- (1) An application for location approval shall include information about alternative sites, size, production, processes, and environmental control techniques that demonstrate that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. It shall also include an application for a permit to construct.
- (2) The application shall contain a detailed description about:
 - (a) The nature, design capacity, and typical operational schedule of the proposed new major source, major modification or significant source, including specifications and drawings of the plant layout and emission

estimated.

- (b) The expected performance of the proposed air pollution control equipment or measure, including sufficient information to demonstrate that the pollution control equipment or measure represents BACT or LAER.
 - (c) A detailed schedule for the proposed construction or modification of the source.
 - (d) An ambient air quality impact analysis, according to the requirements established in Rule 202(B).
 - (e) When required, all pertinent data necessary to identify the manner and date in which any emission offsets will be achieved, including an identification of the emission units that will carry out the offsets.
 - (f) When required, an identification of the baseline emissions and a description of the procedure used for such identification.
 - (g) When required, a legally binding document certifying that all other sources owned or operated by the applicant in Puerto Rico are in compliance with applicable rules and regulations.
- (3) The application shall be accompanied by:
- (a) An application for a permit to construct the proposed source or modification, and
 - (b) A certification that payment of the permit fees as prescribed in Rule 501, has been deposited.
- (4) If an emission offset is required, the application for a location approval shall include:
- (a) All pertinent information specifying, in detail, the manner and date by which the emission offset is to be accomplished; and
 - (b) The originals of any valid permits to construct, or to operate, and of any revised applications or proposed compliance plans of the sources selected to effect the emission offset.
- (5) Each application for a location approval shall include a certification by an engineer licensed to practice the profession in Puerto Rico, attesting that the technical information contained therein is true, and complete to the best of the engineer's knowledge. Whenever the application contains chemical analyses

results, these must be certified by a chemical engineer or chemist licensed to practice the chemical profession in Puerto Rico.

- (6) Applications for a location approval shall be made by the owner or operator of the source or modification or by the government agency or public corporation sponsoring, proposing, endorsing, or permitting the source or modification.
- (7) In the application, the owner or operator may include one or more proposed locations for the new major source or major modification provided that:
 - (a) Whenever an application for location approval for a single site is denied by the Board, additional or alternate sites can only be considered through the filing of a new complete application; and
 - (b) In case the application includes more than one suitable alternative site, the applicable requirements of this subsection must be complete for every suitable alternate site.

(E) Action on Application

- (1) Within 45 days after receipt of an application for location approval, the Board shall notify in writing the applicant about the completeness of the application. In the event of any deficiency in the application or information submitted, the date of receipt of a complete application shall be the date on which the Board received all required information.
- (2) Within one year after receipt of a complete application, unless otherwise required due to legal action or other unforeseen delays, the Board shall:
 - (a) Notify the public, in accordance with Rule 111, of the application.
 - (b) Consider all written comments submitted within the time specified in the public notice, and all comments received during any public hearing;
 - (c) Make a final determination whether the application should be approved, conditionally approved, or disapproved; and
 - (d) Notify the applicant in writing of the final determination, and make such notification and all comments received from the public and interested officials available for public inspection.

(F) Conditions Upon Approval

- (1) The Board may impose any reasonable conditions upon granting a location

approval.

- (2) When the Board grants a location approval, it may issue a permit to construct the new major source or major modification.
- (3) Any condition or emission reductions other than those specified in the applicable rules and regulations, such as LAER and emission offset, shall be legally binding before a location approval may be granted.
- (4) No location approval or permit to construct will be issued until the applicant presents a certification that payment of the permit fee, as prescribed in Rule 501, has been deposited.
- (5) The Board may require air quality monitoring for any pollutant at or near the approved site, to be conducted by the owner or operator of the source, in order to establish the effect the emissions from such source may have or are having on the air quality in any area which such emissions would affect. The Board shall indicate the period during which the data is to be gathered.
- (6) In case an emission offset has become part of the application, the Board shall include any emission offset implementation requirements as part of the approval conditions.

(G) Period of Validity

- (1) Each location approval shall automatically lapse three years after the date of issuance, unless construction or modification has commenced.
- (2) The Board may revoke a location approval if construction work is suspended for one (1) year or more, or is not diligently pursued to completion according to the construction schedule submitted as part of the application.

(H) Transfer of a Location Approval

- (1) Any owner or operator of a proposed new major source or major facility holding a valid location approval may not transfer it without prior written authorization from the Board.
- (2) When authorizing a transfer of a location approval, the Board shall require a transfer fee as prescribed in Part V of this Regulation.

(I) Exemptions

- (1) With regard to a particular pollutant, the requirements of the provisions established in section (D) (2) (d) of this Rule shall not apply whenever an

applicant can demonstrate to the satisfaction of the Board that:

- (a) The source is of a temporary nature, such as a pilot plant, portable source, temporary power generation units or exploration units, i.e., emissions which will occur for less than two (2) years at any location;
- (b) The major source is owned or operated by a nonprofit, health or educational institution;
- (c) The proposed source would utilize at least 50 percent refuse derived fuel;
- (d) Any major stationary sources defined under Title III of the Clean Air Act and Rule 102 of these regulations demonstrate that their emissions do not have a National Ambient Air Quality Standard (NAAQS). However, the affected major stationary source shall comply with any risk assessments requirements as part of a construction permit approval. The Board shall establish those requirements needed to protect the environment, safety and human health.
- (e) Reserved;
- (f) Reserved;
- (2) Reserved
- (3) Reserved
- (4) Reserved
- (J) Submittal of Information
 - (a) EQB will submit all information regarding emission control technology from non-attainment permits to EPA's RACT/BACT/LAER Clearinghouse within 60 days of permit issuance to maintain uniformity as well as to ensure that each conclusion is consistent with previous RACT/BACT/LAER determinations.

RULE 202 AIR QUALITY IMPACT ANALYSIS

- (A) An ambient air quality impact analysis, whenever required by the Board, shall be prepared according to this Rule.
- B) A complete air quality impact analysis shall include:

- 1) A demonstration that allowable emissions increase from a proposed new source or modification, in conjunction with all other applicable emission increases or reductions, will not significantly cause or contribute to air pollution in violation of any NAAQS and that a net ambient air quality benefit is demonstrated.
 - 2) A description of the procedure used for determining the net emission increase and significance levels, as the case may be, including emission offsets, if applicable.
 - 3) In the case of a modification, a description of the procedure used for determining if the modification is major or not.
 - 4) An analysis of the air quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the proposed new source, or modification.
 - 5) In the case of a source located near a non-attainment area, a description of the procedure used to determine if the source will not significantly cause or contribute to air pollution in violation of any NAAQS and that a net ambient air quality benefit is demonstrated.
- C) Whenever deemed appropriate by the Board, an air quality impact analysis shall consist of the air quality impact of the projected new source or modification, including the meteorological and topographical data necessary to estimate such an impact, and the nature and extent of any commercial, residential, industrial, and other growth which has occurred since January 1, 1979, in the area to be affected.
- D) Air quality estimated concentrations shall be based on the applicable air quality dispersion models, data bases, and other requirements specified in USEPA Publication No. [1,2-080 (OAQPS) EPA-450/2-78-027R. "Guidelines on Air Quality Models (Revised)", or on any other dispersion models approved by EPA. Methods like those outlined in [Workbook for the Comparison of Air Quality Models: (USEPA: April, 1977)] EPA 450/4-85-006. "Interim Procedures for Evaluation Air Quality Models: Experience with Implementation should be used to determine the comparability of non-Guideline air quality models.

RULE 203 PERMIT TO CONSTRUCT A SOURCE

- (A) Permit to construct a source or modification.

No person shall construct or modify a source without a permit from the Board.

- (B) Standards for granting a permit to construct.

A permit to construct or modify a source shall be granted only if the applicant demonstrates the following to the satisfaction of the Board:

- (1) The source shall be able to comply with all applicable rules and regulations.
- (2) In the case of a major stationary source, or major modification or significant source, the applicant must hold a valid location approval;
- (3) In the event that the source will be affecting an emission offset, the owner or operator has:
 - (a) surrendered any valid permit to construct or operate the source affecting the offset;
 - (b) propose a revision to a valid permit to construct, or proposed a compliance plan to achieve the required emission offset; and the Board has approved said revision or accepted such a compliance plan for said purpose, as part of a location approval.
- (4) Air pollutant emissions from the source will be limited in accordance with applicable rules and regulations.
- (5) Any agreement or certification intended to restrict the maximum capacity, the maximum annual hours of operation, an emission rate, or a percentage of sulfur content in fuels to a value lower than that allowed by applicable rules and regulations is legally binding prior to the issuance of the permit to construct and is included as an enforceable condition therein.
- (6) That no adverse air quality impact would occur from the construction or operation of said source or modification, whenever:
 - (a) The owner or operator of the proposed source or modification has subscribed to a legally binding document which stipulates the type or amount of materials to be burned or processed by such a source, or which limits the annual hours of operation; or
 - (b) Such demonstration has been requested by the Board as part of the permit application.
- (7) The requirements of this rule applicable to each major stationary source of PM_{10} shall also apply to each PM_{10} precursor for which the source is major, except that such requirements shall not apply where the EPA Administrator and the Board determines that such sources of PM_{10} precursors do not significantly contribute to PM_{10} levels which exceed the PM_{10} ambient standards.

(C) Application for a permit to construct

- (1) Each application for a permit to construct or modify a source shall include the following:
 - (a) Detailed plans and specifications of the emissions and of any air pollution control equipment or measures proposed to be installed and constructed to achieve compliance with applicable rules and regulations.
 - (b) A location map of the source (projected and existing), indicating neighboring fields and prominent points or structures;
 - (c) A layout plan of the source (projected and existing), indicating all air pollutant discharge, ventilation, exhaust and release points;
 - (d) Information about any air sampling or monitoring equipment used, intended to be used, or owned by the applicant, including type, trade mark, and operation schedule;
 - (e) An air quality impact analysis in accordance with Rule 202 (C), whenever:
 - (i) A source would be restricted in any manner through a legally binding document or enforceable permit condition; or
 - (ii) Such an analysis is requested by the Board for a complete and adequate evaluation of the application.
 - (f) A certification that the permit fee prescribed in Rule 501 has been deposited;
 - (g) A list of all approvals endorsements or denials granted by Federal and State agencies for any structure or construction.
 - (h) Detailed plans and specifications of the source including: location, height of the emissions points, fuel used, process details, concentration and duration of emissions.
 - (i) In case of a major source or modification, a certification by an engineer licensed to practice the profession in Puerto Rico shall be included, attesting to the fact that the technical information contained therein is true and complete to the best of the engineer's knowledge. In case the application contains results of chemical analyses, these results must be certified by a chemical engineer or chemist licensed to practice the profession in Puerto Rico.

- (2) Application for a permit to construct or modify a source shall be made by the owner or operator of such source on forms furnished by the Board.

D) Action on Applications

Within thirty days after the receipt of the application, the Board shall notify the applicant in writing about the completeness of such application. Within a period of 90 days after receipt of a completed application for a permit to construct a new or modified source, unless otherwise required due to legal action or other unforeseen delays, the Board shall grant or deny the application. For sources of hazardous air pollutants the Board will grant or deny the application on a case by case basis but not to exceed a 9 month timeframe.

E) Conditions upon granting a permit to construct

The Board may impose any reasonable conditions upon the issuance of a permit to construct.

F) Revision to a Permit to Construct

1. Any revision to the conditions upon which a permit to construct has been granted must be approved by the Board prior to submission of an application for a permit to operate.
2. A permittee can request a revision to a valid permit to construct in order to provide an emission offset as required in Rule 201.

G) Lapse and revocation of permit to construct

1. Each permit to construct shall automatically lapse three (3) years after the date of its issuance, unless the construction or modification has commenced.
2. The Board may revoke a permit at any time if work is suspended for 3 years or more, or is otherwise not diligently pursued to completion.

H) Transfer of Permit to Construct

1. The holder of a permit to construct may not transfer it without a written approval from the Board.
2. A permit to construct which has lapsed cannot be transferred. However, an application for a permit to construct can be submitted in regard to the same source by the new owner or operator.
3. The Board shall impose a transfer fee, as prescribed in Part V, upon issuance of the transferred permit to construct to the new holder.

RULE 204 PERMIT TO OPERATE A SOURCE

A) Permit required

1. No person shall operate or cause the operation of a source or air pollution control equipment without a permit to operate or a temporary permit to operate from the Board.
2. No person shall operate or cause the operation of a source if the Board denies, suspends, or revokes a permit to operate or a permit to construct.
3. No person shall operate or cause the operation of an existing source without an operation permit or without the required application of renewal provided that the operation conditions previously approved by EQB are the same or are unchanged.
4. Any source that must submit a Title V Operating Permit Application beginning at the date of approval and commencement of the Title V Operating Permit Program will be exempt from all permits requirement established under this Rule.

B) Standards for granting permits

1. No permit to operate shall be granted unless:
 - a) The applicant shows to the satisfaction of the Board that the source is in compliance with applicable rules and regulations and, that it is also in compliance with the terms and conditions imposed under permit to construct.
 - b) In case of emission offsets, the Board has granted to the selected source(s) effecting the emission offset, a permit to operate, or a temporary permit to operate as provided in Section (C) of this Rule.
 - c) Whenever required, the results of any performance tests conducted demonstrate that actual emissions comply with emission limitations specified in applicable rules and regulations.
 - d) Whenever applicable, the Board has assigned a percentage of sulfur content in the fuel as specified in Rule 209 or 410.
 - e) In case of renewal of a permit to operate, the applicant has presented a legally binding document certifying that the characteristics, nature, and emissions of the source are the same as those under which the previous permit was issued.

- f) In the case of a temporary permit to operate, the applicant has stated the reasons for such a request.
- g) The source is not of a temporary nature.

C) Temporary permit to operate

1. The Board may grant a temporary permit to operate whenever:
 - a) The owner or operator of a source has applied for a modification to a schedule of "increments of progress", as contained in a compliance plan approved by the Board;
 - b) The Board has requested, from the holder of a valid permit to construct, performance tests prior to the issuance of a permit to operate;
 - c) There is pending a proposed revision to applicable rules and regulations, which would affect the source;
 - d) A source is of a temporary nature, such as a pilot plant, portable source or exploration, emergency power generators, i.e., in cases where the emissions would occur for less than two (2) years at any location;
 - e) A variance application has been preliminarily approved by the Board and is pending approval by the US-EPA Regional Administrator; or
 - f) It determines that the source will be utilizing innovative technology, which is consistent with the policy of the Board.
 - g) The owner or operator of a source, prior to satisfying the requirements for a permit to operate, demonstrates to the satisfaction of the Board that said source needs to be operated for a given period in order to reach normal or steady operating conditions;
 - h) The air pollution control equipment is rendered partially or totally inoperative by "force majeure". In such cases, the permittee shall submit within twenty (20) days a compliance plan which shall specify the measures to be taken to bring the source into compliance in the shortest reasonable practical time. The permittee shall also specify interim measures to be taken to mitigate emissions, such as, limiting production capacity, allowing emissions only during favorable meteorological conditions, operation of the damaged control equipment at a lower efficiency, installation of additional control equipment, etc.

2. Upon granting a temporary permit to operate, the Board shall state the conditions for the issuance and the date of termination of the temporary permit, which in no case shall extend for more than 180 days, except in case of a temporary source, in which case it could extend to a maximum of two (2) years.
3. A temporary permit to operate cannot be extended beyond its termination date, which shall be final.

D) Applications

1. Application for a permit to operate a new or modified source shall:
 - a) Be submitted to the Board at least 60 days prior to start-up of operations;
 - b) Include a copy of the valid permit to construct;
 - c) Include a request for a temporary permit to operate if any of the conditions described in Section (C) of this Rule is expected or exists; and
 - d) Be prepared by the owner or operator of such source, on forms furnished by the Board.
- 2) Applications for renewal of a permit to operate shall be accompanied by a legally binding document wherein the applicant certifies that conditions in the renewal application are the same as those of the existing source for which a renewal is requested.

E) Performance Testing

The Board may order the applicant to conduct performance tests in accordance with methods approved by the Board. Such tests shall be made at the expense of the applicant. Nevertheless, the Board may monitor such tests and may also conduct performance tests of its own.

F) Action on Applications

After receiving an application, the Board shall notify the applicant in writing about the completeness of such application. The Board shall grant or deny an application for a permit to operate a new or modified source within a period of 90 days after receipt of a complete approvable application, including the results of performance tests, if required.

G) Period of Validity

Any permit to operate a source shall be valid for a period not less than two (2) years, but not to exceed five (5) years.

H) Renewal of Permit to Operate

1. At least 60 days before the expiration of a permit to operate, the owner or operator shall file an application for renewal of the permit to operate such source.
2. Applications for renewal of a permit to operate shall be accompanied by:
 - a) a legally binding document wherein the applicant certifies that the conditions in the renewal application are the same as those of the existing source for which a renewal is requested; and
 - b) a certification that the permit fee prescribed by Rule 501 had been deposited.

I) Conditions upon granting a permit to operate

The Board may impose any reasonable conditions upon a permit to operate. Conditions so imposed shall be legally binding prior to the issuance of the permit to operate, including any conditions imposed with the permit to construct which, due to its nature and extent, must become part of the permit to operate.

J) Suspension or revocation of a permit

1. The Board may suspend or revoke a permit to operate for violations of applicable rules and regulations, or for alteration of the conditions under which such permit to operate was issued, or when, on the basis of information available or source is known to have ceased operations.
2. Suspension or revocation of a permit to operate shall become final 10 days after service of notice to the holder of the permit, subject to the rights of public hearings and appeal, as provided by law.
3. A permit to operate or temporary permit to operate is not transferable. If the operation is to be continued, an application for renewal of the permit to operate shall be submitted in accordance with this Regulation.

K) Posting a Permit to Operate or a Temporary Permit for Tests

A person granted a permit to operate or temporary permit to operate according to this Rule shall not operate or use any source unless the entire permit to operate or temporary permit or legible facsimile thereof is affixed to the source so that the number, source description, and any specified operating conditions are clearly visible

and accessible at all times. In the event that the source is so constructed or operated that the permit to operate or temporary permit cannot be placed, the entire permit or temporary permit shall be mounted so as to be clearly visible in an accessible place within 8 meters (26 feet) of such source, at all times, or as otherwise approved by the Board. However, in cases where the above mentioned measures are impractical, the permit should be posted in the environmental control or management offices in the plant.

RULE 205 COMPLIANCE PLAN FOR EXISTING EMISSION SOURCES

No person shall operate or cause the operation of a source in violation of the applicable rules and regulations, unless the owner or operator of such source has an approved compliance plan comprising such activity in violation.

(A) Proposed Compliance Plans

- (1) Any owner or operator of an existing source which may not be in compliance with applicable rules and regulations on their effective date should submit a compliance plan for such source. Those existing sources for which new requirements are incorporated will have a ninety (90) day period to submit the Compliance Plan beginning at the effective date of this Rule and/or when such new requirement is applicable.
2. A compliance plan may also be submitted by the owner or operator of an existing source for which an enforcement action has been commenced and compliance is not achievable within the timeframes specified in the enforcement action.
3. The owner or operator of an existing source covered under Rule 204 (C)(1)(h) that cannot achieved compliance within 20 days of the "event" shall submit a compliance plan.
4. The owner or operator of a source required to obtain emission offsets under Rule 201 can propose a compliance plan to obtain those offsets. Such compliance plan shall be submitted together with a permit application for a location approval.

B) Standard for granting approval of compliance plan

1. No compliance plan shall be approved by the Board unless the applicant shows:
 - a) That the plan provides for compliance as expeditiously as practicable;
 - b) That the existing source will be in compliance with all applicable rules

and regulations on or before the clean air date established in the SIP for attainment of the national primary and secondary ambient air quality standards;

- c) If the plan fixed any compliance date more than one-hundred and eighty (180) days after the effective date of the applicable rule or regulation, such plan shall provide for a schedule of increments of progress;
- d) That the plan provides for the submittal of periodic progress reports to the Board to demonstrate continuing compliance with the terms of the plan relative to the increments of progress, to be submitted 15 days after the date of each increments of progress;

- 2. In case of a compliance plan which is proposed as a SIP revision, this plan shall not be deemed effective until it has been reviewed and approved by USEPA.

C) Application

- 1. Each application for approval of a proposed compliance plan shall be signed by the owner or operator of the existing source.
- 2. Each proposed plan shall establish a compliance date, on or before which compliance will be attained. The compliance date cannot be later than the clean air date established in the SIP for attainment of the NAAQS.
- 3. Each proposed compliance plan shall indicate the air pollution equipment that will be installed, or other measures that will be taken, to attain compliance by that date.
- 4. Each proposed plan shall establish a schedule for the completion of engineering, procurement, fabrication, installation, and adjustment or testing of any air pollution control equipment required as part of the plan.
- 5. Each proposed plan shall include provision for the submittal of progress reports, at least quarterly, to demonstrate continuing compliance with the terms of the plan.

D) Action on Compliance Plan

- 1. The Board shall act on each proposed compliance plan within a reasonable time.
- 2. No person shall operate or cause the operations of a source if the Board rejects, or revokes a compliance plan submitted for such source.

E) Conditions on Plan Approval

1. The Board may impose any reasonable conditions upon its approval of a compliance plan.
2. Once approved by the Board, a compliance plan, either a short term (90 days or less) or constituting a SIP revision, shall authorize the operation of the source until the compliance date specified therein.

F) Revocation of Approved Compliance Plan

1. The Board may suspend or revoke its approval of a compliance plan for failure to comply with any of the terms of the plan.
2. Suspension or revocation of a compliance plan shall become final 10 days after service of notice to the owner or operator of the source, subject to the rights of public hearings and appeal as provided by law.
3. The suspension or revocation of a compliance plan shall be construed as a suspension or revocation of the permit to operate the source.

G) Modifications

1. Whenever the scheduled increments of progress contained in an approved compliance plan are not expected to be achieved, the owner or operator of the affected source must request a modification of such schedule from the Board. The modification may cover the schedule of increments of progress or other parts of the compliance plan, except that the final compliance date cannot be subject to modification unless the modification procedure satisfies the provisions of section (B).
2. Any modification of a compliance plan shall be subjected to the modification fee, as provided in Rule 501.

H) In case the time required to achieve compliance is less than ninety (90) days, the Board may accept and approve a compliance plan provided the plan would not constitute a SIP revision.

I) Sanctions for Non-Compliance

Any source that is found in violation of any compliance plan approved by the Board or any requirement within such plan may be subject to sanctions specified under Rule 115.

RULE 206 EXEMPTIONS

Notwithstanding any provisions of this Regulation, a location approval under Rule 201, a construction permit under Rule 203 or an operation permit under Rule 204 are not required for the sources describe in paragraphs A) through K) of this rule or for any stationary source whose potential emissions (on a facility-wide basis) do not exceed of: 2 tons/year of any criteria pollutant or 5 tons/year of any combination of criteria pollutants, or the threshold or 2 tons/year (the lowest of the two) for HAP emissions listed in Appendix E of the regulation. For any Title V source operation subject to Part VI of these regulations, a unit described in items B through K below shall only be exempted if it is not subject to any applicable requirement and the source does not exceed allowable emissions of 2 tons/year of any criteria pollutant or 5 tons/year of any combination of criteria pollutants or the emission threshold, or 2 tons/year (the lowest of the two) for HAP emissions listed in Appendix E of the regulation.

- A) Vehicles, as defined in Law 141 of June 20, 1960 as amended; not for air or maritime transports.
- B) The equipment described below:
 - 1. Air conditioning and ventilation systems installed for comfort and not for the removal of general pollutants produced by, or escaping from, specific units, or items of equipment, if they do not use Class I or Class II ozone depleting substances.
 - 2. Refrigeration units, except those used with, or in conjunction with, atmospheric pollution control equipment if they do not use Class I or Class II ozone depleting substances.
 - 3. Internal combustion engines having a capacity of less than 10 horsepower (HP).
 - 4. Laboratory equipment used exclusively for chemical and physical analyses.
 - 5. Comfort cooling towers and Water-cooling towers that do not use chromium-based water treatment chemicals.
 - 6. Equipment utilized exclusively for steam cleaning, except the equipment generating the steam.
 - 7. Automatic feed presses, and other types of presses which use only inks, having a content of less than ten (10) percent of organic solvents, diluents, and thinners.
 - 8. Crucibles or hard coal ovens, or sets or these, used for melting metals, with

a maximum cumulative capacity of 450 cubic inches.

9. Equipment utilized exclusively for wax melting or coating, and which does not use organic solvents, diluent, or thinners.
 10. Vapor blowdown systems.
 11. Pest control fumigation equipment installed in mobile units normally operating through public roads, duly authorized by the Department of Health of the Commonwealth of Puerto Rico, including fumigation equipment installed in aircraft.
 12. Tanks, containers, and pumping equipment used exclusively for the storage or supply of:
 - a) Sulfuric acid in concentration of 99 percent or less by weight.
 - b) Phosphoric acid in a concentration of 99 percent or less by weight.
 - c) Nitric acid in a concentration of 70 percent or less by weight.
- C) The equipment described below, and the collection systems used exclusively with said equipment.
1. Equipment for cleaning by blasting which uses abrasives in an aqueous suspension.
 2. Ovens and mixers of which the products are edible and for human consumption except ovens for yeast leavened products that emits VOC's in excess of 15 pounds per day, and which work on gaseous fuels or electricity.
 3. Kilns used for ceramic products, and heated exclusively by gaseous fuels, electricity, or any combination of these.
 4. Generators or artificial atmosphere utilized in conjunction with the processes of heat treatment of metals.
 5. Photo processing equipment by means of which an image is produced on sensitive material, or radiant energy.
 6. Equipment utilized for the surface conditioning, cleaning, or slicing of metals, using aqueous solutions.
 7. Equipment utilized for the washing or drying of products made of metal or glass, as long as no solid fuels or oil are burned.

8. Household laundry dryers, extractors, or tumblers utilized for cleaning cloth, using aqueous solutions of bleaches or detergents.
- D) Fans, chimneys or ventilations intended to provide natural ventilation.
 - E) Steam generators, steam oven-heaters, and cauldrons heated only by gaseous fuels with a fuel burning capacity of 10 horsepower.
 - F) Containers, reservoirs, and tanks utilized exclusively for:
 1. Immersion operations for covering objects with oil, meat or fats, and where no organic solvents, diluents, or thinners are used.
 2. Immersion operations for covering with natural or synthetic resins which do not contain organic solvents.
 3. Storage without heating of organic materials, having a boiling temperature of 300°F or more.
 4. Storage of lubricating oil.
 5. Etching.
 6. Storage of gasoline, diesel fuel, kerosene, acetone, alcohol, and similar organics, but only in underground tanks having a capacity of less than 10,000 gallons each.
 7. Gaseous fuel storage of 500 gallons or less.
 - G) Vacuum cleaning systems used exclusively in the maintenance and cleaning of industrial, commercial or residential establishments.
 - H) Structural changes which cannot alter the quality, nature or quantity of pollutant emissions.
 - I) Repairs or maintenance operations which do not involve structural changes in any equipment for which authorization is required.
 - J) The identical substitution, in whole or in part, of any article, machine, equipment or other device for which authorization is required; provided that NSPS or NESHAPS do not apply.
 - K) Construction grading of surface areas not exceeding a total of 900 mt³.

RULE 207 CONTINUING RESPONSIBILITY FOR COMPLIANCE

Possession of a permit to construct or a permit to operate shall not relieve any person of the responsibility of complying with applicable rules and regulations.

RULE 208 AGRICULTURAL BURNING AUTHORIZED

A) The Board may issue permits for the open burning of sugar cane, pineapple prunings, and rice hulls and stubbles on the premises where grown. The permits will be issued only in accordance with a plan approved by the Board.

B) Standards for granting this authorization:

No permit for agricultural burning shall be granted unless the proposed plan:

1. Demonstrates to the satisfaction of the Board that no other effective method of disposal can be used without causing severe environmental or social damage.
2. Provides for:
 - a) the implementation of control measures during burning.
 - b) a coordinated and systematic burning operation, based on confirmed favorable meteorological conditions.
3. Refers to a single event or a period not exceeding twelve months.
4. Indicates that the open burning event will not extend for more than 2 consecutive hours in anyone location.
5. Shows that open burning shall take place at a location which is not less than 100 meters from the boundary of any private dwelling or public road, except when a written authorization from the owner or operator of such private property is presented to the Board together with the application.

C) Applications

1. All applications for a permit for agricultural burning shall include the following information:
 - a) The name and address of the owner or operator of the premises where the agricultural burning is to take place;

- b) the exact location of the premises where the agricultural burning is to take place;
- c) a detailed plan describing:
 - i) the nature and quantity of the material to be burned;
 - ii) the methods or techniques to be employed for the agricultural burning;
 - iii) the date and time schedule when the burning is to take place, or the frequency if the agricultural burning is to be intermittent;
 - iv) the exact location within the premises where the burning is to take place if the agricultural burning will not cover the totality of the premises
- d) The reasons why no other effective method of disposal can be used without causing severe environmental or social damage.
- e) A certification from the Fire Department of Puerto Rico that such open burning will be regulated in accordance with the regulations of that Department.
- f) A certification from the Puerto Rico Department of Health that the proposed open burning will be in accordance with health regulations.

RULE 209 MODIFICATION OF THE ALLOWED SULFUR-IN-FUEL PERCENTAGE

- (A) The Board may modify a previously assigned sulfur-in-fuel percentage for a source or emission unit, provided that the new percentage does not exceed the maximum sulfur content in fuels set forth in Rule 410, whenever an applicant can demonstrate to the satisfaction of the Board that:
 - (1) The conditions under which the original percentage of sulfur assigned have changed; or
 - 2. The information provided by the applicant for determining the percentage of sulfur was incomplete or inaccurate;
 - 3. A different percentage of sulfur is needed to provide for an emission offset pursuant to Rule 201;
 - 4. A dispersion model validation information is provided which allows for a

different percentage of sulfur in fuel;

5. An industrial process, or air pollution control equipment, burning of multiple fuels, blending of fuels, sulfur removal process, or any other measure or combination of measures control emissions of sulfur compounds in a manner which results in equivalent emission of sulfur dioxide from the source and that the requested modification do not exceed the limits imposed in Rule 410.
6. In the case where different percentages of sulfur have been assigned to different emission units within a source, the Board may substitute a weighted average sulfur-in-fuel percentage for the source as a whole, as a replacement for the assigned sulfur-in-fuel percentages.

B) Standards for Granting a Modification

No duly assigned percentage of sulfur-in-fuels shall be modified, unless:

1. The Board has issued a permit to operate or a temporary permit to operate, according to the procedure set forth in Rule 204.
2. The proposed modified percentage of sulfur, or weighted average percentage, will not cause or contribute to exceed the NAAQS.
3. In case of equivalent emissions of sulfur dioxide, the modified percentage of sulfur shall not exceed the limits set forth in Rule 410, and the effectiveness of whatever measure, or combination thereof, proposed to produce the equivalent emissions may be monitored or checked to assure continuous compliance with the modification, if granted.
4. Compliance with the Prevention of Significant Deterioration of the Air Quality regulations promulgated at 40 C.F.R. §52.21 is demonstrated.

C) Application for a modification of the assigned percentage of sulfur

All applications for a modification of the assigned sulfur content in fuel include:

1. The reasons prompting the request for modifications:
2. Identification of the parameters and detailed information which, when considered, could result in modifications of the assigned percentage of sulfur, including an explanation of any change from the original information submitted to the Board.
3. Whenever required, a certification that the modification fees prescribed by the Board have been deposited, and

4. Any other information deemed necessary by the Board to make an evaluation of the modification request.

D) Action on Applications

1. The Board shall act within a reasonable period upon submittal of a completed application.
2. In making the modification, the Board shall follow a procedure similar to the one used to analyze the percentage of sulfur which is subject to modification request; PROVIDED that in making its determination or modification the Board shall consider any pending application for location approval or permit to construct in the same area.
3. No modification consisting of an increase of an assigned sulfur content in fuel or any modification under Rule 209 (A)(5), or (6) shall be deemed effective until approved by the EPA.

E) Reporting

Upon modification of the assigned percentage of sulfur in fuels by the Board, the owner or operator of the source shall submit a monthly report indicative of the sulfur content in the fuels by such a source during the reporting period, including all other information required by the Board.

RULE 210 (RESERVED)

RULE 211 SYNTHETIC MINOR SOURCE EMISSION CERTIFICATION

(A) Purpose

This rule is created for the purpose of determining applicability of Puerto Rico Regulation for the Control of Atmospheric Air Pollution (RCAP) Part VI (PR-EQB's Title V rules) as a federally enforceable means to limit potential to emit criteria and hazardous air pollutants from stationary sources, and to establish requirements for all sources that maintain emissions below the Part VI major source levels.

(B) Applicability

This rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the Part VI major source thresholds and any stationary source that maintains its emission levels below the Part VI major source thresholds and selects to

be covered by this Rule, and to any stationary source which meet one of the following conditions:

- (1) In every 12-month period, after the effectiveness of this Rule or within 12 months of the effectiveness of Puerto Rico Title V permit program (as codified in Part VI of this regulation), the actual emissions of the stationary source are less than the thresholds for major sources of criteria air pollutants or for major sources of hazardous air pollutants; or
- (2) In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in section (G).

Major sources whose actual emissions will not exceed the threshold for criteria pollutants and hazardous air pollutants may be covered by this rule by demonstrating by the mechanisms provided in this rule that their emissions do not exceed the threshold emission limits.

(C) Exclusions

- (1) The provisions of this rule shall not apply to the following:
 - (a) Any stationary source that has applied for a Title V operating permit in a timely manner and in conformance with EQB's Part VI's rules, and is awaiting final action by the Board and EPA.
 - (b) Any stationary source with a current Title V operating permit.
 - (c) Any stationary source required to obtain a Title V operating permit under any of the Administrator rulemaking for any reason other than being a major source.

(D) Standards

- (1) Any existing minor source subject to this rule shall, within 12 months of the effective date of Rule 211, as part of the operating permit's renewal required under rule 204 or by the application deadline under the PR-EQB's Rule 602 under Part VI whichever is sooner, comply with the initial reporting requirements established pursuant to paragraph (F)(1) of this rule. Such notification shall state whether the stationary source will comply with an alternative emission limit in section (G) or with the limits contained in section (E).
- (2) Prior to the construction or modification of a minor source subject to this rule, the owner or operator of such source shall comply with the initial reporting requirements established pursuant to paragraph (F)(1) of this rule. Such

notification shall state whether the stationary source will comply with an alternative emission limit in section (G) or with the limits contained in section (E). The Board shall issue or deny coverage under this rule, within seven (7) days of receipt of a complete request for applicability.

- (3) Any intermediate source subject to this rule shall, within 12 months of the effective date of Rule 211 or by the application deadline under the PR-EQB's Rule 602 whichever is sooner, comply with the requirements established in paragraph (E)(3) of this rule.
- (4) The actual emission limits established pursuant to this rule 211 shall be considered to limit the source's potential to emit for purposes of determining applicability of rule 600.
- (5) The Board will exempt from the requirement to file a Title V operating permit application by the submittal date included in the EQB Title V Operating Permit Program's Transition Plan, any source who seeks to be classified as a minor or intermediate source pursuant to this Rule, as long as such source has commenced compliance with the requirements set forth in this Rule and has applied for a Rule 204 permit or Rule 204 permit revision, when applicable..

(E) Recordkeeping, Initial Notification, Certification and Reporting Requirements.

(1) De Minimis Sources

The owner or operator of a de minimis source subject to this rule shall keep and maintain records for each emission unit sufficient to determine actual emissions. Such records shall be maintained on site for three (3) years. Within 30 days of a written request by the Board or the EPA, the owner or operator of a de minimis source shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities. No other reporting or recordkeeping requirement shall apply to de-minimis sources.

(2) Minor Sources

From the time of applicability of this rule to a minor source, the owner or operator of a minor source subject to this rule shall comply with any applicable recordkeeping requirements in this section. Minor sources electing to comply with an alternative operational limit, as set forth in section (G) of this rule, shall comply with the applicable recordkeeping and reporting requirements specified in section (G). The recordkeeping requirements of this rule shall not replace any recordkeeping requirements contained in EQB or EPA rule or regulation.

- (a) A stationary source previously covered by the provisions applicable

to de minimis sources shall comply with the provisions applicable to minor sources if the source exceeds the de minimis source quantities.

- (b) The owner or operator of a stationary source subject to minor source provisions of this rule and not electing to comply with the alternative operational limits provided in section (G), shall keep and maintain the following records for each permitted emission unit or groups of permitted emission units sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to Board or EPA staff upon request.

(1) Coating/Solvent Emission Unit

Any stationary source subject to this rule that operates a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

- (i) a current list of all coating, solvents, inks, and adhesives in use including information on the manufacturer, VOC content, HAP's content, solids content, density, vapor pressure, and VOC and HAP's content of the coating, solvent, ink, or adhesive as applied or used;
- (ii) a description of the equipment used, if any including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of coating/solvent application/drying method(s) employed;
- (iii) a monthly log of the total consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink, and adhesive used; and (i) all purchase orders, invoices, or other documents supporting information in the monthly log, such as computer printouts or records of purchases.

(2) Organic Liquid Storage Unit

Any stationary source subject to this rule that operates an organic liquid storage unit shall keep and maintain the following records for each organic liquid storage unit:

- (i) a monthly log identifying the liquid stored, its vapor pressure, boiling point, storage temperature, and

monthly throughput; and

- (ii) information on the tank design and specifications including control equipment.

(3) **Combustion Emission Unit**

Any stationary source subject to this rule that operates a combustion emissions unit shall keep and maintain the following records for each combustion emission unit:

- (i) information on equipment type, make and model, maximum design process rate or maximum power input/output, burner(s) design, operating temperature and capacity, control device(s) type and description (if any) and
- (ii) a monthly log of hours of operation, fuel type, fuel usage, fuel heating value (e.g., BTU/lb, BTU/gal), percent sulfur, and percent nitrogen.

(4) **Emission Control Unit**

Any stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records for each such emission control unit:

- (i) information on equipment type and description, make and mode, and emission units served by the control unit;
- (ii) information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures and concentrations for each pollutant controlled; pressure drop across unit; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ration); electrostatic precipitator (number of fields, cleaning method, and power input); scrubber data (type/design and sorbent type); other design data as appropriate; and
- (iii) a monthly log of hours of operation including notation of any control equipment breakdown, upsets, repairs,

maintenance and any other deviations from design parameters.

(5) General Emission Unit

Any stationary source subject to this rule that contains an emission unit not included in previous sections shall keep and maintain the following records for each emissions unit:

- (i) information on the process and equipment including a general process description; equipment type, description, make and model, maximum design process rate or throughput; and control device(s) type and description (if any); and
 - (ii) a monthly log of operating hours, each raw product used and its amount, each product produced and its production rate.
 - (iii) Purchase orders, invoices, and other documents to support information in the monthly log; and
 - (iv) Any additional information requested in writing by the Board.
- (c) Notwithstanding the above, nothing in this section shall prevent any stationary source which has had a Title V permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Title V permit or upon rescission of a Title V permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations provided in this rule or an applicable alternative operational limit in section (G) below, and after approval by both EPA and EQB.

(3) Intermediate sources

- (a) Intermediate sources that have no valid operation permit issued pursuant to Rule 204 shall, within 60 days of the effectiveness of this rule, submit to the Board a permit application pursuant to Rule 204. Upon approval of the permit the source's owner or operator shall submit to EPA, a written certification that it will comply with the proposed permit restrictions. Such permit must either restrict the hours of operation, process throughput, or other means that would at a minimum specify:

- (i) technically accurate limitations and the portions of the source subject to the limitations;
 - (ii) the time period applicable to the limitation (hourly, daily, monthly, and annual limits such as rolling annual limits); and
 - (iii) the method to determine compliance including appropriate monitoring, recordkeeping, and reporting.
 - (iv) The limitations, controls and requirements are permanent and quantifiable.
 - (v) All emissions limitations, controls, and other requirements imposed in the permit are at least as stringent as any other applicable limitations and requirements contained in the Puerto Rico Implementation Plan or enforceable under the Implementation Plan.
- (b) Intermediate sources that have a valid operation permit issued pursuant to Rule 204 which does not contain restrictions limiting the source's potential to emit below the Part VI major source levels, or that do not, at a minimum specify
- (i) technically accurate limitations and the portions of the source subject to the limitations;
 - (ii) the time period applicable to the limitation (hourly, daily, monthly, and annual limits such as rolling annual limits); and
 - (iii) the method to determine compliance including appropriate monitoring, recordkeeping, and reporting.
 - (iv) The limitations, controls and requirements are permanent and quantifiable.
 - (v) All emissions limitations, controls, and other requirements imposed in the permit are at least as stringent as any other applicable limitations and requirements contained in the Puerto Rico Implementation Plan or enforceable under the Implementation Plan.

shall, within 60 days of the effectiveness of this rule, submit to the Board a permit revision application pursuant to Rule 204 in order to establish restrictions that comply with above requirements. Upon approval of the permit, the source's owner or operator shall submit to EPA, a written certification that it will comply with the proposed

permit restrictions.

- (c) Intermediate sources that have a valid operation permit issued pursuant to Rule 204, which contains restrictions limiting the source's potential to emit to below Part VI major source levels shall submit to EPA a written certification indicating that it will comply with those permit restrictions and that it accepts federal and citizen enforcement of the limits. Such restrictions in the source's potential to emit must, at a minimum specify:
 - (i) technically accurate limitations and the portions of the source subject to the limitations;
 - (ii) the time period applicable to the limitation (hourly, daily, monthly, and annual limits such as rolling annual limits); and
 - (iii) the method to determine compliance including appropriate monitoring, recordkeeping, and reporting.
 - (iv) The limitations, controls and requirements are permanent and quantifiable.
 - (v) All emissions limitations, controls, and other requirements imposed in the permit are at least as stringent as any other applicable limitations and requirements contained in the Puerto Rico Implementation Plan or enforceable under the Implementation Plan.

Any intermediate source subject to the provisions of this rule shall comply with the recordkeeping and reporting requirements established in this subparagraph and in the source's permit. All sources must apply for a permit renewal and be issued a new permit by January 1997.

- (d) Before issuing permits under section a,b, and c above, notice must be published as prescribed in Rule 111(B) and an opportunity for public hearing must be offered. Permits issued under Rule 204 that do not meet all criteria in Section (E)(3) are state enforceable only.

(F) Minor source reporting requirements

- (1) Any existing minor source subject to this rule shall, within 12 months of the effective date of Rule 211 or by the application deadline under the PR-EQB's Rule 602 whichever is sooner, shall submit an initial request for coverage indicating the source intention to be subject to the provisions of this rule. The

request shall include a sworn certification, demonstrating that, based on the facility records and available information the source's emissions do not exceed the minor source thresholds established in this rule. The source must identify the methods used to determine their actual emissions such as monitoring, recordkeeping, material balances or stack test. In the event that the source does not have the information available, the Board may request performance tests or other emission quantification method to verify the data. Such notification shall state whether the stationary source will comply with an alternative emission limit in section (G) or with the limits contained in section (E). The Board shall upon receipt of the request determine whether such submittal is complete. No request shall be accepted unless deemed complete. Upon acceptance of a complete request the Board shall issue a notification of coverage within seven (7) calendar days of receipt. The Board shall issue a notification of coverage for a fixed term of five (5) years. Annually on the anniversary of the source's initial notification of coverage, each owner or operator of a minor source that is subject to this rule shall submit to the Board a process statement including all information contained in the monthly log required by section (E) or (G), as applicable and any additional information requested by the Board for the annual update. The statement shall be signed by the owner or operator and must certify that the information provided is accurate and true.

- (2) A stationary source previously covered by provisions in section (E)(1) shall comply with the provisions of subparagraph (F)(1) above, if the stationary source exceeds the quantities specified in the definition under rule 102 for "De-minimis Source (for the purpose of rule 211).
- (3) Any additional information requested by the Board under this section shall be submitted within 30 days of the date of the receipt of the request.
- (4) The Board shall maintain and make available to the public a current list of sources subject to this rule.
- (5) Any new minor source shall prior to the construction and as part of its construction permit application under rule 203, request coverage under this Rule 211. The source shall demonstrate to the satisfaction of the Board that the source's emission will not exceed the minor source threshold established in this Rule 211. The source shall state whether it will comply with an alternative emission limit in section (G) or with the limits contained in section (E). The Board shall include conditions in the source's construction permit and the subsequent operating permit that will assure compliance of this rule. Annually on the anniversary of the source's operational permit, the owner or operator of the new minor source that is subject to this rule shall submit to the Board a process statement including all information contained in the monthly log required by this section (E) or (G), as applicable and any additional information requested by the Board for the annual update. The statement

shall be signed by the owner or operator and must certify that the information provided is accurate and true.

(G) Alternative Emission Limits

- (1) A stationary source may elect to comply with an alternative emission limit in this section in lieu of the emission limit in section (E) and as defined under rule 102 for "minor source" (for the purpose of rule 211) if the emissions resulting from the operation limited by this section constitutes 90% or more of the total emissions from the source or 90% of total hazardous air emission from the source in every 12 month period.
- (2) Sources electing to comply with these alternative emission limits shall comply with the recordkeeping and reporting requirements in this section in lieu of section (E) and (F). Any source which elects to comply with a limit in this section shall report immediately to the Board any exceedance of the limit.
- (3) The source shall maintain all purchase orders, invoices, and other documents supporting information in the monthly log. All records required under this section shall be maintained on site for five years and be made available to Board and EPA staff upon request.

(a) Gasoline Dispensing Facilities

Any gasoline dispensing facility shall not dispense more than 7,000,000 gallons of gasoline in any consecutive 12 month period. Such a facility shall keep on site monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months. Such a facility shall submit a copy of the log annually at either the time of permit renewal or annually on the anniversary of its application for coverage. The owner/operator of the facility shall certify that the log is accurate and true.

(b) Degreasers and Solvent-using Facilities

Any stationary source that uses solvents shall not use more than 2,500 gallons for any consecutive 12 month period of any one solvent or 5,000 gallons for any consecutive 12 months of any combination of solvents. Such source shall keep records of the type and amount of each solvent used each month, maintain a monthly log of gallons used, and shall calculate year to date totals each month. Such a facility shall submit a copy of the log annually at either the time of permit renewal or annually on the anniversary of its application for coverage. The owner/operator of the facility shall certify that the log is accurate and true.

(c) Paint Spraying Facilities

Any paint spraying facility shall not have a total facility-wide usage rate of all VOC containing compounds, including, but not limited to, coating, thinners, reducers and cleanup solution, exceeding 200 gallons per month or 2,500 gallons per consecutive 12 month period. The facility shall keep records of the gallons of all VOC containing materials used each month, maintain a monthly log, and shall calculate year to date totals each month. Such a facility shall submit a copy of the log annually at either the time of permit renewal or annually on the anniversary of its application for coverage. The owner/operator of the facility shall certify that the log is accurate and true.

(d) Emergency Standby Engines

Any stationary source that consists of one or more emergency standby engines and has an energy input less than or equal to 20 million BTU per hour shall not operate more than 500 hours per consecutive 12 month or shall not use more than 50,000 gallons of fuel per consecutive 12 month. Such sources shall maintain records of the hours operated per month or the gallons of fuel used per month and maintain a monthly log of monthly hours or gallons and the year to date totals. Such a facility shall submit a copy of the log annually at either the time of permit renewal or annually on the anniversary of its application for coverage. The owner/operator of the facility shall certify that the log is accurate and true.

(e) The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in section (G)(3)(a) through (d) above.

(f) Other source categories as appropriate.

The Board may propose additional alternative operational limits which must comply with all SIP procedures prior to approval.

(g) Additional Provisions

Violations of any conditions of this rule may result in a different determination of a source's potential to emit and may subject the source to major source requirements, including the Part VI rules, and to enforcement actions.

PART III - VARIANCES

PART III VARIANCES

RULE 301 VARIANCES AUTHORIZED

- A) The Board may preliminarily approve variances from the strict application of the substantive requirements established in this Regulation, except for SPNSS and NESHAPS.

- B) Standards for Granting Variances
 - 1. No variance shall be preliminarily approved by the Board unless the applicant demonstrates that:
 - a) The variance will not cause or contribute to cause air pollution in violation of any NAAQS, or in the case of non-attainment areas, will not exacerbate any existing violation of the NAAQS;
 - b) Compliance with the rules and regulations would produce practical difficulties or hardships without equal or greater benefits to the public or to the betterment of air quality;
 - c) The owner or operator of the source for which a variance is sought has made efforts to control or prevent the conditions which may have prompted the variance request;
 - d) The public health, safety, and general welfare are not threatened;
 - e) A public notice has been issued, in accordance with Rule 111 pertaining to the variance request, and an opportunity for public hearing has been offered therewith;
 - f) The variance shall not cause or contribute to an air pollution emergency, nor shall it prevent or limit the application of the emergency emissions reductions provisions or Rule 107; and
 - g) An application for a location approval, permit to construct, or permit to operate, whichever applicable, has been submitted.

 - 2. No variance shall be deemed approved until it has been approved by the US-EPA.

C) Pre-application Conference

Before filing an application for a variance, the applicant or his authorized agent shall first confer in person with the Board or its staff.

D) Application

1. Each application for a variance dispensation shall include the following:
 - a) information on the nature and location of the source for which the variance is requested;
 - b) the reasons for which the variance is requested, including scientific and economic justification;
 - c) the type and quantity of emissions that will occur during the period of variance;
 - d) a description of the interim control measures that shall be taken by the source to minimize emissions, and of the possible damage occurring if these measures are not taken;
 - e) any other information the Board deems necessary to make a determination regarding the variance application;
 - f) a certification that the filing fee and 25 percent of the excess emissions fee, as prescribed by the Board under Rule 502, have been deposited;
 - g) information sufficient to demonstrate that the variance will neither cause nor contribute to air pollution in excess of any NAAQS.
2. Air quality estimated concentrations shall be based on the applicable air quality dispersion models, data bases, and other requirements specified in USEPA Publication No. 1, 2-080 (QAQPS), "Guidelines on Air Quality Models", or on any other dispersion models approved by USEPA. Methods like those outlined in the "Workbook for the Comparison of Air Quality Models" (USEPA: April. 1977) should be used to determine the comparability of air quality models.
3. The application shall specify each regulatory provision from which the variance would grant relief, and shall specify the nature and extent of such relief.

E) Action on Application

1. The Board shall act within reasonable time upon submittal of a completed variance application, but, under normal circumstances, not later than 60 days after the conclusion of any public comment period or public hearing.
2. The Board shall notify the applicant in writing of its decision in regard to variance application. In its notice, the Board shall set forth the reasons for its decision.

F) Conditions on Preliminary Approval of Variances

1. The Board may impose any reasonable conditions upon its preliminary approval of a variance, the Board shall condition its issuance upon the payment of the remaining excess emission fee.

G) Period of Validity

A variance shall be valid for the period determined by the Board, but not to exceed 3 years. For extension of a variance, the owner or operator of the source shall, at least 90 days before its expiration, file an application for a new variance. The Board shall thereafter take action on such application, applying the rules and regulations applicable at such time.

RULE 302 EMERGENCY VARIANCE

A) The Board may grant emergency variances only under very special circumstances, e.g., to avoid an imminent health threat.

B) Application

1. Every application for an emergency variance shall include:
 - a) Detailed information about the source for which the emergency variance is requested;
 - b) The reasons that have prompted the emergency variance request;
 - c) Detailed information about the air pollutant which is being or will be excessively emitted, specifying its toxicity and physical characteristics.
 - d) Any other information the Board deems necessary to evaluate the

application.

2. In case the application is made other than in writing, a written application shall be filed within 24 hours of the original request.

C) Action on Applications

The Board shall act as expeditiously as practicable on every application for an emergency variance and shall notify EPA of its grant of an emergency variance.

D) Conditions

1. The Board may impose any reasonable conditions on granting an emergency variance including interim control measures to minimize adverse air quality impact.
2. In case the emergency variance is granted on the ground that excess emissions are warranted to avoid an imminent health hazard, or to exhaust a toxic air pollutant, the Board may require that a contingency plan be prepared and submitted by the owner or operator of the source within 30 days after the emergency variance was granted.

E) Period of Validity

The period of validity of any emergency variance shall be determined on a case-by-case basis, but in no case shall it exceed 90 days.

PART IV - PROHIBITIONS

PART IV PROHIBITIONS

RULE 401 GENERIC PROHIBITIONS

- (A) No person shall cause or permit air pollution as defined in Rule 102.
- (B) No person shall cause or permit the emission of any air pollutant in violation of "applicable rules and regulations".
- (C) No person shall install or cause the installation or use of any device or fuel additive or of any means which, without resulting in a reduction in the total amount of air pollutants emitted, conceals or dilutes an emission of air pollutants which would otherwise violate any applicable rules and regulations. Nonetheless, this section does not prohibit the use of any deodorizer or fuel additive, the use of which is required by any other law, regulation, or standard established by any duly constituted governmental authority having jurisdiction, if the effect previously mentioned would not occur.
- (D) The degree of emission limitations required by any applicable rules and regulations shall not be affected in any manner by:
 - (1) That portion of the stack height of any source which exceeds the "good engineering practice stack height" as defined in Rule 102, or
 - (2) Any other dispersion technique in existence before December 31, 1970.

RULE 402 OPEN BURNING

- (A) No person shall cause or permit the open burning of refuse. This provision shall become effective on January 11, 1981.
- (B) No person shall cause or permit salvage operations by open burning.
- (C) No person shall cause or permit the open burning of agricultural wastes and plant life, except as authorized in Rule 208.
- (D) No person shall allow the open burning of refuse, tires or any other solid waste disposed at any municipal or private sanitary landfill. In order to comply, the owner or operator must prepare and obtain immediate approval of the following operating procedures:

- (1) A fire abatement plan to control any open burning in the property or by the sanitary landfill boundaries.
 - (2) The fire abatement plan must have the concurrence of the State and Municipal Fire Department.
 - (3) This provision shall become effective once this Regulation is approved.
- (E) Exemptions

Rule 402 shall not apply to open burning for the purpose of:

- (1) Training or research of fire fighting techniques when conducted at an institutionalized training center, as previously approved by the Board;
- (2) The melting of tar, or other materials to be used in repair or construction work provided that these operations are in compliance of Rule 424 of this regulation.
- (3) Campfires and other fires used solely for recreational or ceremonial purposes or for the outdoor preparation of food;

RULE 403 VISIBLE EMISSIONS

- (A) Visible emissions restriction for stationary sources
- (1) No person shall cause or permit the emission of visible air pollutants of an opacity greater than 20 percent (6-minute average).
 - (2) Nevertheless, a person may discharge into the atmosphere from any stack or chimney, visible emissions of an opacity up to 60 percent for a period of no more than four (4) minutes in any consecutive thirty (30) minutes interval. Compliance with the visible emissions limitation shall be determined by using the test methods in Rule 106.
- (B) Visible Emission Restriction for Motor Vehicles
- (1) No person shall cause or permit the emission of visible air pollutants of an opacity greater than 20 percent for longer than five (5) consecutive seconds from gasoline-powered motor vehicle parked or standing in a fixed position.

- (2) No person shall cause or permit the emission of visible air pollutants of an opacity greater than 20 percent for longer than five (5) consecutive seconds from any diesel-powered motor vehicle parked or standing in a fixed position.
- (C) Visible Emission Restriction For Maritime Vessels
- (1) No person shall cause or permit the emission of visible air pollutants with an opacity greater than 20 percent, from any maritime vessel while anchored or moored at any port, pier, dock, harbor or bay of the Commonwealth of Puerto Rico.
 - (2) Nevertheless, visible air pollutants may be emitted of an opacity up to 60 percent for no more than four (4) minutes in any consecutive thirty (30) minutes interval. Compliance with the visible emissions limitation shall be determined by using EPA Reference Methods 9 or 9A. (40 CFR Part 60 Appendix A).

RULE 404 FUGITIVE EMISSIONS

- (A) No person shall cause or permit any materials to be handled, transported, or stored in a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished, without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions shall include, but not be limited to, the following:
- (1) The use, as much as possible, of water or suitable chemicals for chemical stabilization and the control of dust in the demolition of a building or structures, construction operations, quarrying operations, the grading of roads, or the clearing of land;
 - (2) The application of asphalt, water, or suitable chemicals and the use of vegetation on dirt roads or roads under construction, materials, stockpiles, and other surfaces which can give rise to airborne dust; and the curbing, paving, or stabilizing shoulders of paved roads in any PM₁₀ Non-Attainment Area, and any other sources surrounding municipalities.
 - (3) The installation and use of hoods, fans, and fabric filters to enclose and vent dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations;
 - (4) The covering, at all times when in motion, of open bodied trucks transporting

materials likely to give rise to airborne dusts;

- (5) The conduct of agricultural practices, such as the filling of land and the application of fertilizers, in such manner as to prevent dust from becoming airborne;
 - (6) The paving of roadways and their maintenance in a clean condition;
 - (7) The prompt removal of earth or other material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, by erosion by water, or by other means. In case of the Guaynabo Non-Attainment Area for PM₁₀, such removal will be performed by the government entity who owns the road or street, in which case, must establish and implement an approved street cleaning program as required under the State Implementation Plan.
 - (8) The planting or shrubs of trees as a natural barrier, or the installing of metal sheet fences as artificial barriers.
 - (9) The seeding or planting of grass on exposed terrains.
 - (10) The owner or operator of any municipal or private sanitary landfill located in or whose fugitive emission impact or may impact a PM₁₀ Non-Attainment Area must implement an EQB approved dust abatement plan to control and prevent any fugitive emission from becoming airborne from the operation of the landfill including access roads, internal roads, stockpiling, earth-movement or any other activity that may generate fugitive dust and requires effective control measures such as the ones discussed under these Rule.
- (B) No person shall cause or permit the discharge of visible emissions of fugitive dust beyond the boundary line of the property on which the emissions originate.
- (C) When air pollutants escape from a building or equipment and cause a nuisance or violate any regulations, the Board may order that the building or equipment in which processing, handling, and storage are done, be tightly closed and/or ventilated so that all emissions from the building or equipment are controlled to remove or destroy such air pollutants before being discharged to the open air. The implementation of this measure should not create occupational health hazards.
- (D) Every area, lot, or part of a piece of land intended for parking with a capacity greater than 900 sq. ft. must be paved with concrete, asphalt, equivalent hard surface or chemical stabilization on all its access and internal roads where unpaved traffic adjoin paved roadways and parking areas.

- (E) Any new or modified source, the construction of which causes or may cause fugitive emissions, shall apply for a permit as required in Rule 203.

RULE 405 INCINERATION

- (A) Applicability- This rule applies to all existing, new and modified non-hazardous solid waste and/or medical waste incinerators.
 - (1) Existing incinerators at the time of adoption of this rule shall comply with this rule within a time-frame of eighteen (18) months starting from the effective date of this rule and must complete a performance test to demonstrate compliance with the limits established in this rule.
 - (2) New incinerators must complete a performance test to demonstrate compliance with the limits established in this rule within a time-frame of 180 days starting from the date of approval of the first operating permit.
 - (3) All incinerators affected by this rule must complete a performance test to demonstrate compliance with the rule every five (5) years after the first performance test.
 - (4) This rule shall not apply to domestic non-hazardous solid waste incinerators except for the following requirements:
 - (a) must comply with daily periodic clean-up of the combustion chamber after the last incineration activity of the day but before of the chamber reloading.
 - (b) must comply with a maintenance plan to the settling chamber to avoid exceedances of the 20 % opacity limit as required under Rule 403, and
 - (c) any other applicable requirement for domestic non-hazardous solid waste incinerator established by the Board.
 - (5) Existing non-hazardous solid waste incinerators having a capacity of 15 tons./day or less, that have previously obtained an emission source permit and, that have conducted compliance tests, will not be required to perform an initial performance test for particulate matter (PM) if their previous compliance determination demonstrated compliance with the standard established by this rule in paragraph B). For this incinerators having a

capacity of 15 tons./day or less that must comply with (A)(3), the next test will be required five (5) years after the effective of this rule.

- (B) Non-hazardous solid waste and/or medical waste incinerators shall not cause or permit the emission of particulate matter (PM) in excess of 0.40 pounds per 100 pounds (4 gm/kg) of waste charged.
- (C) Any person who operates a non-hazardous solid waste and/or medical waste incinerator must submit to the Board a certification showing their adequate operational training for such incinerators and related equipment.
- (D) Any incinerator affected by this rule shall comply with the applicable requirements under Rule 106.
- (E) Any non-hazardous solid waste and/or medical waste incinerator shall comply with any applicable regulation or requirements under the "Standards of Performance for New Stationary Sources" (SPNSS), "National Emission Standards for Hazardous Air Pollutants" (NESHAPS) and "Maximum Achievable Control Technology" (MACT) standards in addition to this rule.

RULE 406 FUEL BURNING EQUIPMENT

- (A) No person shall cause or permit the emission, from any fuel burning equipment burning solid or liquid fuel, of particulate matter in excess of 0.30 pounds per million BTU ($0.54 \text{ gm}/10^6 \text{ gm-cal}$) of heat input.
- (B) For purpose of this Regulation, the total heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or chimney. The heat input value used shall be either the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The heat input of all fuel burning equipment at a source shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

RULE 407 PROCESS SOURCES

- A) No person shall cause or permit the emission of particulate matter in any one hour period from any process source in excess of the amount shown in the following table for the process weight rate allocated to such source.

<u>Process Weight Rate</u> <u>(Pounds/hour)</u>	<u>Emission Rate</u> <u>(Pounds/hour)</u>
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	16.00
60,000	40.00
80,000	42.00
120,000	46.00
160,000	49.00
200,000	51.00
400,000	58.00
1,000,000	69.00
2,000,000	78.00
6,000,000	93.00

- (B) Interpolation of the data in the above table shall be done by the use of proportional interpolation.
- (C) "Process weight rate" is the total weight of all materials introduced into any specific process in any one hour period that may cause any emission of particulate matter. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a typical period of time.
- D) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this regulation, the interpretation that results in the smallest allowable emission shall apply.

RULE 408 ASPHALTIC CONCRETE BATCHING PLANTS

No person shall cause or permit the emission of particulate matter from any asphaltic concrete batching plant in excess of 0.08 grains per dry standard cubic feet.

RULE 409 NON-PROCESS SOURCES

- (A) No person shall cause or permit the emission of particulate matter in any one (1) hour in excess of 0.01 pounds per pound of uncontrolled emissions from any non-process source located in or significantly impacting a non-attainment area.
- (B) No person shall cause or permit the emission of particulate matter in any one (1) hour in excess of 0.05 pounds per pound of uncontrolled emissions from any non-process source.
- (C) If an owner or operator can adequately demonstrate to the Board that the particulate matter limitations imposed by sections A or B of this Rule cannot be measured or certified with required assurance, the Board may approve an equivalent control devices or requirements for such source.

RULE 410 MAXIMUM SULFUR CONTENT IN FUELS

- (A) No person shall burn or permit the use in any fuel burning equipment on which construction has commenced after the effective date of this Rule, any fuel with a sulfur content, by weight, which exceeds 2.5 percent provided that the National Ambient Air Quality Standards (NAAQS) will not be exceeded.
- (B) Fuel Burning Equipment with a capacity of less than 8 MM BTU/hr. will automatically be assigned 2.5 percent sulfur content by weight in the fuels burned.
- (C) Fuel Burning Equipment with a capacity equal to or greater than 8 MM BTU/hr. must request a sulfur percent assignment from the Board.
- (D) The Board may authorize the burning of fuels with a percentage of sulfur lower than the values set forth in Section B, PROVIDED that such lower percentage shall become an enforceable condition upon approval of a permit to construct or a permit to operate the source.
- (E) Any percentage of sulfur in fuel authorized by means of a Resolution and/or an Order by the Board issued prior to the effective date of this Rule shall remain in effect unless modified in accordance with the provisions of Rule 209. Nevertheless, owners or

operators of existing sources with a sulfur assignment which exceeds 2.5 percent shall, no later than one (1) year after the effective date of this Rule, comply with the requirements of section A of this Rule.

- (F) Upon assignment by the Board of the percentage of sulfur-in-fuels, the owner or operator of the source shall submit a monthly report indicating on a daily basis the sulfur content in the fuels burned or combusted by such source during the reporting period, including all other information as may be required by the Board.

RULE 411 HYDROGEN SULFIDE

No person shall cause or permit the emission of Hydrogen Sulfide (H_2S), which would cause ground level concentrations equal to or greater than 0.1 ppm in any one (1) hour or 0.03 ppm in any 24-hour period. This Rule shall not prohibit emergency releases necessary for safety which are reported to the Board in the manner described in Rule 105.

This Rule will not apply when:

- 1- The applicant adequately demonstrates to the Board as part of its evaluation and prior to the issuance of any permit that the manufacturing processes requires high ventilation rates due to health, safety and other considerations inherent to the process; or
- 2- The applicant adequately demonstrates to the Board during the source's construction permit application evaluation and approval that the abovementioned ground level concentrations of H_2S will not be exceeded.

RULE 412 SULFUR DIOXIDE EMISSIONS; GENERAL

No person shall cause or permit the emission of sulfur compounds, expressed as sulfur dioxide (SO_2), in excess of 1,000 ppm, by volume, (at standard conditions, 21 percent of oxygen) from any source not specifically covered by applicable rules and regulations.

RULE 413 SULFURIC ACID PLANTS

No person shall cause or permit the emissions of sulfur dioxide (SO_2) from sulfuric acid plants which exceeds 3.25 kilograms per metric ton (7.15 lbs./ton.) of 100 percent acid produced. Compliance shall be demonstrated pursuant to the test methods described in Rule 106.

RULE 414 SULFUR RECOVERY PLANTS

No person shall cause or permit the emission of sulfur oxides, calculated as sulfur dioxide (SO₂), from a sulfur recovery plant in excess of 0.10 pounds per pound of sulfur processed.

RULE 415 NONFERROUS SMELTERS

No person shall cause or permit the emission of sulfur oxides, calculated as sulfur dioxide, from primary non-ferrous smelters in excess of the values set forth in the following equations:

$$\text{Copper smelters} \quad Y = 0.1X$$

$$\text{Zinc smelters} \quad Y = 0.564 X^{0.85}$$

$$\text{Lead smelters} \quad Y = 0.98 X^{0.77}$$

where X is the total sulfur fed to the smelter in Kg./hr. and Y is the allowable sulfur dioxide emissions in Kg./hr.

RULE 416 SULFITE PULP MILLS

No person shall cause or permit the total sulfite pulp mill emissions of sulfur oxides, calculated as sulfur dioxide, from blow pits, washer vents, storage tanks, digester relief, recovery systems, etc., in excess of 4.5 Kg/air dried metric ton (9.0 lbs./air dried ton) of pulp produced.

RULE 417 STORAGE OF VOLATILE ORGANIC COMPOUNDS

No person shall place, store, or hold in any stationary tank, reservoir, or other container of more than 151,412 liters (40,000 gallons) capacity of any volatile organic compounds unless such tank, reservoir, or other container is a pressure tank capable of maintaining working pressures sufficient, under normal operating conditions, to control vapor or gas loss to the atmosphere, or unless it is designed and equipped with one of the following vapor loss control devices:

- (A) A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents to be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment shall not be permitted if the volatile organic compounds have a vapor pressure of 568 mm Hg. (11.0 pounds per square inch absolute, or greater

under actual storage conditions. All tank gauging or sampling devices shall be gas-tight, except when tank gauging or sampling is taking place.

- (B) A vapor recovery system, consisting of a vapor gathering system capable of collecting the volatile organic compounds, vapors, and gases discharged, and a vapor disposal system capable of processing such volatile organic vapors and gases so as to control their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.
- (C) Notwithstanding the requirements of paragraphs A and B, the source shall comply with any other federal applicable requirements.
- (D) Exemptions
 - (1) Storage tanks that are used for storage of any liquid having no photochemical reactivity (including those compounds listed under the definition of VOC) and/or having a true vapor pressure less than 0.75 psia.
 - (2) Tanks that treat waste water permitted under the Clean Water Act and exempted by rule from the Resource Conservation and recovery Act (RCRA) or CERCLA Superfund are exempted from this Rule, but not from the applicable requirements of the Hazardous Organic NESHAP.

RULE 418 WASTE GAS DISPOSAL

No person shall cause or permit the emission of more than 6.8 kgs. (15 pounds) per day of waste gas from any ethylene producing or consuming plant or other ethylene emission source unless the waste gas stream is properly burned at 704°C (1300°F) for 0.3 second or greater in a direct flame afterburner or burned in a smokeless flare or an equally effective device as approved by the Board. This provision shall not apply to:

- (1) emergency reliefs;
- (2) vapor blowdown systems;
- (3) in case of existing sources, to sources or processes which comply with Reasonably Available Control Technology (RACT); and
- (4) in case of new sources, to source or processes which comply with Best Available Control Technology (BACT).

RULE 419 VOLATILE ORGANIC COMPOUNDS (VOC)

- (A) No person shall cause or permit the emission of 1.36 kgs. (3 pounds) of volatile organic compounds (VOC) in any one (1) hour, nor of more than 6.8 kgs. (15 pounds) in any one (1) day, from any article, machine, equipment or any other contrivance unless it is provided with a control system, pollution prevention and reductions mechanism or programs or both, as approved or required by the Board.

If any constituent of the VOC's is a substance regulated under Section 112(b) of the Clean Air Act and the source becomes affected by the Section 112(d) of the Clean Air Act, and the source is covered by Part VI of this regulation then the source shall also comply with the applicable requirements of the Rule 604 of these Regulations. The existing equipment must come in compliance with such Rule through a Compliance Plan approved by the Board within the first twelve month of the effective date of this Rule.

- (B) Any series of articles, machines, equipment, or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which is subject to any combination of operations shall be collectively subject to compliance with applicable provisions of this Rule.
- (C) Emission of organic solvents from the clean-up with organic solvents shall be included along with the other emissions of organic solvents from that article, machine, equipment, or other contrivance for determining compliance with this Rule.
- (D) This Rule shall not apply to:
- (1) The spraying or other employment of insecticides, pesticides, or herbicides.
 - (2) Tanks covered or exempted by Rule 417 except as provided in paragraph D(6) and (7) of this rule.
 - (3) Equipment, activities or emission units that emit less than 3 pounds/hr or 15 pounds/day of VOC's.
 - (4) Any source or emission unit covered by any federal applicable rule or regulation (NSPS, NESHAPS, MACT, etc.)
 - (5) Fugitives emissions of VOC being emitted at equipment leaks, if such emissions are under a reasonable program of leak detection and repair or a preventive maintenance program.

- (6) Tanks used to store VOC's with a capacity of less than 40,000 gallons provided such storage tanks are equipped with a conservation vent, a flame arrestor or any other equivalent control.
- (7) Open ponds, tanks, sumps or lagoons of liquid containing organic solvents or organic compounds used for the sole purpose of waste water treatment and its related equipment are exempted from the strict application of this Rule, provided that the provisions of Rule 420 are not violated and the waste water treatment and its related equipment satisfies any applicable MACT or GACT requirement.
- (8) Terminal loading racks for barges, ships and trucks which handle liquids having no photochemical reactivity (including those compounds listed under the definition of VOC) and/or having a true vapor pressure less than 0.75 psia such as naphtha, kerosene, diesel, jet fuel, fuel no. 2, residual fuel no. 5 (Navy Special) and no. 6 (Bunker C).
- (9) Non- stationary sources

RULE 420 OBJECTIONABLE ODORS

(A) General

- (1) No person shall cause or permit emission to the atmosphere of matter which produces an "objectionable" odor that can be perceived on an area other than that designated for industrial purposes.
- (2) The odors emanating from the following shall not be considered in violation of this Rule:
 - (a) trees, bushes, plants, flower grass,
 - (b) domestic gardening and agriculture processes, such as the use of fertilizer (except sugar cane waste).

(B) Objectionable Odors

For the purpose of this Rule, an odor shall be considered "objectionable" when the consensus of a group of at least five (5) qualified individuals, chosen by the Board, indicates the odor as "objectionable" when exposed to it.

- (C) Odor concentrations can be measured in accordance with the American Society for Testing and Materials Standards D-139157 "Standard Method for Measurement of Odor in Atmosphere" (Dilution Method) or an equivalent method.

RULE 421 INCREMENT OF PROGRESS

- (A) No person shall operate or cause the operation of any major source, if such person fails to achieve any scheduled increment of progress, established pursuant to Rules 204 and 205, or by an enforcement order from the Board.
- (B) The major source may be operated beyond the limitation in Section A of this Rule, PROVIDED an application for modification of the schedule of increments of progress has been submitted and a temporary permit to operate has been granted by the Board, in accordance with Rules 204 and 205, respectively.

RULE 422 ASBESTOS CONTAINING MATERIAL MANAGEMENT

- (A) No person shall cause or permit the management of asbestos-containing material as defined in these regulation without obtaining an operational permit approval from the Board and as required under Rule 204.
- (B) The following standards will be required for the approval of the permit for management, removal, demolish or transport asbestos-containing material and also activities such as enclosure, encapsulating or repairs of such material:
 - (1) A permit will be approve to manage, remove, transfer or demolish asbestos-containing material if the applicant satisfies the Board for the following:
 - (a) The management, removal or demolition of asbestos-containing material will comply with all applicable rules and regulations.
 - (b) All personnel managing, removing or demolishing asbestos-containing material must show evidence of an approved-training course from a certified training school and/or institution and provide evidence that is registered at the Board as a certified person to manage asbestos. The Board will have available at its Program, its library and in other distribution centers the list of certified training schools and/or institutions.
 - (c) Prior to initiate any management, removal or demolition of asbestos-containing material, any person or responsible persons must submit to

the Board a work plan thirty (30) days prior to startup operation for management, removal or demolition of asbestos-containing material. Such workplan will include those guidelines provided by or any other applicable requirement established by the Board.

(d) The activities must comply with Rule 111(A) and Rule 501 of this regulation.

(2) Any asbestos containing materials management during the enclosure, encapsulation and/or repair should be notified thirty (30) days prior to the activity except for emergencies or as allowed in a permit issued by the Board. Any encapsulation, enclosure and/or repairment should be performed by trained personnel to work with such asbestos-containing material. Such evidence and certification must be included as part of their registration to the Board.

(C) Asbestos in Schools

(1) This requirements will apply to any primary and secondary non-profit school.

(2) Primary and secondary non-profit schools will submit an Asbestos Management Plan. The plan should be completed by a Management Planner who must be registered in the Board. The school should be inspected by an EQB registered and certified inspector.

(3) Those schools that submitted their Management Plan in May 8, 1989 will not be required to comply with (c)(2).

(4) The Asbestos Management Plan must be completed following guidelines and any other applicable requirement approved by the Board and described in Appendix G of this regulation.

(D) Asbestos in Public Buildings

(1) These standards will cover the management of asbestos- containing material in all public buildings.

(2) Every public building must be inspected annually by an asbestos-building certified inspector and registered at the Board.

(3) An Asbestos Management Plan must be prepared for every public building in conformity with AHERA Act. The Plan should be maintained at the building.

- (4) A notification will be sent to the Board including the following information:
 - (a) Name of the building
 - (b) Location
 - (c) Name of the planner and/or inspector
 - (d) Areas where asbestos is present and condition
 - (e) Action to be taken on the asbestos-containing material

- (E) Certification procedures that will be required to asbestos training schools
 - (1) Any application to certify asbestos-training school must include:
 - (a) The forms provided by the Board for certification and/or renewals to asbestos-training schools.
 - (b) Asbestos-training schools curriculum, course schedules and content. The training school's curriculum must comply with those requirements included in Appendix G.
 - (c) Name, address, telephone numbers, educational background, experience description and photos of each asbestos instructor.
 - (d) Name of the training facility
 - (e) Safety equipment to be used during training
 - (f) Final theoretical examination to be given to students at each course.
 - (g) The curriculum should include those minimum requirements established and described in Appendix G and following EPA and Asbestos Hazards Emergency Response Act (AHERA) guidelines.

 - (2) Asbestos removal contractors are not allowed to certify their own employees and will not be accepted as an certified training school and/or institution unless it is demonstrated to the satisfaction of the Board that there is no conflict of interest.

RULE 423 LIMITATIONS FOR THE GUAYNABO PM10 NON-

ATTAINMENT AREA

- (A) Any source within the boundaries of the Guaynabo PM-10 Non-Attainment Area or having a significant air quality impact on a PM-10 Non-Attainment Area, shall, in addition to meeting all of the prohibitions provided for the Rules 401 through 421, meet the RACT limitations specified in this subsection.
- (1) For any grain, sand, soda ash, cement, dust clinker handling and processing source, or any other material handling or processing source where more than 50% of the particles of the material are less than 1 millimeter (mm) in diameter and the material when handled or processed will emit PM10 in quantities so as to have a significant air quality impact on the Guaynabo Non-Attainment Area, no person shall cause or permit any materials to be received, handled, transported, processed, milled, or stored without taking the following precautions to prevent particulate matter from becoming airborne:
- (a) employ proper housekeeping and cleaning procedures throughout the entire facility, including but not limited to, the prompt removal of spilled grain-dust or any other material dust accumulation by a technique which prevents this material from escaping into the atmosphere.
 - (b) cover all trucks at all times when in motion;
 - (c) maintain all ventilation systems and dust collection devices;
 - (d) pave all areas where vehicles travel and maintain such areas according to a Board-approved street cleaning program;
 - (e) prohibit clam loading or unloading of barges or ships;
 - (f) load or unload barges or ships using pneumatic or mechanic telescopic loading spouts in a fully enclosed area except for the space needed to introduce the spout or vent the displace air, both with a ventilation system exhausting to a fabric filter collection device with a minimum collection efficiency of 99.5%;
 - (g) load or unload trucks in fully enclosed sheds or buildings with a ventilation system exhausted to a fabric filter dust collection device with a minimum collection efficiency of 99.5%;
 - (h) clean, separate, handle, convey, transfer, and mill grain in fully

enclosed sheds or buildings that meet the proposed EPA Reference Method 30 requirements for total enclosure and vent the enclosure to a fabric filter control device with a minimum collection efficiency of 99.5%.

- (i) All fabric filter collection devices must be performance tested using:
 - (1) EPA Reference Method 5-Determination of Particulate Emissions from Stationary Sources (40 CFR Part 60) or;
 - (2) EPA Reference Method 17-Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method) (40 CFR Part 40) or;
 - (3) EPA Reference Method 201- Determination of PM10 Emissions (40 CFR Part 51) or;
 - (4) EPA Reference Method 201A- Determination of PM10 Emissions (Constant Sampling Rate Procedure) (40 CFR Part 51) or;
 - (5) EPA Reference Method 202- Determination of Condensable Particulate Emissions from Stationary Sources (40 CFR Part 51) or any other method accepted by EQB.
- (j) Depending on averaging times, stack opacities will be determined using:
 - (1) EPA Reference Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources or any other approved EPA method.
- (k) Fugitive emission opacities will be determined using:
 - (1) EPA Reference Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40 CFR Part 60).
- (l) Each zone of the fabric filter collection device shall be fitted with a continuous monitor that measures the pressure drop across the zone. During the performance test, the pressure drop readings shall be measured. The operating permit shall specify an operating range for the pressure drop to ensure the optimum operation of the unit.

- (m) If the pressure drop across any zone deviates from the permitted pressure drop range, the stationary source shall report the deviations to the Environmental Quality Board. The stationary source will submit quarterly reports identifying all periods of deviation during the quarter and an explanation of what corrective actions were taken. The reports will be due 30 calendar days from the end of each quarter.
 - (n) Records shall be kept for both the operating parameters and the maintenance plans (for example: "The pressure drop reading shall be recorded once per shift, or more frequently if needed".) Once every day, a visual inspection shall be made around each collection device to determine the current conditions. Logs shall be kept on all findings and on what actions were taken to resolve problems. Stationary sources must maintain adequate inventories for spare parts. Records should be maintained on-site for at least five years and made available to both EPA and EQB inspectors.
 - (o) Any other granulated material that is not covered by this Rule shall be handled in conformity by Rule 404.
- (2) For any stone quarrying and processing facility, no person shall cause or permit any materials to be handled, transported, crushed, screened, or stored without taking the following precautions to prevent particulate matter from becoming airborne. Such precautions shall include, but are not be limited to:
- (a) the use, where possible, of water or suitable chemicals for the control of dust in quarrying operations;
 - (b) the application, where possible, of water or suitable chemicals on unpaved roads, materials, stockpiles, and other surfaces which can give rise to airborne dust.
 - (c) Compliance with any opacity restriction shall be determined using EPA Reference Method 9 or Method 22 or an other EPA approved method.
 - (d) The stationary source shall keep maintenance logs that show what repairs were done to the dust suppression system. The stationary source shall also maintain an adequate inventory of spare parts.
- (3) For any Electrical Power Plant with a capacity greater than 25 megawatts located within the boundaries of or having a significant air quality impact on the Guaynabo PM10 Non-Attainment Area, no person shall cause or permit

the firing of residual fuel oil with a sulfur content greater than 1.5% (by weight) as a PM₁₀ precursor. However, the Board may required a lower sulfur content in the fuel whenever an exceedance to any applicable provision in these regulations is demonstrated to affect the attainment of the National Ambient Air Quality Standards (NAAQS) for PM₁₀ in the designated non-attainment area. This emission limitations supersedes the limitation in Rule 406.

- (4) For any petroleum refinery located within the boundaries of or having a significant air quality impact on the Guaynabo PM10 Non-Attainment Area, no person shall cause or permit the firing of residual fuel oil with a sulfur content greater than 1.0% (by weight) as a PM₁₀ precursor. However, the Board may required a lower sulfur content in the fuel whenever an exceedance to any applicable provision in these regulations is demonstrated to affect the National Ambient Air Quality Standards (NAAQS) for PM₁₀ in the designated non-attainment area. This emission limitations supersedes the limitation in Rule 406.
- (5) For any facility that uses an asphalt blowing process located within the boundaries of or having a significant air quality impact on the boundaries of the Guaynabo PM10 Non-Attainment Area, no person shall cause or permit the emission of particulate matter unless those emissions are captured and controlled by a control equipment that achieves a 90% removal efficiency.
 - (i) Compliance with the removal efficiency will be demonstrated by measuring PM₁₀ loading at the inlet and outlet of the control device using Methods 201, 201A and/or 202 (40 CFR Part 51 and Part 60 Appendix A). Compliance with the opacity standards shall be determined using EPA Reference Method 9 (40 CFR Part 60).
 - (ii) If an afterburner is installed, the temperature in the combustion zone will be continuously monitored and recorded. The monitoring equipment shall have an accuracy of $\pm 10^{\circ}$ Centigrade overs its range. If a scrubber is installed, the pressure drop across the scrubber will be continuously monitored and recorded. The optimum pressure range will be established during the performance testing and will be incorporated in the operating permit.

(B) The owner or operator of any stationary source subject to the limitations of paragraph A) shall:

- (1) Submit on the date required by EQB and obtain immediate approval of a compliance plan in which the owner or operator of such stationary source

demonstrates compliance with all applicable limitation by the date specified in the State Implementation Plan and provides for the implementation of RACT requirements. The compliance plan shall be in writing and must include:

- (a) the name of the individual responsible for compliance demonstration activities at the stationary source;
 - (b) a description of the air pollution control system, specific control equipment, stacks, vents, raw materials, fuels, and other items or parameters which will be tested, monitored, sampled, analyzed, or measured to determine that the stationary source is in compliance on a continuous basis;
 - (c) a description of the specific testing methods, monitoring techniques, sampling and analysis methods, and measurements that will be used to demonstrate compliance on a continuous basis;
 - (d) a description of other relevant records or reports reasonably needed to demonstrate compliance on a continuous basis;
 - (e) the frequency of testing, monitoring, sampling, analyzing, or measuring necessary to demonstrate compliance on a continuous basis.
- (2) The EQB may review and approve the plan within a thirty (30) day review period, or amend the plan if deemed necessary to assure that compliance will be adequately demonstrated.
 - (3) Where physical alteration of the stationary source is necessary to achieve compliance, commence construction thirty days after this regulation is approved and complete construction by November 30, 1994. This schedule and a detailed explanation for a physical alteration must be included in the compliance plan.
 - (4) Implement the compliance plan and demonstrate final compliance with applicable limitations established in the PR-PM₁₀ SIP. A responsible official shall certify compliance and shall state, based on information and belief formed after reasonable inquiry, the information certified to is true and accurate.
- (C) Memorandum of Understanding (MOU's)

Any agreement or Memorandum of Understanding reach and signed between the Puerto Rico Environmental Quality Board and any other state agency , authority or

municipal entity stating those measures or activities define to control and reduce any emission of PM₁₀ and/or a PM₁₀ Precursor will be state and federally enforceable by EQB and USEPA, respectively will become part of this regulation and will become a condition in the operating permit of the affected stationary sources.

(D) Contingencies Measures

The following contingencies measures will be enforceable under this Regulation if attainment of PM₁₀ air quality standards in the Municipality of Guaynabo are not achieved by December 31,1994:

- (1) DOT shall collect data on silt content and dust loadings for highways in Guaynabo Municipality using EPA procedures for better estimating PM₁₀ emissions following AP-42 procedures.
- (2) Guaynabo Municipality shall require vegetation, chemical stabilization, or other abatement of wind erodible soils.
- (3) Diesel fuel oil with a sulfur in fuel level less than 0.3% shall be use by all vessels while they operate in San Juan Bay which is specifically defined as the navigable waters south of the imaginary line connecting Punta del Morro and Isla de Cabras.
- (4) No visible emissions from any vessel shall be permitted in the San Juan Bay except as provided in Rule 403 of this Regulation.
- (5) The Port Authority shall implement a street cleaning program or other program to prevent dust from collecting on paved surfaced in their jurisdiction.
- (6) The San Juan Municipality must revised the dust and fire abatement programs at its sanitary landfill in order to establish additional pollution abatement controls strategies.

(E) Sanctions for Non-Compliance

Any source that is found in violation of any compliance plan approved by the Board or any requirement within such plan will be subject to sanctions specified under Rule 115.

RULE 424 ROOF SURFACE COATING

No person shall cause or permit the roof surface coating by applying hot tar or any other coating material containing organic compounds without an operating permit approved by the Board. The use of used oil or hazardous waste for roof surface coating is strictly prohibited by this Rule.

- (A) Such activity could be performed after the submittal of an application to operate an emission source, and which shall include but not limited to, the following.
 - (1) Copy of the permit issued by the State or Municipal Permit and Regulation Administration, Department of State or the Public Service Commission.
 - (2) Copy of the Material Safety Data Sheet (MSDS) of the component of the tar or any other material use in the roof surface coating.
 - (3) Complete and sworn Permit application form
 - (4) Initial and final date and time of the material coating activities in roof surface.
 - (5) Location map of the area and surrounding building.
 - (6) Description of the combustion devices, fuel use and photos of such equipment, if any such equipment is use.
- (B) In case the application of hot tar or similar material using a combustion device for roof surface coating is performed during working hours at a radius of 200 meters from any school, elderly institution, Head Star center hospital or a church, a written endorsement should be obtain from officials of the school, church, hospital, etc. prior to beginning the activity. Such endorsement must be submitted with the permit application.
- (C) This requirement will also apply to any activity where sealing asbestos-containing material is used. In such case, the applicant must provide to the Board evidence that qualifies the applicant to manage such material and evidence that such activity has been notified to the building or structure owners. The activity perform with asbestos-containing material should comply with the applicable requirement of Rule 422.
- (D) This rule will not apply to activities where tar or sealing material is apply without heat and such material is asbestos-free.
- (E) EQB will be provided of a list of roof surface coating activities at the beginning of each month with information about, but not limited, to the following:
 - (1) Physical address of the site where the activity will be perform.
 - (2) Period of time and start-up date to complete the activity.

- (3) Estimated quantity of roof surface coating material to be applied.
- (4) Name of the owners or persons at the site where the roof surface coating material will be applied.
- (5) Methodology to be used to notify schools, elderly institution, headstar center hospital or a church.
- (6) Working hours for the roof surface coating applications.

PART V - FEES

PART V FEES

RULE 501 FEES

This Rule requires that fees be paid for:

- 1) Filing a permit application for:
 - a. Permit to construct (phase construction, demolition, etc)
 - b. Permit to operate
 - c. Temporary permit to operate
 - d. Modification of permit conditions
 - e. Variances
 - f. Revision or modification of permit or compliance plan
 - 2) Permits for:
 - a. Permit to construct
 - b. Permit to operate
 - c. Revision or modification of a permit or compliance plan
 - 3) Transfer of Ownership, Change of Source's Name or Change of Location of:
 - a. Permit to construct
 - b. Permit to operate
- A) Filing Fee
- 1) Every applicant filing an application for a asbestos removal, lead content paint removal, structure demolition, variance applications, or construction phase permit shall pay a filing fee of \$100.00. The remaining sources, in addition, will pay the corresponding permit fee.
 - 2) If an application for a permit or approval is canceled or denied by the Board,

and such denial becomes final, the filing fee required herein shall not be refunded.

B) Permit Fee

- 1) An applicant who submits an application for any construction permit, approval or a modification to the permit to operate in regard to any source not covered by Part VI of these Regulations, shall pay a permit fee of \$10.00 per ton per pollutant.
- 2) The permit fee shall be deposited together with the application.
- 3) When an application for a permit or approval is canceled or denied by the Board, and such denial becomes final, the permit fee required herein shall be retained by the Board.
- 4) If the source received approval for the construction permit and applies for the operating permit during the first (12) twelve months after the effective date of approval of the construction permit, the operating permit's fee where the annual emissions are paid for the first year will be determined on a prorated formula based on the difference between the total annual fee minus the fee covering the period of the construction permit is valid. The source will pay the total annual emission fee as certified and has the option to pay the remaining four (4) years with the first payment.

C) Renewal Fee:

- 1) All permits to operate shall be renewable upon their expiration date. Sixty (60) days before such date, and together with the application for renewal of a permit to operate, the permittee shall pay a renewal fee as required by Rule 204.
- 2) The renewal fee for a permit to operate shall be pay at a rate of \$10.00 per ton per regulated pollutant emitted annually (except for CO).

D) Fees relative to Transfer of Ownership, Change of Source's Name or Change of Location:

Whenever an application is filed for a permit because the source has been moved to a new location and a permit or approval has previously been granted for such a source and no alteration or addition has been or is being made, the applicant shall pay a fee equivalent to 50 percent of the permit fee related with such permit. Whenever ownership has been transfer from one person to another or the source changes its name and a permit or approval has previously been granted for such a source and no alteration or addition has been or is being made, the applicant shall pay only a fee

equivalent to 50% of the filing fee related with such permit.

E) Fees for Duplicate Permits or Approvals

A request for a duplicate permit, approval, or assignment shall be made in writing by the permittee after the destruction, loss or defacement of a permit document. A fee of \$10.00 shall be charged for issuing a duplicate permit.

F) Fees for Typographical Changes and Permit's Revisions

For a request for typographical changes or a revision of a permit to construct, of a compliance plan, or of a permit to operate, the applicant shall pay fifty (50%) percent of the filing fee paid for the permit to be revised. This will not apply when the request is related with the incorporation of new sources in the actual permit. Such change is considered a modification.

G. Requirements of permits in public Access Areas and School for asbestos abatement.

PERMIT APPLICATIONS

- (1) No person shall commence an asbestos abatement project in schools or a public access area without first obtaining an air pollution permit from the Board.
- (2) Air pollution permits for asbestos abatement project in a single family residential does not required permit fees. Only the filing fee will be pay.
- (3) The permittee shall be assessed a fee for the air pollution permit. The fee schedule is as follow:

Project Length	Fee
1-30 days	\$175.00
31-90 days	\$450.00
91-365 days	\$725.00

The permit fee includes the cost of routine site inspections in excess and the evaluation of the document by the Board.

- (4) Permits are valid for a maximum of one year. A new permit must be obtained for projects lasting longer than one year.

H. Fees for Asbestos Training Schools

- 1- All schools that submit application for training personnel in asbestos

management must comply with a fix filing fee of \$600.00 to cover schools facility EQB's inspection and documents evaluation. The authorization as certified asbestos management training schools will lapse for three years.

I- Registration's Fees in EQB's Asbestos Containing Material Management Register

1. All person that shows evidence of having received a training in an EPA or EQB's Certified Asbestos Management Training School may register to work with such materials after paying the fee of \$40.00 for each category of training.

RULE 502 EXCESS EMISSION FEE

A) Each applicant for a variance shall pay, in addition to the filing fee required in Rule 501, an emissions fee of \$25.00 per ton based on the total amount of emissions discharged during the variance period in excess of that allowed by the applicable rules and regulations.

B) Fee Determination

1. The excess emission fees shall be calculated based upon the requested number of days of operation under variance, multiplied by the expected excess emissions, as set forth in Section A) above. The calculations and proposed fees shall be set forth in the application.
2. The Board may adjust the excess emission fee required by sections A) of this rule based on evidence regarding emissions presented at the time of the application consideration.

C) Adjustment of Fees

If after the term of a variance for which excess emissions fees have been paid, the applicant can establish, to the satisfaction of the Board, that emissions were actually less than those upon which the fee was based, a prorated refund shall be made.

D) Excess Emission Fee Refunds

In the event that the application is withdrawn, or the variance is denied, the petitioner shall be entitled to a full refund of the excess emission fee or fees.

E) Small Business

- 1) A small business shall pay one-half of the fees required by section A).

- 2) A request for exception as a small business shall be made by the applicant, under penalty of perjury, on a declaration form provided by the Board which shall be submitted together with the variance application.

RULE 503 TEST FEES

- A) When the Board deems necessary, it may conduct a performance test of a source not covered by Part VI of this Regulation in order to determine the extent and amount of air pollutants being discharged into the ambient air, and the degree of compliance with permit conditions, and applicable rules and regulations.
- B) In such case, the Board shall notify the owner or operator of the source not covered by Part VI of this Regulation of its intentions, and shall request the facilities or appurtenances necessary for carrying out the test.
- C) The owner or operator of the source not covered by Part VI of this Regulation shall pay a fee for the performance test, in accordance with the schedule of fees in Table V-2, PROVIDED that when the results of such tests find the source in compliance with applicable rules and regulations, the test fee shall be 50 percent of the amount set forth in Table V-2.

TABLE V-2

<u>Contaminant</u>	<u>Basic Fee^{1/}</u>	<u>Surcharge for Each Additional Station</u>
Particulate	\$400.00	\$150.00
Oxides of Sulfur	300.00	130.00
Special (such as hydrogen sulfide, acid mist, etc...)	300.00	130.00

1/ ____ Includes one sampling station. "Sampling station" means a designated place or location from which a sample is extracted for measurement or analysis.

- D) After completing the test, the owner or operator of a source shall be notified in writing by the Board of the fees to be paid for such tests. Nonpayment of the test fees within 30 days of such notice shall result in cancellation of any application or permit to operate the source tested. Upon payment of such fees, the owner or operator shall receive one copy of the tested source report.

RULE 504 MODIFICATION FEE FOR SULFUR CONTENT IN FUELS

These charge fees will be collected from sources not covered by Part VI of these Regulation.

- A) Whenever required by the Board, an applicant for a modification of the allowed percentage of sulfur in fuels shall pay a modification fee in the amount prescribed in section C) of this Rule.
- B) The modification fee required herein shall be deposited together with the application for modification of sulfur content in fuels, and it shall not be refunded, unless the application is withdrawn before the Board has initiated its consideration for modification, in which case the Board shall refund 75% of the deposited amount.
- C) Schedules for Modification Fee

Modification fees are based on air basis and on the nature of the application submitted.

- 1) Schedule I: Basic Grid Systems
 - a) Any application for modification of the allowed percentage of sulfur

shall be assessed according to the existing air basis basic grid system for the area in which the source is located:

<u>BASIC GRID SYSTEM</u>	<u>BASIC FEE</u>
Aguada	\$ 400.00
Aguadilla	400.00
Aguas Buenas	400.00
Aguirre	6,000.00
Arecibo	1,500.00
Arroyo	400.00
Barceloneta	1,600.00
Bayamón	2,000.00
Caguas	1,000.00
Carolina	1,000.00
Cataño	6,500.00
Ceiba	500.00
Coamo	500.00
Comerío	500.00
Culebra	800.00
Dorado	1,000.00
Ensenada	800.00
Guayanilla	7,000.00
Guaynabo	1,000.00
Guánica	800.00
Hatillo	500.00
Humacao	800.00
Isabela	600.00

BASIC GRID SYSTEM

BASIC FEE

Manatí	\$ 1,800.00
Mayaguez	2,000.00
Orocovis	500.00
Peñuelas	800.00
Ponce	2,000.00
San Juan	2,000.00
Santa Isabel	600.00
Toa Baja	600.00
Vega Alta	600.00
Vega Baja	1,200.00
Yabucoa	3,000.00
Vieques	500.00

- b) If the site of the source is not covered by the existing basic grid system, the Board shall notify the applicant of the modification fee within 30 days after the submittal of the application.

- c) The basic fee is on a per trial basis.

**PART VI OPERATING PERMIT RULES FOR
TITLE V SOURCES**

PART VI OPERATING PERMIT RULES FOR TITLE V SOURCES

RULE 601 APPLICABILITY

(a) Title V Sources.

The provisions of these Part VI rules for the Commonwealth of Puerto Rico apply to the following facilities:

- (1) Any major source;
- (2) Any source, including an area source, subject to a standard, limitation, or other requirement under Section 111 of the Act;
- (3) Any source, including an area source, subject to a standard or other requirement under Section 112 of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under Section 112(r) of the Act; and
- (4) Any source in a source category designated by the Administrator pursuant to 40 CFR Section 70.3.

(b) Source Category Exemptions

- (1) All sources listed in paragraph (a) of Rule 601 that are not major sources or solid waste incineration units required to obtain a permit pursuant to Section 129(e) of the Act, will be exempted by the Board from the obligation to obtain a Title V permit until such time as the Administrator completes a rule-making to determine how the Title V program should be structured for non-major sources and the appropriateness of any permanent exemptions in addition to those provided for in paragraph (b)(4) of Rule 601.
- (2) In the case of non-major sources subject to a standard or other requirement under either the Section 111 or Section 112 of the Act after the July 21, 1992 promulgation of the Part 70 rules, the Administrator will determine whether to exempt any or all such applicable sources from the requirement to obtain a Title V permit at the time that the new standard is promulgated.
- (3) Any source listed in paragraph (a) of Rule 601 that is exempt from the requirement to obtain a permit under Rule 601 may opt to apply for a permit under Puerto Rico's Title V program.
- (4) The following source categories are exempted from the obligation to obtain

a Title V permit:

- (i) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 60, Subpart AAA - Standards of Performance for New Residential Wood Heaters; and
- (ii) All sources and source categories that would be required to obtain a permit solely because they are subject to 40 CFR Part 61, Subpart M -National Emission Standard for Hazardous Air Pollutants for Asbestos, § 61.145, Standard for Demolition and Renovation.

(c) Emissions Units and Title V Sources

- (1) For major sources, the permit shall include all applicable requirements for all relevant emissions units in the major source.
- (2) For any non-major source subject to the requirements of these Puerto Rico Part VI rules as delineated in paragraph (a) or (b) of Rule 601, the permit shall include all requirements applicable to emissions units that cause the source to be subject to the Puerto Rico Part VI rules.

(d) Fugitive Emissions.

Fugitive emissions from a Title V source shall be included in the permit application and the Title V permit in the same manner as stack emissions, regardless of whether the source category in question is included in the list of sources contained in the definition of major source.

RULE 602 PERMIT APPLICATIONS

(a) Duty to Apply.

The owner or operator of each facility to which these Puerto Rico Part VI rules apply shall submit to the Puerto Rico Environmental Quality Board (the Board) a timely and complete permit application in accordance with this chapter.

(1) Timely Application

- (i) The transition plan delineated in Appendix C -Table 1 provides the schedule for the submission of initial permit applications, based on Standard Industrial Classification (SIC) codes, such that all applications are submitted no later than one year after the date EPA

approves Puerto Rico's Title V program. Any source that submits their Title V operating permit application within 12 months after the approval of the Puerto Rico Title V Program will be covered by the application shield provided in this regulation. The Board may use their discretionary authority to impose penalties to those sources that fail to submit their Title V permit application pursuant to the Transition Plan.

- (ii) Each new source required by Rule 601 to apply for a Title V permit for the first time shall submit an application within twelve (12) months after the source becomes subject to the permit program.
- (iii) Title V sources required to meet the requirements under Section 112(g) of the Act, or to have a permit under the preconstruction review program under Part C or D of Title I of the Act, shall submit a complete application for a permit or permit revision within twelve (12) months after commencing operation. Where an existing Title V permit would prohibit such construction or change in operation, the source must obtain a permit revision before commencing operation.
- (iv) Applications for permit renewal shall be submitted twelve (12) months prior to the date of permit expiration.

(2) **Complete Application**

- (i) The Board shall use upon filing of a permit application a completeness criteria checklist to determine the completeness of such application. To be deemed complete, an application must provide all information required pursuant to section (c) of Rule 602, except that applications for permit revision need supply such information only if it is related to the proposed change. A responsible official shall certify the submitted information consistent with paragraph (c)(3) of Rule 602.
- (ii) The Board shall determine sixty (60) days after receipt whether applications (including renewal applications) are complete and request such other information as needed to process the application. In the event that the Board determines that additional information is necessary to complete the permit application and the applicant provides such additional information within the period and time allowed by the Board, the original permit application must be deemed complete for purposes of the application shield provided on these rules.
- (iii) Unless the Board determines that an application is not complete sixty (60) days after receipt of the application, such application shall be

deemed to be complete, except as otherwise provided in paragraph (a)(6) of Rule 605.

- (iv) If, while processing an application that has been determined or deemed to be complete, the Board determines that additional information is necessary to evaluate or take final action on that application, it may request such information in writing and set a reasonable deadline for a response.
- (v) The source's ability to operate without a permit, as set forth in paragraph (b) of Rule 605, shall be in effect from the date the application is determined or deemed to be complete until the final permit is issued, provided that the applicant submits any requested additional information by the deadline specified by the Board.

(b) Duty to Supplement or Correct Application

- (1) Any source that fails to submit any relevant facts or that has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.
- (2) A source shall provide additional information as necessary to address any requirements that become applicable to the source after the date it filed a complete application but prior to the release of a draft permit.

(c) Application Content.

Sources required by Rule 601 to obtain a Title V operating permit shall submit a permit application containing information for each emissions unit at the source, in accordance with forms and guidance provided by the Board, which include the following specified elements:

- (1) Information on the insignificant activities and emission levels exempted from Title V requirements by Part II, Rule 206 of Puerto Rico's Regulation for the Control of Atmospheric Pollution and as found in Appendix B need not be included in the permit application. However, for insignificant activities which are exempted because of size or production rate, a list of such insignificant activities must be included in the application by the applicant.
- (2) Sources shall submit permit applications that include the elements specified below:
 - (i) Identifying information, including company name and address (or plant name and address if different from the company name), owner's

name and agent, and telephone number and names of plant site manager/contact.

- (ii) A description of the source's processes and products (by Standard Industrial Classification Code) including any associated with alternate scenarios and the worst-case operational scenarios for batch-processes identified by the source.
- (iii) Emission-related information:
 - (A) An account of all emissions of pollutants for which the source is major and of all emissions of regulated air pollutants from any emissions unit, except from such units that are exempted under paragraph (c)(1) of Rule 602. The source shall provide this information in sufficient detail to enable the Board to identify all applicable requirements and assign appropriate fees pursuant to the fee schedule outlined in Rule 610.
 - (B) Identification and description of all emissions points described in paragraph (c)(2)(iii)(A) of Rule 602 in sufficient detail for the Board to identify all applicable requirements and develop appropriate fees pursuant to the fee schedule outlined in Rule 610.
 - (C) Emissions rate in tons per year (tpy) measured as either actual emissions or pursuant to engineering calculations that are acceptable to EQB or are promulgated by the EPA and in such terms as are necessary to establish compliance consistent with the applicable standard reference test method.
 - (D) Fuels, fuel use, raw materials, production rates, and operating schedules, to the extent this information is needed to determine or regulate emissions.
 - (E) Identification and description of air pollution control equipment and compliance monitoring devices or activities.
 - (F) Limitations on source operation affecting emissions or any work practice standards, where applicable, for all regulated pollutants at the source.
 - (G) Other information required by any applicable requirement (including information related to stack height limitations developed pursuant to Section 123 of the Act).

- (H) Calculations on which the information in paragraphs (c)(2)(iii)(A)-(G) of Rule 602 is based.
- (iv) Air pollution control requirements:
 - (A) Citation and description of all applicable requirements; and
 - (B) Description of or reference to any applicable test method for determining compliance with each applicable requirement.
- (v) Other specific information that may be necessary to implement and enforce other applicable requirements of the Act or of Puerto Rico Part VI rules or to determine the applicability of such requirements.
- (vi) An explanation of any proposed exemptions from otherwise applicable requirements.
- (vii) Additional information as determined to be necessary by the Board to define alternative operating scenarios identified by the source pursuant to section (a)(10) of Rule 603 or to define permit terms and conditions implementing section (a)(11) of Rule 603 or (a) of Rule 607.
- (viii) A compliance plan that contains all of the following:
 - (A) A description of the compliance status of the source with respect to all applicable requirements.
 - (B) A compliance description as follows:
 - (1) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (2) For applicable requirements that will become effective during the permit term, a statement that the source will achieve compliance with such requirements on a timely basis.
 - (3) For requirements for which the source is not in compliance at the time of permit issuance, a narrative description of how the source will achieve compliance with such requirements.
 - (C) A compliance schedule as follows:

- (1) For applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements.
 - (2) For applicable requirements that will become effective during the permit term, a statement that the source will meet such requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement.
 - (3) A schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance which includes a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any applicable requirements for which the source will be in noncompliance at the time of permit issuance. This compliance schedule shall resemble and be at least as stringent as that contained in any judicial consent decree or administrative order to which the source is subject. Any such schedule of compliance shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- (D) Sources required to have a schedule of compliance to remedy a violation shall submit certified progress reports every six (6) months, or at a more frequent period if specified in the applicable requirements or by the Board.
- (ix) Requirements for compliance certification, including the following:
- (A) A certification of compliance with all applicable requirements by a responsible official consistent with paragraph (c)(3) of Rule 602 and Section 114(a)(3) of the Act;
 - (B) A statement of methods used for determining compliance, including a description of monitoring, record-keeping, and reporting requirements and test methods;
 - (C) Submission of compliance certifications shall be made annually during the permit term, or more frequently if required by the underlying applicable requirement or by the Board; and

- (D) A statement indicating the source's compliance status with any applicable enhanced monitoring and compliance certification requirements of the Act.
- (3) Each application form, report, or compliance certification submitted pursuant to these regulations shall contain certification by a responsible official of truth, accuracy, and completeness. This certification and any other certification required under these Puerto Rico Part VI rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (d) **Submission of Confidential Information**
- (1) When submitting information to the Board with a claim of confidentiality, the source shall submit two copies of the material:
 - (a) One copy will contain the complete set of information and shall be marked confidential; and this copy will not be made available to the public unless the Board or EPA determines that the information marked confidential is not entitled to confidential treatment; and
 - (b) A second copy will include the information that is not confidential, and this copy shall be available for public review.

RULE 603 PERMIT CONTENT

(a) **Standard Permit Requirements.**

Each permit issued by the Board pursuant to the Commonwealth's Part VI rules shall include the following elements:

(1) **Emission Limitations and Standards.**

The permit shall contain emissions limitations and standards including those operational requirements and limitations that both assure compliance with all applicable requirements at the time of permit issuance and, in addition, allow for reasonably anticipated operating scenarios and the worst-case operating scenario.

- (i) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or

condition is based.

- (ii) If the Puerto Rico State Implementation Plan (PR-SIP) allows a determination of an alternative emission limit, equivalent to that contained in the plan, to be made in the permit issuance, renewal, or significant modification process, then: any permit containing such equivalency determination shall contain provisions to ensure that any resulting emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
- (iii) Permit applications and/or portions thereof shall not be incorporated by reference into any draft or final permit issued by the Board.

(2) **Permit Duration.**

For sources subject to the Puerto Rico Part VI rules, the Board shall issue permits for a fixed term of up to five (5) years. Notwithstanding this requirement, the Board shall issue permits for solid waste incineration units combusting municipal waste subject to standards under Section 129(e) of the Act for a fixed term of twelve (12) years and shall review such permits at least every five (5) years. A source must apply for a new permit each time it relocates.

(3) **Monitoring Requirements**

- (i) The permit shall contain all emissions monitoring and analysis procedures or test methods required under the applicable requirements, including any procedures and methods promulgated pursuant to Sections 114(a)(3) or 504(b) of the Act;
- (ii) Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring (which may consist of record-keeping designed to serve as monitoring), the permit shall require periodic monitoring sufficient to yield reliable data from the relevant time period. Such data shall be representative of the source's compliance with the permit, as reported pursuant to section (a)(5) of Rule 603. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Record-keeping provisions, as described in (a)(4) of Rule 603 may be sufficient to meet the requirements of this paragraph.
- (iii) As necessary, the permit shall contain requirements concerning the

use, maintenance, and where appropriate, installation of monitoring equipment or methods; and

- (iv) The Board may, at its discretion or as required by EPA, require sources to conduct additional monitoring to ensure compliance with permit terms and conditions.

(4) Record-keeping Requirements.

The permit shall incorporate all applicable record-keeping requirements and require, where applicable, the following:

- (i) Records of required monitoring information that include the following:
 - (A) The date, place as defined in the permit, and time of sampling or measurements;
 - (B) The date(s) analyses were performed;
 - (C) The company or entity that performed the analyses;
 - (D) The analytical techniques or methods used;
 - (E) The results of such analyses; and
 - (F) The operating conditions as existing at the time of sampling or measurement; and
- (ii) Retention of records of all required monitoring data and support information for a period of five (5) years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

(5) Reporting Requirements.

The permit shall incorporate all applicable reporting requirements and require the following:

- (i) Submittal of reports of any required monitoring every six (6) months, or more frequently if required by the underlying applicable requirement or by the Board. All instances of deviations from permit requirements must be clearly identified in such reports. All required

reports must be certified by a responsible official consistent with paragraph (c)(3) of Rule 602;

- (ii) Reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. For purposes of this section a prompt report of deviations from permit requirements shall follow the following time schedule:
 - a) Any deviation resulting from emergency or upset conditions as defined in section (e) of Rule 603 shall be reported within two working days if the permittee wishes to assert the affirmative defense authorized under said section;
 - b) For any deviation that results in a release of emissions of a hazardous air pollutant that continues for more than an hour in excess of the applicable limit or a release of any other regulated air pollutant that continues for more than 2 hours in excess of the applicable limit, the permittee shall notify the Board within 24 hours of the deviation. The permittee shall also, within 7 days, submit to the Board, a written detailed report which includes probable causes, time and duration of the deviation, remedial action taken, and steps which are being undertaken to prevent a reoccurrence.
 - c) All other deviations must be reported in the permittee's semiannual report unless the permit or applicable requirement requires more frequent reporting.
 - (iii) The Board may, at its discretion or as required by EPA, require sources to perform additional reporting to ensure compliance with permit terms and conditions.
- (6) The permit shall contain a severability clause which states that in the event of a successful challenge to any portion of the permit, all other portions of the permit shall remain valid and effective.
 - (7) The permit shall contain provisions stating the following:
 - (i) The permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- (ii) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
 - (iii) The permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
 - (iv) The permit does not convey any property rights of any sort, or any exclusive privilege.
 - (v) The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit.
- (8) The permit shall contain a provision to ensure that a source pays fees to the Board that are consistent with the fee schedule approved pursuant to Rule 610.
- (9) The permit shall contain a provision stating that no permit revisions shall be required under any approved economic incentives, marketable permit, emissions trading and other similar programs or processes for changes that are provided for in the permit.
- (10) The permit shall contain terms and conditions for reasonably anticipated operating scenarios identified by the source in its application as approved by the Board. Such terms and conditions:
- (i) Shall require the source, contemporaneously with making a change from one operating scenario to another, to record in a log at the permitted facility a record of the scenario under which it is operating;
 - (ii) May extend the permit shield described in paragraph (d) of Rule 603 to all terms and conditions under each such operating scenario; and
 - (iii) Must ensure that the terms and conditions of each such alternative scenario meet all applicable requirements and the requirements of Puerto Rico's Part VI rules.
 - (iv) The permit may on a case by case basis be based upon worst case

operational scenarios so that the ability of the source to increase emissions from actual levels up to the permitted allowable emission limit would be inherent in the emission limits in the operating permit.

(11) Emissions Trading.

The permit shall contain terms and conditions, if requested by the source, for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading such increases and decreases without a case-by-case approval of each emissions trade. Such terms and conditions:

- (i) Shall include all terms required under sections (a) and (c) of Rule 603 to determine compliance;
- (ii) May extend the permit shield described in paragraph (d) of Rule 603 to all terms and conditions that allow such increases and decreases in emissions; and
- (iii) Must meet all applicable requirements and requirements of these Puerto Rico Part VI rules.

(b) Federally-enforceable Requirements.

- (1) All terms and conditions in the permit, including any provisions designed to limit a source's potential to emit, are enforceable by the Administrator and citizens under the Act.
- (2) Notwithstanding paragraph (b)(1) of Rule 603, the Board shall specifically designate as not being federally enforceable under the Act any terms and conditions included in the permit that are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of the Puerto Rico Part VI permit rules, other than those contained in this section (b) of Rule 603.

(c) Compliance Requirements.

All Title V permits shall contain the following elements with respect to compliance:

- (1) Consistent with sections (a)(3)-(5) of Rule 603, compliance certification, testing, monitoring, reporting, and record-keeping requirements sufficient to assure compliance with the terms and conditions of the permit. Any document (including reports) required by the permit shall contain a

certification by a responsible official that meets the requirements of paragraph (c)(3) of Rule 602.

- (2) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Board or an authorized representative to perform the following:
 - (i) Enter upon the permittee's premises where a Title V source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
 - (ii) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
 - (iii) Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 - (iv) As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (3) A schedule of compliance consistent with section (c)(2)(viii) of Rule 602.
- (4) Progress reports consistent with an applicable schedule of compliance and section (c)(2)(viii) of Rule 602 to be submitted every six (6) months, or more frequently if specified by the applicable requirement or by the Board. Such progress reports shall contain the following:
 - (i) Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - (ii) An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.
- (5) Requirements for compliance certification with terms and conditions contained in the permit, including emission limitations, standards, or work practices. Permits shall include each of the following:
 - (i) The frequency of submissions of compliance certifications, as specified in paragraph (c)(2)(ix)(C) of Rule 602;

- (ii) In accordance with sections (a)(3)-(5) of Rule 603, a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices;
 - (iii) A requirement that the compliance certification include the following:
 - (A) The identification of each term or condition of the permit that is the basis of the certification;
 - (B) The compliance status;
 - (C) Whether compliance was continuous or intermittent;
 - (D) The method(s) used for determining the compliance status of the source, currently and over the reporting period consistent with sections (a)(3)-(5) of Rule 603; and
 - (E) Such other facts as the Board may require to determine the compliance status of the source;
 - (iv) A requirement that all compliance certifications be submitted to the Administrator as well as to the Board; and
 - (v) Such additional requirements as may be specified pursuant to Sections 114(a)(3) and 504(b) of the Act.
- (6) Such other provisions as the Board may require.
- (d) **Permit Shield.**
- (1) Except as provided in Puerto Rico's Part VI permit rules, the Board may expressly include a provision in the permit stating that compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that:
 - (i) Such applicable requirements are included and are specifically identified in the permit; or
 - (ii) The Board, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.
 - (2) A permit that does not expressly state that a permit shield exists shall be presumed not to provide such a shield.

- (3) Nothing in this paragraph or in any Title V permit shall alter or affect the following:
 - (i) The provisions of Section 303 of the Act (emergency orders), including the authority of the Administrator under that section;
 - (ii) The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
 - (iii) The ability of EPA to obtain information from a source pursuant to Section 114 of the Act.

(e) **Emergency Provisions**

(1) **Definition.**

An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

(2) **Effect of an Emergency.**

An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of section (e)(3) of Rule 603 are met.

- (3) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (i) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
 - (iv) The permittee submitted notice of the emergency to the Board within

two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice fulfills the requirement of paragraph (a)(5)(ii) of Rule 603. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

- (4) In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- (5) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

RULE 604 SECTION 112 REQUIREMENTS

(a) Permit Content

- (1) The permit shall contain all currently applicable National Emission Standard for Hazardous Air Pollutants (NESHAP) standards, maximum achievable control technology (MACT) standards, residual risk standards, any conditions pertaining to section 112(r) or any "general provisions" that EPA develops for these standards, pursuant to the Federal Section 112 rules and/or the Board's air toxic rules.
- (2) The permit shall contain provisions for generally available control technology (GACT) standards where applicable.

(b) Standards

- (1) The Board will not issue any permit (or permit revision addressing any emissions unit subject to a newly promulgated Section 112 standard) unless it complies with all applicable Section 112 standards.
- (2) Permits with three (3) or more years remaining prior to the expiration date shall be reopened to incorporate any newly promulgated Section 112 standard.

(c) Case-by-case MACT Determinations

(1) Modified, Constructed, or Reconstructed Major Sources

- (i) Pursuant to Section 112(g) of the Act, a major source of hazardous air pollutants may be modified after the effective date of the Puerto

Rico permit program only if the Administrator (or the Board) determines that the maximum achievable control technology emission limitation for existing sources will be met.

- (ii) Pursuant to Section 112(g) of the Act, a major source of hazardous air pollutants may be constructed or reconstructed after the effective date of the Puerto Rico permit program only if the Administrator (or the Board) determines that the maximum achievable control technology emission limitation for new sources will be met.
- (iii) Where no applicable emissions limitations have been established by the Administrator, the Board will make case-by-case determinations of MACT for new, reconstructed, or modified sources, and incorporate them into the permit pursuant to Section 112(g) of the Act.

(2) Failure to Promulgate a Standard

- (i) In the event that the Administrator fails to promulgate a MACT standard for a source category by more than eighteen (18) months past the date established for standard promulgation pursuant to Section 112(e) of the Act, the Board shall perform case-by-case MACT determinations as required by Section 112(j) of the Act.
 - (ii) The owner or operator of any major source in a category for which the Administrator fails to promulgate a MACT standard shall submit a permit application beginning eighteen (18) months after the date targeted for promulgation of the standard.
 - (iii) The issued permit shall contain emission limitations for hazardous air pollutants subject to regulation under Section 112 of the Act and emitted by the source that the Board determines, on a case-by-case basis, to be equivalent to the limitation that would apply to such source if an emission standard had been promulgated by the Administrator in a timely manner under Section 112(d) or Section 112(h) of the Act.
- (3) Any major source affected by Section 112(g) of the Act shall undergo a construction process review.
- (4) Any major source affected by Section 112(j) of the Act shall obtain a Notice of MACT approval.
- (5) The Board will implement the requirements of section 112(g) once EPA establish and adopt the final guidelines.

(d) **Early Reduction Demonstration**

- (1) For existing sources demonstrating an achieved reduction of 90 percent or more for hazardous air pollutant emissions (95 percent for hazardous air pollutants in the form of particulate) pursuant to Section 112(i)(5) of the Act, the Board shall issue a permit allowing the source to meet an alternative emission limitation reflecting such reduction in lieu of an emission limitation promulgated under Section 112(d) of the Act. This provision applies for a period of six (6) years from the compliance date for the otherwise applicable standard, provided that such reduction is achieved before the otherwise applicable standard under Section 112(d) of the Act is first proposed.
- (2) For each source granted an alternative emission limitation under this paragraph, the permit shall contain an enforceable emission limitation for hazardous air pollutants reflecting the reduction which qualifies the source for an alternative emission limitation under this paragraph. An alternative emission limitation shall not be available with respect to standards or requirements promulgated pursuant to Section 112(f) of the Act and the Administrator shall, for the purpose of determining whether a standard under Section 112(f) of the Act is necessary, review emissions from sources granted an alternative emission limitation at the same time that other sources in the category or subcategory are reviewed.

(e) **Risk Management Plan**

- (1) For sources required to register and submit a risk management plan under final rules and regulations developed by EPA according with Section 112(r) of the Act, the following provisions apply:
 - (i) The source shall certify that any required submittal was prepared and submitted to the appropriate authorities;
 - (ii) The source shall submit annual certification ensuring the proper implementation of the risk management plan; and
 - (iii) A source that fails to prepare a risk management plan will include the obligation as part of its compliance schedule under section (c)(2)(viii)(C) of Rule 602.
 - (iv) The Board shall audit the risk management plan. This include that the plan and annual certifications are reviewed by the Board and any updates to the risk management that are necessary under the Act or Section 112 are completed.

(f) **(RESERVED)**

RULE 605 PERMIT ISSUANCE

(a) Action on Application

- (1) A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:
 - (i) The Board has received a complete application for a permit, permit modification, or permit renewal;
 - (ii) Except for modifications qualifying for minor permit modification procedures under section (b)(2) of Rule 606, the Board has complied with the requirements for public participation under section (a) of Rule 609;
 - (iii) The Board has complied with the requirements for notifying and responding to affected States / Territories under section (c) of Rule 609;
 - (iv) The conditions of the permit provide for compliance with all applicable requirements and the requirements of Part VI; and
 - (v) The Administrator has received a copy of the proposed permit and any notices required by sections (b) and (c) of Rule 609, and has not objected to issuance of the permit under section (d) of Rule 609 within the time period specified therein.
- (2) The Board shall take final action on one-third of initial applications annually over a period of three (3) years after the effective date of Puerto Rico's Title V program.
- (3) Any complete permit application containing an early reduction demonstration under Section 112(i)(5) of the Act, as outlined in section (d) of Rule 604, shall be acted on nine (9) months after receipt of the complete application.
- (4) Except as provided for in the initial transition plan under paragraphs (a)(2) and (3) of Rule 605, the Board shall take final action on complete permit applications (including requests for permit renewals) eighteen (18) months after the date of their submittal.
- (5) Priority shall be given to taking action on applications for construction or modification under Title I, Parts C and D of the Act.

- (6) The Board shall promptly provide notice to the applicant of whether the application is complete. Unless the Board requests additional information or otherwise notifies the applicant of incompleteness sixty (60) days after receipt of an application, the application shall be deemed complete. For modifications processed through the minor modification procedures pursuant to section (b)(2) of Rule 606, a completeness determination need not be made.
- (7) The Board shall provide a statement that sets forth the legal and factual basis for the draft permit conditions (including references to the applicable statutory or regulatory provisions). The Board shall send this statement to EPA and to any other person who requests it.
- (8) The submittal of a complete application shall not affect the requirement that any source have a preconstruction permit under Title I of the Act.

(b) Requirement for a Permit.

Except as provided in section (b)(2)(v) of Rule 606 and section (a)(1) of Rule 607, no Title V source may operate after the time that it is required to submit a timely and complete application, except in compliance with a permit issued under the Puerto Rico Part VI rules. However, if the source submits a timely and complete application for permit issuance (including for renewal), the source's failure to have a Title V permit is not a violation of this Part until the Board takes final action on the permit application. This protection shall cease to apply if subsequent to the completeness determination made pursuant to paragraph (a)(6) of Rule 605, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(c) Permit Renewal and Expiration.

- (1) Permits being renewed are subject to the same procedural requirements, including those for public participation, and affected State / Territory and EPA review, that apply to initial permit issuance.
- (2) Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with paragraph (a)(1)(iv) of Rule 602 and paragraph (b) of Rule 605.
- (3) If the Board fails to act in a timely way on a permit renewal, EPA may invoke its authority under Section 505(e) of the Act to terminate or revoke and reissue the permit.
- (4) If a timely and complete application for a permit renewal is submitted, consistent with section (a)(2) of Rule 602, but the Board has failed to issue

or deny the renewal permit before the end of the term of the previous permit, then:

- (i) The permit shall not expire until the renewal permit has been issued or denied and any permit shield that may be granted pursuant to section (d) of Rule 603 may extend beyond the original permit term until renewal; or
 - (ii) All the terms and conditions of the permit including any permit shield that may be granted pursuant to section (d) of Rule 603 shall remain in effect until the renewal permit has been issued or denied.
- (d) **Prohibition on Default Issuance.** The Board's failure to issue a final permit within eighteen (18) months should be treated as a final action solely for the purpose of obtaining judicial review in state court. No permit shall be deemed issued by default as a result of the Board's failure to take final action on a permit application within eighteen (18) months.

RULE 606 PERMIT REVISIONS

(a) Administrative Permit Amendments

(1) Definition.

An administrative permit amendment is a permit revision that:

- (i) Corrects typographical errors;
- (ii) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- (iii) Requires more frequent monitoring or reporting by the permittee;
- (iv) Allows for a change in ownership or operational control of a source where the Board determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Board;
- (v) Incorporates into the Title V permit the requirements from preconstruction review permits authorized under an EPA delegated preconstruction program or an EPA-approved program. This

provision is only allowed when such a program meets: (i) procedural requirements substantially equivalent to the requirements of Rules 605, 606, 608, and 609 that would be applicable to the change if it were subject to review as a permit modification, and (ii) compliance requirements substantially equivalent to those contained in Rule 603; or

- (vi) Incorporates any other type of change which the Administrator has determined as part of the Puerto Rico Part VI rules to be similar to those in paragraphs (a)(1)(i) through (iv) of Rule 606.

(2) Administrative Permit Amendment Procedures.

An administrative permit amendment may be made by the Board consistent with the following:

- (i) The Board shall take final action on a request for an administrative permit amendment sixty (60) days from the receipt of such a request, and may incorporate such changes without providing notice to the public or affected States / Territories provided that it designates any such permit revisions as having been made pursuant to this paragraph.
- (ii) The Board shall submit a copy of the revised permit to the Administrator.
- (iii) The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

- (3) When the Board is taking final action granting a request for an administrative permit amendment, it may allow such an amendment to be covered by the permit shield in section (d) of Rule 603 if: the amendment is made pursuant to paragraph (a)(1)(v) of Rule 606 and it meets the relevant requirements of Rules 603, 605, 606, 608, and 609 for significant permit modifications.

(b) Permit Modification

(1) Definition.

A permit modification is any revision to a Title V permit that cannot be accomplished under the provisions for administrative permit amendments

under section (a) of Rule 606.

(2) **Minor Permit Modification Procedures**

(i) **Criteria.**

(A) Minor permit modification procedures may be used only for those permit modifications that:

(1) Do not violate any applicable requirement;

(2) Do not involve significant changes to existing monitoring, reporting, or record-keeping requirements in the permit;

(3) Do not require or change a case-by-case determination of an emission limitation or other standard;

(4) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:

(i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of Title I; and

(ii) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the Act;

(5) Are not modifications under any provision of Title I of the Act; and

(6) Are not required to be processed as a significant modification under state law.

(B) Notwithstanding sections (b)(2)(i)(A) of Rule 606, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable

implementation plan or in applicable requirements promulgated by EPA.

(ii) **Application.**

An application requesting the use of minor permit modification procedures shall meet the requirements of section (c) of Rule 602 and shall include the following:

- (A) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
- (B) The source's suggested draft permit;
- (C) Certification by a responsible official, consistent with paragraph (c)(3) of Rule 602, that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (D) Completed forms for the Board to use to notify the Administrator and affected States / Territories as required under Rule 609.

(iii) **EPA and Affected State / Territory Notification.**

Within five (5) working days of receipt of a complete permit modification application, the Board shall meet its obligation under paragraphs (b)(1) and (c)(1) of Rule 609 to notify the Administrator and affected States / Territories of the requested permit modification. The Board shall send any notice required under section (c)(2) of Rule 609 to the Administrator.

(iv) **Timetable for Issuance.**

The Board may not issue a final permit modification until after EPA's 45-day review period or until EPA has notified the Board that EPA will not object to issuance of the permit modification, whichever is first, although the Chairperson can approve the permit modification prior to that time. Within ninety (90) days of the Board's receipt of an application under minor permit modification procedures or fifteen (15) days after the end of the Administrator's 45-day review period under section (d) of Rule 609, whichever is later, the Board shall:

- (A) Issue the permit modification as proposed;
- (B) Deny the permit modification application;
- (C) Determine that the requested modification does not meet the minor permit modification criteria and should be reviewed under the significant modification procedures; or
- (D) Revise the draft permit modification and transmit to the Administrator the new proposed permit modification as required by section (b) of Rule 609.

(v) **Source's Ability to Make Change.**

The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the Board takes any of the actions specified in paragraphs (b)(2)(iv)(A) through (C) of Rule 606, the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(vi) **Permit Shield.**

The permit shield under section (d) of Rule 603 does not extend to minor permit modifications.

(3) **Significant Modification Procedures**

(i) **Criteria.**

Significant permit modifications are changes that do not qualify as administrative permit amendments, as defined in (a)(1) of Rule 606, or as minor permit modifications, as defined in (b)(2)(i)(A) of Rule 606. Every significant change in existing monitoring permit terms or conditions and every relaxation of reporting or record-keeping permit terms or conditions shall be considered significant. Nothing herein shall be construed to preclude the permittee from making changes consistent with the Puerto Rico Part VI rules that would render existing permit compliance terms and conditions irrelevant.

(ii) Significant permit modifications shall meet all requirements of the

Puerto Rico Part VI rules, including those for applications, public participation, review by affected States / Territories, and review by EPA, as they apply to permit issuance and permit renewal. The majority of significant permit modifications shall be completed within nine (9) months of receipt of a complete application.

RULE 607 SOURCE MODIFICATIONS WITHOUT A PERMIT REVISION

(a) Source Changes

- (1) Permitted sources may make Section 502(b)(10) changes without requiring a permit revision, if the changes are not modifications under any provision of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions).
 - (i) For each such change, the facility must provide the Administrator and the Board with written notification in advance of the proposed changes, which shall be seven (7) days. The written notification shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change. The source, the Board, and EPA shall attach each such notice to their copy of the relevant permit.
 - (ii) The permit shield described in paragraph (d) of Rule 603 shall not apply to any change made pursuant to section (a)(1) of Rule 607.
- (2) Permitted sources may trade increases and decreases in emissions in the permitted facility for the same pollutant, where the permit provides for such emissions trades without requiring a permit revision and based on the 7-day notice prescribed in section (a)(2) of Rule 607. This provision is available in those cases where the permit does not already provide for such emissions trading.
 - (i) Under paragraph (a)(2) of Rule 607, the written notification required shall include such information as may be required by the provision in the Puerto Rico State Implementation Plan (PR-SIP) authorizing the emissions trade, including when the proposed change will occur, a description of each such change, any change in emissions, the permit requirements with which the source will comply using the emissions trading provisions of the PR-SIP, and the pollutants emitted subject to the emissions trade. The notice shall also refer to the provisions with which the source will comply in the P.R. SIP and that provide for the emissions trade.

(ii) The permit shield described in paragraph (d) of Rule 603 shall not extend to any change made under section (a)(2) of Rule 607. Compliance with the permit requirements that the source will meet using the emissions trade shall be determined according to requirements of the applicable implementation plan authorizing the emissions trade.

(3) If a permit applicant requests it, the Board shall issue permits that contain terms and conditions (including all terms required under sections (a) and (c) of Rule 603 to determine compliance) allowing for the trading of emissions increases and decreases in the permitted facility solely for the purpose of complying with a federally-enforceable emissions cap. Such a cap must be established in the permit independent of otherwise applicable requirements. The permit applicant shall include in its application proposed replicable procedures and permit terms that ensure the emissions trades are quantifiable and enforceable. The Board shall not be required to include in the emissions trading provisions any emissions units for which emissions are not quantifiable or for which there are no replicable procedures to enforce the emissions trades. The permit shall also require compliance with all applicable requirements.

(i) Under section (a)(3) of Rule 607, the written notification required shall state when the change will occur and shall describe the changes in emissions that will result and how these increases and decreases in emissions will comply with the terms and conditions of the permit.

(ii) The permit shield described in paragraph (d) of Rule 603 may extend to terms and conditions that allow such increases and decreases in emissions.

(b) Off-permit Changes

The Board may allow changes that are not addressed or prohibited by the permit and/or State Law.

(1) A permitted facility may make changes without obtaining a permit revision if such changes are not addressed or prohibited by the permit, other than those described in paragraph (c) of Rule 607.

(i) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(ii) Sources must provide contemporaneous written notice to the Board

and EPA of each such change, except for changes that qualify as insignificant under paragraph (c)(1) of Rule 602. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

- (iii) The change shall not qualify for the shield under paragraph (d) of Rule 603.
 - (iv) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- (c) A permitted facility cannot make changes without a permit revision if such changes are modifications under any provision of Title I of the Act.

RULE 608 PERMIT REOPENINGS

(a) Reopening for Cause

- (1) Each permit issued shall include a provision specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit shall be reopened and revised under any of the following circumstances:
 - (i) Additional applicable requirements under the Act become applicable to a major Title V source with a remaining permit term of three (3) or more years. Such a reopening shall be completed eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to (c)(4)(i) or (ii) of Rule 605.
 - (ii) The Board or EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - (iii) The Administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

- (2) Proceedings to reopen and issue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopenings shall be made as expeditiously as practicable.
- (3) Reopenings under paragraph (a)(1) of Rule 608 shall not be initiated before a notice of such intent is provided to the Title V source by the Board thirty (30) days in advance of the date that the permit is to be reopened.

(b) Reopenings for Cause by EPA.

The Board will follow procedures for reopenings for cause by EPA pursuant to those established under Section 70.7(g) of 40 CFR Part 70.

RULE 609 PERMIT REVIEW

(a) Public Participation.

Except for modifications qualifying for minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, and renewals, shall provide adequate procedures for public notice including offering an opportunity for public comment and a hearing on the draft permit. These procedures shall include the following:

- (1) Notice shall be given:
 - (i) by publication in at least two of the newspapers of general circulation on the Island. (In case of location approval, the notice must be mailed to the applicant, the USEPA Regional Administrator, the Chairman of the Planning Board and any other Commonwealth official and agency having jurisdiction over lands which may be affected by the emissions from the proposed source);
 - (ii) to persons on a mailing list developed by the Board, including those who request in writing to be on the list; and
 - (iii) by other means if necessary to assure adequate notice to the affected public;
- (2) The notice shall identify the affected facility; the name and address of the permittee; the name and address of the Board; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from

whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, and all other materials available to the Board that are relevant to the permit decision; a brief description of the comment procedures required by the Puerto Rico Part VI rules; and the time and place of any hearing that may be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled);

- (3) The Board shall provide such notice and opportunity for participation by affected States/Territories as is provided for by Rule 609 of the Puerto Rico Part VI rules;
- (4) The Board shall provide thirty (30) days for public comment and shall give notice of any public hearing thirty (30) days in advance of the hearing; and
- (5) The Board shall keep a record of the commentaries and also of the issues raised during the public participation process so that the Administrator may fulfill his obligation under Section 505(b)(2) of the Act to determine whether a citizen petition may be granted, and such records shall be available to the public.

(b) Transmission of Information to the Administrator

- (1) The Board shall provide to the Administrator a copy of each permit application (including any application for permit modification), each proposed permit, and each final permit. The Board may require the source to provide a copy of the permit application (including the compliance plan) directly to the Administrator. Upon agreement with the Administrator, the Board may submit to the Administrator a permit application summary form and any relevant portion of the permit application and compliance plan, in place of the complete permit application and compliance plan. To the extent practicable, the preceding information will be provided directly into EPA's national database management system.
- (2) The Board shall keep for five (5) years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the Commonwealth program complies with the requirements of the Act or of these Part VI rules.

(c) Review by Affected States / Territories

- (1) The Board shall give notice of each draft permit to any affected State / Territory on or before the time that the Board provides this notice to the

public under section (a) of Rule 609, except to the extent (b)(2) of Rule 606 requires the timing of notice to be different.

- (2) If the Board refuses to accept recommendations submitted by an affected State / Territory during the public or affected State / Territory review period for a proposed permit, then: the Board, as part of the submittal of the proposed permit to the Administrator [or as soon as possible after the submittal for minor permit modification procedures allowed under section (b)(2) of Rule 606], shall notify the Administrator and any affected State / Territory in writing of such refusal. The notice shall include the Board's reasons for not accepting any such recommendation. The Board is not required to accept recommendations that are not based on applicable requirements or the requirements of the Puerto Rico Part VI rules.

(d) EPA Objection

- (1) The Administrator will object to the issuance of any proposed permit determined by the Administrator not to be in compliance with applicable requirements or requirements under the Puerto Rico Part VI rules. No permit for which an application must be transmitted to the Administrator under section (b) of Rule 609 shall be issued if the Administrator objects to its issuance in writing within forty-five (45) days of receipt of the proposed permit and all necessary supporting information.
- (2) Any EPA objection under paragraph (d)(1) of Rule 609 shall include a statement of the Administrator's reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections. The Administrator will provide the permit applicant a copy of the objection.
- (3) Failure of the Board to do any of the following also shall constitute grounds for an objection:
 - (i) Comply with sections (b) or (c) of Rule 609;
 - (ii) Submit any information necessary to review adequately the proposed permit; or
 - (iii) Process the permit under the procedures approved to meet section (a) of Rule 609 except for minor permit modifications.
- (4) If the Board fails, within ninety (90) days after the date of an objection under paragraph (d)(1) of Rule 609, to revise and submit a proposed permit in

response to the objection, the Administrator will issue or deny the permit in accordance with the requirements of the Federal program promulgated under Title V of this Act.

(e) Public Petitions to the Administrator

- (1) If the Administrator does not object in writing under section (d) of Rule 609, any person may petition the Administrator within sixty (60) days after the expiration of the Administrator's 45-day review period to make such objection. Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in section (a) of Rule 609, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.
- (2) If the Administrator objects to the permit as a result of a petition filed under this paragraph, the Board shall not issue the permit until EPA's objection has been resolved, except that a petition for review does not stay the effectiveness of a permit or its requirements if the permit was issued after the end of the 45-day review period and prior to an EPA objection.
- (3) If the Board has issued a permit prior to receipt of an EPA objection under this section (e) of Rule 609, the Administrator will modify, terminate, or revoke such permit, and shall do so consistent with the procedures in Section 70.7(g)(4) or (5)(i) and (ii) of 40 CFR Part 70 except in unusual circumstances, and the Board may thereafter issue only a revised permit that satisfies EPA's objection. In any case, the source will not be in violation of the requirement to have submitted a timely and complete application.

(f) Sharing of Information

- (1) Any information obtained or used in the administration of Puerto Rico's operating permit program shall be available to EPA upon request without restriction and in a form specified by the Administrator, including computer-readable files to the extent practicable. Where the Board submits information to the Administrator under a claim of confidentiality, the Board shall submit that claim to EPA when providing information to EPA under this section (f) of Rule 609. Any information obtained from the Board accompanied by a claim of confidentiality will be treated in accordance with the restrictions outlined in sections (d) of Rule 602 and (g) of Rule 609.
- (2) The EPA will furnish to the Board the information in its files that the Board needs to implement its approved program. Any such information submitted

to EPA under a claim of confidentiality will be subject to the restrictions delineated in sections (d) of Rule 602 and (g) of Rule 609.

(g) Confidential Information

- (1) As provided in Article 18 (Confidential Documents) of Puerto Rico's Law No. 9, material that may be designated as confidential includes any information:
 - (a) related to production or production processes;
 - (b) related to sale volume; or
 - (c) which may adversely affect the competitive position of such supplier of information.
- (2) If an applicant submits a request for confidentiality using the federal confidentiality procedures outlined in 40 CFR Part 2, and the Administrator classifies the information as confidential, then: the information shall be treated as confidential by the Board until the authorized facility person who supplies the information expressly authorizes that the same material be published or made available to the public.
- (3) Permit terms and conditions, emissions information, and operating data used by the source to demonstrate compliance in progress reports and compliance certifications are not entitled to confidential treatment.

RULE 610 FEE DETERMINATION AND CERTIFICATION

(a) Fee Requirement.

The owners or operators of Title V sources shall pay annual fees that are sufficient to cover the Puerto Rico permit program costs. The Board shall ensure that any fee required by this chapter will be used solely for permit program costs. When a source applies for a modification, administrative change or minor modification to the Title V permit, the source will pay only those charges related with any emission increase (if any) per tonnage, based on the change and not based on the total fees paid previously.

(b) Fee Schedule Adequacy

- (1) The costs of the Commonwealth's operating permit program for stationary sources include, but are not limited to, the costs of the following activities,

which can be found in Puerto Rico's Workload Analysis and Fee Demonstration:

- (i) Preparing generally applicable regulations or guidance regarding the permit program or its implementation or enforcement;
 - (ii) Reviewing and acting on any application for a permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, or permit revisions or renewal;
 - (iii) General administrative costs of running the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;
 - (iv) Implementing and enforcing the terms of any Title V permit (not including any court costs or other costs associated with an enforcement action), including adequate resources to determine which sources are subject to the program;
 - (v) Emissions and ambient monitoring;
 - (vi) Modeling, analyses, or demonstrations;
 - (vii) Preparing inventories and tracking emissions; and
 - (viii) Providing direct and indirect support to sources under the Small Business Stationary Source Technical and Environmental Compliance Assistance Program contained in Section 507 of the Act in determining and meeting their obligations under this Part.
- (2)
- (i) Fees collected and retained shall begin at \$25 per year [as adjusted pursuant to the criteria set forth in paragraph (b)(2)(iv) of this section] times the total tons of the pollutant (for presumptive fee calculation) emitted from Title V sources. Puerto Rico's Workload Analysis and Fee Demonstration provides a detailed account of fee determinations.
 - (ii) The fees allocated to finance Puerto Rico's operating permits program will be assigned based on "allowable emissions" per year for each pollutant emitted from a source.
 - (iii) "Allowable emissions" means the emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the

source is subject to Federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards set forth in 40 CFR Part 60 or 61;
 - (b) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or
 - (c) The emissions rate specified as a Federally enforceable permit condition, including those with a future compliance date.
- (iv) The \$25 per ton per year used to calculate the presumptive minimum amount to be collected by the fee schedule included in Appendix D of this Regulation, and as described in paragraph (b)(2)(i) of Rule 610, may be increased each year by the percentage, if any, by which the Consumer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Consumer Price Index for the calendar year 1989.
- (A) The Consumer Price Index for any calendar year is the average of the Consumer Price Index for all-urban consumers published by the Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.
 - (B) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for the calendar year 1989 shall be used.

APPENDIX A
Hazardous Air Pollutants - Section 112(b) of the Clean Air Act

<u>Chemical Name</u>	<u>Chemical Abstract Service (CAS) Number</u>
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
2-Acetylaminofluorene	53963
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107
Acrylonitrile	107131
Allyl chloride	107051
4-Aminobiphenyl	92671
Aniline	62533
o-Anisidine	90040
Asbestos	1332214
Benzene (including benzene from gasoline)	71432
Benzidine	92875
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524
Bis(2-ethylhexyl)phthalate (DEHP)	117817
Bis(chloromethyl)ether	542881
Bromoform	75252
1,3-Butadiene	106990
Calcium cyanamide	156627
Caprolactam	105602
Captan	133062
Carbaryl	63252
Carbon disulfide	75150
Carbon tetrachloride	56235
Carbonyl sulfide	463581
Catechol	120809
Chloramben	133904
Chlordane	57749
Chlorine	7782505
Chloroacetic acid	79118
2-Chloroacetophenone	532274
Chlorobenzene	108907

Chlorobenzilate	510156
Chloroform	67663
Chloromethyl methyl ether	107302
Chloroprene	126998
Cresols/Cresylic acid (isomers and mixture)	1319773
o-Cresol	95487
m-Cresol	108394
p-Cresol	106445
Cumene	98828
2,4-D, salts and esters	94757
DDE	3547044
Diazomethane	334883
Dibenzofurans	132649
1,2-Dibromo-3-chloropropane	96128
Dibutylphthalate	84742
1,4-Dichlorobenzene(p)	106467
3,3-Dichlorobenzidene	91941
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
1,3-Dichloropropene	542756
Dichlorvos	62737
Diethanolamine	111422
N,N-Diethyl aniline (N,N-Dimethylaniline)	121697
Diethyl sulfate	64675
3,3-Dimethoxybenzidine	119904
Dimethyl aminoazobenzene	60117
3,3'-Dimethyl benzidine	119937
Dimethyl carbamoyl chloride	79447
Dimethyl formamide	68122
1,1-Dimethyl hydrazine	57147
Dimethyl phthalate	131113
Dimethyl sulfate	77781
4,6-Dinitro-o-cresol, and salts	534521
2,4-Dinitrophenol	51285
2,4-Dinitrotoluene	121142
1,4-Dioxane (1,4-Diethyleneoxide)	123911
1,2-Diphenylhydrazine	122667
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106898
1,2-Epoxybutane	106887
Ethyl acrylate	140885
Ethyl benzene	100414
Ethyl carbamate (Urethane)	51796
Ethyl chloride (Chloroethane)	75003
Ethylene dibromide (Dibromoethane)	106934

Ethylene dichloride (1,2-Dichloroethane)	107062
Ethylene glycol	107211
Ethylene imine (Aziridine)	151564
Ethylene oxide	75218
Ethylene thiourea	96457
Ethylidene dichloride (1,1-Dichloroethane)	75343
Formaldehyde	50000
Heptachlor	76448
Hexachlorobenzene	118741
Hexachlorobutadiene	87683
Hexachlorocyclopentadiene	77474
Hexachloroethane	67721
Hexamethylene-1,6-diisocyanate	822060
Hexamethylphosphoramide	680319
Hexane	110543
Hydrazine	302012
Hydrochloric acid	7647010
Hydrogen fluoride (Hydrofluoric acid)	7664393
Hydroquinone	123319
Isophorone	78591
Lindane (all isomers)	58899
Maleic anhydride	108316
Methanol	67561
Methoxychlor	72435
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Methyl chloroform (1,1,1-Trichloroethane)	71556
Methyl ethyl ketone (2-Butanone)	78933
Methyl hydrazine	60344
Methyl iodide (Iodomethane)	74884
Methyl isobutyl ketone (Hexone)	108101
Methyl isocyanate	624839
Methyl methacrylate	80626
Methyl tert butyl ether	1634044
4,4-Methylene bis(2-chloroaniline)	101144
Methylene chloride (Dichloromethane)	75092
Methylene diphenyl diisocyanate (MDI)	101688
4,4'-Methylenedianiline	101779
Naphthalene	91203
Nitrobenzene	98953
4-Nitrobiphenyl	92933
4-Nitrophenol	100027
2-Nitropropane	79469

N-Nitroso-N-methylurea	684935
N-Nitrosodimethylamine	62759
N-Nitrosomorpholine	59892
Parathion	56382
Pentachloronitrobenzene (Quintobenzene)	82688
Pentachlorophenol	87865
Phenol	108952
p-Phenylenediamine	106503
Phosgene	75445
Phosphine	7803512
Phosphorus	7723140
Phthalic anhydride	85449
Polychlorinated biphenyls (Arochlors)	1336363
1,3-Propane sultone	1120714
beta-Propiolactone	57578
Propionaldehyde	123386
Propoxur (Baygon)	114261
Propylene dichloride (1,2-Dichloropropane)	78875
Propylene oxide	755569
1,2-Propylenimine (2-Methyl aziridine)	75558
Quinoline	91225
Quinone	106514
Styrene	100425
Styrene oxide	96093
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746016
1,1,2,2-Tetrachloroethane	79345
Tetrachloroethylene (Perchloroethylene)	127184
Titanium tetrachloride	7550450
Toluene	108883
2,4-Toluene diamine	95807
2,4-Toluene diisocyanate	584849
o-Toluidine	95534
Toxaphene (chlorinated camphene)	8001352
1,2,4-Trichlorobenzene	120821
1,1,2-Trichloroethane	79005
Trichloroethylene	79016
2,4,5-Trichlorophenol	95954
2,4,6-Trichlorophenol	88062
Triethylamine	121448
Trifluralin	1582098
2,2,4-Trimethylpentane	540841
Vinyl acetate	108054
Vinyl bromide	593602

Vinyl chloride	75014
Vinylidene chloride (1,1-Dichloroethylene)	75354
Xylenes (isomers and mixture)	1330207
o-Xylenes	95476
m-Xylenes	108383
p-Xylenes	106423
Antimony Compounds	0
Arsenic Compounds (inorganic including arsine)	0
Beryllium Compounds	0
Cadmium Compounds	0
Chromium Compounds	0
Cobalt Compounds	0
Coke Oven Emissions	0
Cyanide Compounds ¹	0
Glycol ethers ²	0
Lead Compounds	0
Manganese Compounds	0
Mercury Compounds	0
Fine mineral fibers ³	0
Nickel Compounds	0
Polycyclic Organic Matter ⁴	0
Radionuclides (including radon) ⁵	0
Selenium Compounds	0

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listing are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical infrastructure.

¹ X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or CA(CN)₂.

² Includes moni- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R'= R, H, or groups which, when removed, yield glycol ethers with the structure:

R-(OCH₂CH₂)_n-OH. Polymers are excluded from the glycol category.

³ Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.

⁴ Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.

⁵ A type of atom which spontaneously undergoes radioactive decay.

APPENDIX B

INSIGNIFICANT ACTIVITIES

Any source operation subject to **Part VI** of these Regulations shall be included in the application for an operating permit, except for exempted activities. A source operation shall be an exempted activity only if it is:

1. Not subject to any applicable requirements; or
2. Any source not exceeding allowable emissions of two ton per year (2 ton/yr) of any criteria pollutants or five tons per year (5 ton/yr) of any combinations of criteria pollutants, and up to the "de-minimis" thresholds of hazardous air pollutants listed on Appendix E. For those "de-minimis" thresholds greater than 2 ton/yr listed in Appendix E, only those activities that do not emit more than two (2) tons/yr will be classified as insignificant; or
3. One of the following types of source operations:
 - i. Source operations which have no potential for emitting any air contaminant, including but not limited to:
 - (A) Stationary storage tanks which are used for the storage of water or distillates of air; and
 - (B) Enclosed stationary material handling equipment using pneumatic, bucket or belt conveying systems from which no emissions of air contaminants occur;
 - ii. Any of the following activities, if the activity supports one or more production processes of the facility, and does not itself constitute a facility production process or a part thereof:
 - (A) Office activities and the equipment and implements used therein, such as typewriters, printers, and pens;
 - (B) Interior maintenance activities and the equipment and supplies used therein, such as janitorial cleaning products and air fresheners; this does not include any cleaning of production equipment;
 - (C) Bathroom and locker room ventilation and maintenance;
 - (D) Copying and duplication activities for internal use and for support of office activities at the facility; blueprint copiers and photographic processes used as an auxiliary to the principal equipment at the source.

- (E) The activities of maintenance shops, such as brazing, soldering or welding equipment used as an auxiliary to the principal equipment at the source.
- (F) First aide or emergency medical care provided at the facility, including related activities such as sterilization and medicine preparation;
- (G) Laundry operations that service uniforms or other clothing used at the facility:
- (H) Architectural maintenance activities conducted to take care of the building and structures at the facility, including repainting and reroofing.
- (I) Exterior maintenance activities conducted to take care of the grounds of the facility, including lawn maintenance, building painting, etc;
- (J) Food preparation to services facility cafeterias and dining rooms; and
- (K) The use of portable space heaters which reasonably can be carried and relocated by an employee.
- (L) Water treatment equipment, including sewers and sewer manholes if the VOC concentration in the water is less than 3,500 parts per billion by weight;
- (M) Laboratories and pilot plants with engage in research development, and quality control activities;
- (N) Storage tanks with a capacity of less than 10,000 gallons;
- (O) Emergency generators with an operation rate equal to or less than 500 hrs/yr;

- (P) Individual emission units with allowable emission rates of less than the following tons per year should be considered as insignificant activities:

<u>Pollutant</u>	<u>Tons per year</u>
Total Suspended Particulate (TSP)*	2
Sulfur Oxides (SO _x)	2
Nitrogen Oxides (NO _x)	1
Volatile Organic Compounds (VOC)	1
Carbon Monoxide (CO)	1
PM ₁₀	1

Emission units that have emission rates less than the above rates must be listed in the Title V permit application as an insignificant activity, but do not need to be included in the application consistent with Rule 602 (c)(2). Nevertheless, the Board may request additional information on such units during the permit application review process.

* Unless the source is located in a TSP or PM₁₀ non-attainment area.

- iii. The engine of any vehicle, including but not limited to any marine vessel, any vehicle running upon rails or tracks, any motor vehicle, any forklift, any tractor, or any mobile construction equipment, including any auxiliary engine that provides cooling or refrigeration of the vehicle.
- iv. Storage tanks, reservoirs, containers, or bins used on any farm for the storage of agricultural commodities produced by or consumed in the farm's own operations. This does not include storage tanks, reservoirs, containers or bins used by distributors of agricultural commodities or by research facilities which develop products for use in agricultural production.
- v. Potable water treatment equipment, not including air stripping equipment.
- vi. Internal combustion engines having a capacity of less than 50HP and an operation rate equal to or less than 500 hrs/yr and powered compressors and pumps used for emergency replacement or standby service.
- vii. Small combustion sources with a heat input capacity less than 1.0MM Btu/hr.

- viii. Sandblasting operations, enclosed or outside, satisfying conditions regarding particulate and visible fugitive emissions, location, rate, record keeping and approval and registration.
- ix. Research trials that will last for 30 days or less, prior a 15 days notice and which will result in VOC emissions of less than 3 pounds per hour (3 lbs/hr) or 15 pounds per day (15 lbs/day).
- x. Clean-up works of contaminated site with emissions less than 15 pound per day (15 lbs/day) which are subject to the Resource Conservation and Recovery Act's (RCRA)'s or the Superfund-CERCLA requirements .
- xi. Aboveground storage tanks for gasoline, diesel fuel and kerosene with a capacity of less than 10,000 gals.
- xii. Infrared electric ovens.
- xiii. Commercial laundries (except dry cleaners) not using liquid or solid fuel.
- xiv. Gas flares or flares used solely to indicate danger to the public.
- xv. Equipment used exclusively for packaging lubricates or greases.
- xvi. Training activities to respond to fire, explotions, etc required under the contingency plan and safety and involves the use and combustion of fuels and chemicals as part of the training.
- xvii. Space heaters operating by direct heat or radiant heat transfer or both.
- xviii. Architectural maintenance and repair activities conducted to take care of the buildings and structures at the facility, including repainting, reroofing and sandblasting, where no structural repairs are made in conjunction with the installation of new or permanent facilities.
- xix. Safety devices.
- xx. Air contaminant detectors and test equipment.
- xxi. Laboratories used solely for the purpose of quality control or environmental compliance testing that are associated with manufacturing, production or other industrial or commercial facilities.
- xxii. Laboratories in primary and secondary schools and in schools of higher education used for instructional purposes.

- xxiii. Air compressors and pumps
- xxiv. Grinding or abrasive blasting for nondestructive testing of metals.
- xxv. Dispensing facilities for refueling diesel-powered vehicles or equipment, including any diesel fuel storage tank serving only such dispensing facility.
- xxvi. Non-routine clean out of tanks and equipment for the purposes of worker entry or in preparation for maintenance or decommissioning.
- xxvii. Sampling connections and systems used exclusively to withdraw materials for testing and analysis including air contaminant detectors and vent lines.
- xxviii. Solvent storage cabinet (containers covered).
- xxix. Cooling ponds.
- xxx. Equipment for steam cleaning or brushing dust off equipment.
- xxxi. Repair of resident units.
- xxxii. Process raw water treatment (e.g., phosphate).
- xxxiii. Water cooling tower except for systems including contact process water or water treatment with chromium-based chemicals.
- xxxiv. Spill collection tanks.
- xxxv. Steam vents and leaks from boilers and steam distribution systems.
- xxxvi. Boiler water treatment operations, except those involving use of hydrazide.
- xxxvii. Herbicide mixing and application activities not involving herbicide manufacture.
- xxxviii. Portable or mobile containers.

- xxxix. Vent or exhaust system for.
 - a. Transformer vaults and building.
 - b. Electric motor and control panel vents.
 - c. Deaerators and decarbonators.
- xxxx. Vents or stacks for sewer lines or enclosed areas required for safety or by code.
- xxxxi. Pump seals.
- xxxxii. Rupture discs for gas handling systems.
- xxxxiii. Molasses storage tanks.
- xxxxiv. Storage of substances in closed drums, barrels or bottles.
- xxxxv. Refrigeration systems.
- xxxxvi. Purging of natural gas lines.
- xxxxvii. Blanking, chopping, trimming, perforating, repacking, and inspecting in connection with plastics manufacturing processes.

APPENDIX C - TRANSITION PLAN

First group(1/3)- From the first date of Title V Program approval up to four (4) months

Second group(1/3)- From the first date of Title V Program approval up to eight (8) months

Last group(1/3)- From the first date of Title V Program approval up to twelve (12) months

Note: Please contact the Air Quality Program for information on your application date, SIC classification and Title V Operating Permit Applications and Guidelines

APENDIX D- PERMIT FEES

Expenses for FY-94 (102 employees @ \$55,050)	\$ 5,615,100
Income per minor sources (10,000 tons/year @ \$ 10):	\$ 100,000
Deficit to be covered by Title V FEE	\$ 5,515,100
Income per Governmental Owned Sources:(Utilities)	\$ 1,000,000
Emission Fee to be collected from 175,068 tons/yr	

(\$ 5,515,100 - \$ 1,000,000)/ 175,068 tons = \$ 25.79

Similar analysis has been performed for the following years up to 1999. Although an emission fee has been estimated in \$26 for FY-94 and \$56 for FY-99, we have recommended to use the minimum acceptable fee of \$25 plus the CPI which comes to \$31.04 in 1995 and increase it if necessary.

**Table III
Cost Estimates
1993-1999**

Expenses	Total Program Costs (millions)						
	FY-93	FY-94	FY-95	FY-96	FY-97	FY-98	FY-99
Actual	1.61	2.86	5.89 ^d	8.50	9.79	10.28	10.80
New	0	2.75 ^a	2.20 ^b	0.83 ^c	0		
Total	1.61	5.61	8.09	9.33	9.79	10.28	10.80
Emission Fee	0	\$25.79	\$40.54	\$47.57	\$50.24	\$53.03	\$55.97
a/	50 new positions @ \$ 55,050						
b/	40 new positions @ \$ 55,050						
c/	15 new positions @ \$ 55,050						
d/	CPI factor of 5%						
¹	Includes those marginal benefits and costs related (training, equipment, materials)						

The calculation for permit fee will not include CO, Class I and II substances under Title VI of the CAA, any pollutant regulated subject to Section 112(r) of the Act.

EQB will not set a cap at 4000 tons per year.

APPENDIX F

WASTE CLASS AND DESCRIPTION

- 1- Cultures and stocks
 - A) Cultures and stocks of infectious agents and associated biologicals: including: cultures from medical and pathological laboratories;
 - B) Cultures and stocks of infectious agents from research and industrial laboratories;
 - C) Waste from the production of biologicals;
 - D) Discarded live and attenuated vaccines and culture dishes and devices used to transfer, inoculate, and mix cultures.
- 2- Pathological Wastes
 - A) Human pathological waste including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures and specimens of body fluids and their containers.
- 3- Human Blood and Blood Products
 - A) Liquid waste human blood
 - B) Products of blood
 - C) Items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing, and laboratory analysis or the development of pharmaceuticals, intravenous bags are also included in this category.
- 4- Sharps
 - A) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents,

such as used slides and cover slips.

- B) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

5- Animal Waste

- A) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals, or testing of pharmaceuticals.
- B) Animals bodies and/or parts of them and sites where animals rest and are known to be infected with highly communicable diseases which may cause adverse effects to human health.

6- Isolation Wastes

- A) Biological waste and discarded materials contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases.

APENDICE G

GUIAS PARA EL MANEJO DE ASBESTO

El currículo deberá incluir como información mínima:

INSPECTORES

Todo inspector cumplirá con tres días de entrenamiento. Estos tres días del curso incluirán, lecturas, demostraciones, 4 horas de entrenamiento práctico, entrenamiento individual para el uso del respirador y seguridad en el uso del mismo. Se recomienda el uso de material audiovisual para complementar las lecturas.

Todo curso para inspectores debe contener la siguiente información:

HISTORIA DEL ASBESTO

- Identificación del asbesto
- Uso y localización del asbesto en edificios
- Apariencia física del asbesto

EFFECTOS A LA SALUD DEBIDO A LA EXPOSICION DEL ASBESTO

- La relación del asbesto con algunas enfermedades
- Rutas de exposición
- Relación entre seguridad y dosis de asbesto
- Efectos sinérgicos entre uso de cigarrillo y exposición a asbesto
- Período de latencia del asbesto relacionado con las enfermedades que causa éste
- Discusión de asbestosis, cáncer del pulmón, mesotelioma y cáncer de otros órganos

FUNCIONES/CUALIFICACIONES Y ROLES DEL INSPECTOR

- Cualificaciones del inspector y el planificador
- Funciones y acreditaciones de inspector y la comparación de éste con un planificador
- Discusión del proceso de inspección, incluyendo el proceso del inventario de los materiales que contienen asbesto en los edificios y el acceso físico a éstos

RESPONSABILIDAD LEGAL Y SU DEFENSA

- Responsabilidad del inspector y el planificador
- Discusión de la política de responsabilidad de cada inspector

DISCUSION SOBRE SISTEMA DE EDIFICIOS

- Relación entre los sistemas de edificios
- Repaso sobre Organización de los sistemas de calentamientos, ventilación, aire

- acondicionado; como y donde se encuentra el asbesto en estos sistemas.
- Procesamientos adecuados y seguros durante la inspección

DIVISION DE ASBESTO

GUIAS PARA PLAN DE TRABAJO PARA REMOCIONES DE ASBESTO

El Plan de Trabajo para remociones, deberá incluir, pero sin limitarse, la siguiente información toda solicitud de aprobación de un permiso de remoción deberá cumplir con la Parte VII del Reglamento para el Control Atmosférica:

1. Nombre, dirección residencial y postal y número de teléfono de la persona responsable del manejo de los materiales que contienen asbesto. De tratarse de una persona jurídica, se debe incluir el nombre y dirección residencial y postal y número de teléfono del agente residente. Si se tratase de una sociedad se debe incluir la dirección física y postal de las oficinas principales. Cuando el dueño y el solicitante no son la misma persona, entonces la solicitud deberá estar acompañada de una autorización escrita y firmada por el dueño facultando al solicitante a radicar y llevar a cabo otras gestiones necesarias, relacionadas con la misma, en su nombre y representación ante la Junta.
2. Nombre, direcciones residencial y postal y número de teléfono del contratista principal o personas a cargo de la ejecución de las actividades; señalando las actividades o tareas específicas que ejecutaron cada una de dichas personas, cuando aplique.
3. Nombre, dirección residencial y teléfono de la persona que preparó el plan de trabajo.
4. Ubicación exacta de edificio(s) o estructura(s) donde se llevaran a cabo la remoción y/o, desmonte del material que contienen asbesto.
5. Descripción del edificio o estructura.
6. Fecha estimada en que se iniciará la operación y fecha en que se espera culminar la misma.
7. Descripción detallada del método o procedimientos a utilizarse durante la operación. Los métodos de control pueden utilizarse simultáneamente en un mismo proyecto. Deberán ser específicos en la descripción del método de remoción.
8. Todo Edificio que no elimine totalmente el asbesto de sus facilidades deberá incluir un programa de operaciones y mantenimiento. El programa debe cumplir con las siguientes partes:
 - a. Una lista o inventario de todos los materiales de construcción que tienen asbesto en el edificio. El inventario debe incluir, donde están localizados los materiales y las condiciones en que se encuentran.

- b. Los materiales deberán ser identificados mediante sistema de etiquetas.
 - c. Los materiales con asbestos deberán ser revisados cada seis (6) meses, para asegurarse que todavía están en buenas condiciones.
 - ch. Nombre del personal de mantenimiento que está a cargo de revisar el área y la evidencia de que está adiestrado para dicha labor.
9. Cantidad estimada en peso y volumen de los desperdicios a producirse durante la operación.
 10. Medidas de seguridad y equipo de protección personal a utilizarse durante la operación, esto es, según la reglamentación que administra la Oficina de Seguridad y Salud en el Trabajo (OSHO) del Departamento de Recursos Humanos.
 11. Nombre, dirección física y postal y teléfono de la persona o firma encargada de la transportación de los desperdicios generados durante la operación.
 12. Forma de transportación de los desperdicios han de ser dispuestos.
 13. Medidas de seguridad y equipo a utilizarse durante la transportación de los desperdicios.
 14. Nombre, dirección física y postal del lugar o facilidad donde se dispondrán finalmente los desperdicios generados.
 15. Descripción detallada del método de disposición final de los desperdicios.
 16. Solicitud del Permiso Para Una Fuente de Emisión (Formulario PFE) del Área Calidad de Aire y Para Actividad Generante de Desperdicios Sólidos (Formulario DS-3) del Área de Contaminación de Terrenos de la Junta de Calidad Ambiental (JCA).
 17. Incluir un plano o croquis de las estructuras o edificios donde se ilustrará distribuida el área de trabajo en caso de remoción. Este debe incluir pero sin limitarse cuarto limpio, baño, cuarto sucio, sistema de aire negativo, salidas de aire limpio.
 18. Deberá aislar el área de trabajo de manera que evite el acceso de personas ajenas a dicha área.
 19. Antes y durante la operación deberá húmedecer la superficie del material que no gane acceso al aire o al terreno.
 20. Las porciones pequeñas del material de desecho así como, todo material que se usó durante la limpieza o utilizados en el área de trabajo deberá empacarse en envases apropiados que evite la emisión de fibras o partículas fuera de los envases y dispuestos según aprobado por la Junta.

21. El área de trabajo tiene que estar rotulada de la siguiente manera:
- a. PELIGRO NO ENTRE, removiéndose material que contiene asbesto.
 - b. Inhalar fibras de asbesto puede causar daños serios a la salud.
 - c. Evite levantar polvo.
22. Deberá instalarse por lo menos dos (2) rótulos que contengan la información indicada en el inciso 21 en lugares visibles, accesibles y legibles en una distancia no mayor de cincuenta (50) pies y no menor de veinte (20) pies del área de trabajo.

23. El sitio de disposición se rotulará de la siguiente manera:

PELIGRO AREA DE DISPOSICION DE ASBESTO

24. Las entidades o agencias responsables de la actividad relacionada con el manejo de asbesto deberán someter a la Junta cualquier información adicional que esta requiera.
- a. Durante las labores de remoción de asbesto se deberá cumplir con las siguientes normas:
 - b. Durante los trabajos de remoción estará presente un supervisor certificado que evidencie estar en el registro de personas certificadas de la JCA en trabajos de asbesto. Deberá proveer el nombre y dirección y teléfono de éste.
 - c. Ventilación local equipada con filtros HEPA.
 - ch. Debe usarse dos (2) capas de polietileno (Poly) de 4mm en las paredes y dos (2) capas de 6mm en el suelo.
 - d. Debe haber aleros de 3 pies de largo (un metro) entre cada cuarto de la unidad descontaminadora.
 - e. Se tomaran sies (6) muestras de aire al día.
 - f. Se debe limpiar cuarto de trabajo con paños húmedos y esperar veinticuatro (24) horas. Limpiar el cuarto de nuevo con paños húmedos y aspirado de filtro HEPA. El cuarto se considera limpio cuando solamente hay .005 ft/cc.