COMMONWEALTH OF
PUERTO RICO
Environmental Quality Board

July 30, 2014

MS. JUDITH A. ENCK
REGIONAL ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 2
290 BROADWAY 26TH FLOOR
NEW YORK NY 10007-1866

Dear Administrator Enck:

Re: Puerto Rico State Plan Amendments

The Puerto Rico Environmental Quality Board (PREQB) is pleased to submit the Commonwealth's State plan for implementation and enforcement of 40 CFR 60, Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI Guidelines) in accordance with the requirements of Sections 111(d) and 129 of the Clean Air Act. The submission addresses the nine (9) required elements for an acceptable State plan from Subpart MMMM 60.5015.

PREQB has amended Rule 102 - Definitions of the Regulation for the Control of Atmospheric Pollution (RCAP) and incorporated Rule 405(d) to the RCAP to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

Your staff has advised us that in an April 18, 2014 opinion, the U.S. Court of Appeals for the District of Columbia Circuit upheld the Environmental Protection Agency's emission standards for its Portland cement MACT rule but vacated the rule's affirmative defense provision for violations that result from malfunctions, at least as applied to civil penalties assessed in citizen suits. *Natural Resources Defense Council v. Environmental Protection Agency*, No. 10-1371 (D.C. Cir. April 18, 2014). Because the vacated affirmative defense provision in EPA's Portland cement rule is identical to the affirmative defense provision in EPA's SSI Guidelines and PREQB's adopted rule 405(d), we are not including that provision in our submission to EPA. Therefore, we are requesting that EPA not take any action on the affirmative defense provision in Puerto Rico's Rule 405(d). Specifically, PREQB requests that EPA not include the following affirmative defense provisions in PREQB's Rule 405(d): (d)(2)(E), (d)(2)(E)(i) and (d)(2)(E)(ii) in Puerto Rico's State plan.

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We look forward to work with you and your staff in EPA's consideration of the approvability of Puerto Rico's plan. If you need more information, please contact us at 787-767-8181, extension 3269.

Cordially,

Laura M. Vélez Vélez
Chairwoman
Puerto Rico Environmental Quality Board

cc Richard Ruvo, Chief
Air Programs Branch
Region 2

COMMONWEALTH OF
PUERTO RICO
Environmental Quality Board

Section 111(d)/ 129 State Plan for Existing Sewage Sludge Incineration Units

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EQB
Environmental Quality Board
Commonwealth of Puerto Rico

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I. INTRODUCTION

The Puerto Rico Environmental Quality Board (PREQB) is amending Rule 102 - Definitions of the Regulation for the Control of Atmospheric Pollution (RCAP) and incorporating Rule 405(d) to the RCAP to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration (SSI) Units.

The purpose of the review is to be consistent with the definitions approved by the Environmental Protection Agency (EPA) and include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Once approved, the amendments will be sent to the EPA in order to update the Puerto Rico State Implementation Plan.

II. Amendment to Rule 102 of the RCAP - definitions

We are reviewing and incorporating some definitions in Rule 102 of the Regulation for the Control of Atmospheric Pollution in order to make them consistent with the definitions approved by the Environmental Protection Agency for Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

III. Addition of Rule 405 (d) of the RCAP

a. BACKGROUND

Section 129 of the Clean Air Act (Act) requires that States submit to the Environmental Protection Agency State Plans to implement and enforce the Emission Guidelines (EG) promulgated for Sewage Sludge Incinerators pursuant to Sections 111(d) and 129(b) of the Act. Section 129 requires that the State submits the State Plans not later than one year after EPA promulgates the EG. On March 21, 2011, EPA

promulgated the EG as 40 CFR[1] Part 60, Subpart MMMM. Thus, the State Plans were due on March 21, 2012.

The official procedures for adoption and submittal of State Plans are codified in 40 CFR Part 60, Subpart B. The EPA promulgated the Subpart B provisions on November 17, 1975. The EPA amended them on December 19, 1995, to allow the subparts developed under Section 129 to include specifications that supersede the provisions in Subpart B regarding the schedule for submittal of State Plans, the stringency of the emission limitations, and the compliance schedules. That is, these amendments were promulgated in order to allow conformity with Section 129, which requires the State Plans for SSI be submitted within one year and requires the State Plans to be as protective as the EG and requires that each unit be in compliance not later than three years after the State Plan is approved by EPA and no later than five years after the EG is promulgated. States must adopt their state plans according to State procedures prior to official submittal to EPA.

Emission guidelines for Sewage Sludge Incinerators were added as Subpart MMMM to the 40 CFR Part 60 with the intent to initiate State action to develop State regulations to control emissions from existing SSI. Through the State regulations, the guidelines require existing SSI to control emissions of air pollutants to levels that reflect the degree of emission reduction based on the maximum achievable control technology (MACT). In addition, the guidelines include requirements for SSI operator training and qualification.

[1] Code of Federal Regulations

b. APPLICABILITY

The subpart MMMM emission guidelines apply to existing Sewage Sludge Incinerators that commenced construction on or before October 14, 2010. An SSI is defined as any incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.

However, combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge are exempted from these requirements. The SSI source category is divided into two subcategories; fluidized bed and multiple hearth. Separate emission limitations apply to each category of existing SSI. All SSI units subject to Rule 405(d) are required to apply for and obtain a Title V operating permit according to the requirements of the Part VI of the Regulation for the Control of Atmospheric Pollution. A complete Title V application must be submitted on or before the earlier of these dates;

a. 12 months after the effective date of the applicable EPA approved state plan.

b. 12 months after the effective date of any applicable Federal plan; or

c. March 21, 2014.

c. SUMMARY OF EMISSION LIMITATIONS AND REQUIREMENTS

The emission standards and limitations included in this plan are at least as protective as the Emission Guidelines of Subpart MMMM of the 40 CFR part 60. Specific emission limits are contained in Tables 1 and 2 of Rule 405(d) for the following pollutants: Particulate Matter (PM), Hydrogen Chloride (HCl), Carbon Monoxide (CO), Dioxins/Furans, Mercury (Hg), Nitrogen Oxides (NO_x), Sulfur dioxide (SO_2), Cadmium (Cd), Lead (Pb), and Fugitive emissions (visible emissions) from ash handling. In addition to the emission limits for these pollutants, also requirements for operator training and certification requirements are included [Rule 405(d)(3) of RCAP].

A. Numerical Emission Limits

All SSI units are required to comply with the numerical limitations contained in Table 1 for Fluidized bed or Table 2 for Multiple Hearth of Rule 405 (d)(2) of the RCAP.

B. Requirements for operators training and certification

The Emission Guidelines and Rule 405 (d) of the RCAP require that the initial operator training and qualification be completed by the later of the following three dates; the compliance date, 6 months after the unit startup, or 6 months after an employee assumes responsibility of operating or supervising operation of the unit. Initial operator training must be obtained through a state-approved program or by completing a training course that includes specific topics that meets the requirements specified in Rule 405 (d) (3) of the RCAP.

C. Requirements for Air Pollution Control Device (APCD) inspections

The State Plan requires the facilities operating existing SSI units to conduct an initial inspection to the APCD. Section (d)(9) of Rule 405 lists the components of the SSI which the State Plan must require to the facilities operating SSI to inspect. It is required to complete any necessary equipment repairs within 10 operating days following an equipment inspection.

d. SOURCE SURVEILLANCE AND COMPLIANCE ASSURANCE

The guideline included in Rule 405(d) requires that a designated facility monitor SSI and the air pollution control device operating parameters. Operating parameter limits are established during the initial performance testing. The SSI operating parameters to be monitored are established in Table 6 and depend on the air pollution control device used. Also a site-specific monitoring plan for the ash handling system is required.

Rule 405(d) requires demonstrating compliance with the emission limits using EPA-approved emission test methods. It also requires initial and annual emissions performance tests (or continuous emissions monitoring or continuous sampling as an alternative), bag leak detection systems for Fabric Filters controlled units, continuous parameter monitoring, and annual inspections of air pollution control devices, if they are used to meet the emission limits. Additionally, SSI units are required to conduct Method 22 (*see* 40 CFR part 60, appendix A-7) visible emissions test of the ash handling operations during each compliance test. The use of Cd, CO, HCl, NO_X, PM, Pb or SO_2 Continuos Emission Monitoring Systems (CEMS); Integrated Sorbent Trap Mercury Monitoring System (ISTMMS); and Integrated Sorbent Trap Dioxin Monitoring System

(ISTDMS); (continuous sampling with periodic sample analysis) are approved alternatives to parametric monitoring and annual compliance testing.

As required in Rule 405 (d)(5) all designated facility shall install, calibrate, maintain and operate the appropriate devices for monitoring the applicable maximum and minimum operating parameters specified in the State Plan such that these devices measure and record values for these parameters at the required frequencies.

All designated facilities shall conduct an initial performance test as to determine compliance with the emission limits using the procedures and test methods specified in Table 1 or 2, as applicable in Rule 405(d)(2). Following the date on which the initial performance test is completed, a designated facility shall determine continuous compliance with the emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods specified.

Operation of the designed facility outside established parameter limits are direct violations of the parameter limits. In addition, under certain conditions, operation outside established parameter limits constitute violations of specific emission limits unless the facility conducts a performance test showing compliance under the new operating parameter limits.

The emission guidelines as specified in section (d)(5) of Rule 405 require to the owners and operators of existing facilities to maintain thorough records documenting the results of the initial and annual performance

test, continuous monitoring of site specific operating parameter, initial and annual inspection, and compliance with the operator training and qualification requirements.

e. COMPLIANCE SCHEDULES

State plans are to require designated facilities to come into compliance as expeditiously as practicable after approval of a state plan, but no later than 3 years from the date of approval of a state plan or 5 years after promulgation of the Emission Guideline, whichever is earlier. The State Plan also specifies that legally enforceable increments of progress are required toward the compliance for SSI that extend past 1 year beyond approval of the section 111 (d)/129 State Plan or of the EPA's Federal Plan publication date.

The designated facility shall submit a final control plan describing the controls or technology that the source will use to comply with the emission limitations and other requirements on or before September 21, 2014. Final Compliance must be achieved on or before March 21, 2016.

IV. STATE PROGRESS REPORTS

Annual reports on progress in the implementation of these Guidelines will be submitted to EPA. PREQB will submit an annual report on the progress of implementing the Plan, including meeting increments of progress and achieving final compliance. It will include updates to the inventory, any enforcement activities, and submission of the copies of technical reports on all performance testing on designated facilities.

The Air Facility Subsystem will be used to submit information pertaining to emissions, inspections, status of compliance, dates of performance testings, and enforcement actions.

The reporting period is the calendar year. The first report must cover the first full calendar year after approval of the State plan.

V. Rules 102 and 405(d) Amendments: Regulation for the Control of Atmospheric Air Pollution to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units

ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

14 JUN

24 de marzo de 2014

HON. DAVID BERNIER
SECRETARIO DE ESTADO
DEPARTAMENTO DE ESTADO
CALLE SAN JOSÉ ESQUINA SAN FRANCISCO
SAN JUAN PR 00901

Honorable señor Secretario:

Re: ADOPCIÓN DE ENMIENDAS AL REGLAMENTO PARA EL CONTROL DE LA CONTAMINACIÓN ATMOSFÉRICA

De conformidad con la Sección 2.8 de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 de 12 de agosto de 1988, según enmendada (3 L.P.R.A 2128), adjunto original y tres copias en español y en inglés del Reglamento enmendado para su presentación ante el Departamento de Estado. Sírvase registrar el mismo según lo requiere la Ley Núm. 170, *supra*. Dicho reglamento fue aprobado por la Junta de Gobierno de la Junta de Calidad Ambiental mediante la R-13-17-29 del 23 de diciembre de 2013.

Además, incluimos evidencia de la publicación de los Avisos Públicos en los periódicos y hacemos constar la certificación sobre publicación en la página electrónica de la agencia.

Cordialmente,

Lcda. Laura M. Vélez Vélez
Presidenta

Edificio de Agencias Ambientales Cruz A. Matos
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JCA

ESTADO LIBRE ASOCIADO DE
PUERTORICO
DEPARTAMENTO DE ESTADO

24 de junio de 2014

Lcda. Laura M. Vélez Vélez
Presidenta
Junta de Calidad Ambiental
Apartado 11488
San Juan, Puerto Rico 00910

Estimado licenciado Vélez:

Tenemos a bien informarle que el **13 de junio de 2014**, quedó radicado en este Departamento, a tenor con las disposiciones de la Ley Núm. 170 de 12 de agosto de 1988, según enmendada, el siguiente reglamento:

Número: **8485** **Enmienda al Reglamento para el Control de la Contaminación Atmosférica (Reglamento Núm. 5300, según enmendado) (Reglas 102 y 405) Estas enmiendas han sido promulgadas por la Resolución R-13-17-29 del 23 de diciembre de 2013, con el propósito de incluir las Guías de Emisiones y Tiempos de Cumplimiento para los Incineradores Existentes de Lodos de Aguas Residuales y ser consistentes con las definiciones aprobas por la Agencia Federal de Protección Ambiental (EPA) incluidas en las guías. Estas enmiendas serán enviadas a la EPA para acutalizar el Plan de Implantación Estatal para Puerto Rico.**

Conforme a la Ley 149 de 12 de diciembre de 2005, el Departamento de Estado radicará una copia a la Biblioteca Legislativa. Incluimos copia del reglamento numerado.

Cordialmente,

Francisco J. Rodríguez Bernier
Secretario Auxiliar de Servicios

Anejos

FRB/lnv

ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

Número: 8485
Fecha: 13 de junio de 2014
Aprobado: Hon. David E. Bernier Rivera
Secretario de Estado

Por: Francisco J. Rodríguez Bernier
Secretario Auxiliar de Servicios

ENMIENDA AL REGLAMENTO PARA EL CONTROL DE LA CONTAMINACIÓN ATMOSFÉRICA

(Reglamento Núm. 5300, según enmendado)

(REGLAS 102 Y 405)

2014

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ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

De acuerdo con la Ley de Política Pública Ambiental (Ley Núm. 416 de 22 de septiembre de 2004, según enmendada) y la Ley de Procedimiento Administrativo Uniforme, (Ley 170 del 12 de agosto de 1988 y el Título 40 del Código de Regulaciones Federales, Parte 70, se han enmendado las Reglas 102 y 405 del:

REGLAMENTO PARA EL CONTROL DE LA
CONTAMINACIÓN ATMOSFÉRICA
Reglamento núm. 5300 del 28 de agosto de 1995, según enmendado.

Estas enmiendas han sido promulgadas por la Resolución R-13-17-29 del 23 de diciembre de 2013, con el propósito de incluir las Guías de Emisiones y Tiempos de Cumplimiento para los Incineradores Existentes de Lodos de Aguas Residuales y ser consistentes con las definiciones aprobadas por la Agencia Federal de Protección Ambiental (EPA, en inglés) incluidas en las guías. Estas enmiendas serán enviadas a la EPA para actualizar el Plan de Implantación Estatal para Puerto Rico.

En San Juan, Puerto Rico a 12 de junio de 2014.

Sr. Ramón J. Cruz Díaz
Miembro Asociado

Lcda. Suzette M. Meléndez Colón
Miembro Asociado

Lcda. Laura M. Vélez Vélez
Presidenta

ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

ÍNDICE

REGLAMENTO PARA EL CONTROL DE LA CONTAMINACIÓN ATMOSFÉRICA
(Reglamento Núm. 5300, según enmendado)

Enmienda a las Reglas 102 y 405

Fecha de Vigencia: Treinta (30) días después de su radicación en el Departamento de Estado.

REGLA	PÁGINA
Regla 405(d) – Guía de Emisiones y Tiempos de Cumplimiento para los Incineradores Existentes de Lodos de Aguas Residuales	1
Regla 102 – Definiciones	71

2014

Regla 405(d)	**Guía de Emisiones y Tiempos de Cumplimiento para los Incineradores Existentes de Lodos de aguas residuales ("Sewage Sludge Incinerators" o SSI en Inglés)**
(d)(1)	**Aplicabilidad**
(d)(1)(A)	Esta regla establece las guías para emisiones y los itinerarios de cumplimiento para el control de las emisiones de los incineradores de lodos de aguas residuales (Unidades SSI). Los contaminantes a los que aplican estas guías se encuentran en las Tablas 1 y 2 de esta regla.
(d)(1)(B)	Las unidades SSI que comenzaron a construirse en o antes del 14 de octubre del 2010 deben estar en cumplimiento tan rápidamente como sea práctico luego de la aprobación de esta regla, pero no a más tardar del 21 de marzo del 2016 o tres años luego de la fecha de efectividad de la aprobación de esta regla, la que ocurra primero.
(d)(1)(C)	Las unidades SSI son unidades de incineración que queman lodos de aguas residuales para reducir el volumen de los lodos de aguas residuales a través de la remoción del material combustible. Los diseños de las unidades de incineración de lodos de aguas residuales incluyen lechos fluidizados y múltiples soleras. Las unidades SSI también incluyen, pero no están limitadas a, sistema de alimentación de lodos de aguas residuales, sistema auxiliar de alimentación de combustible, sistema de parrilla, sistema de conducto de gas, equipo de recuperación de calor residual, si alguno, y sistema de ceniza de fondo. La unidad SSI incluye todos los sistemas para el manejo de cenizas que está conectado al sistema de manejo de ceniza de fondo. El sistema de ceniza de fondo de la unidad de combustión termina en la estación de carga de camiones o en algún equipo similar que transfiere la ceniza a su desecho final. La unidad SSI no incluye

equipo para el control de la contaminación del aire o la chimenea.

(d)(1)(D) Esta regla exime a las unidades de combustión que incineran lodos de aguas residuales y no están localizadas en una instalación de tratamiento de aguas residuales diseñadas para el tratamiento de lodos de aguas residuales. Estas unidades podrían estar sujetas a la Regla 405(c) del Reglamento para el Control de la Contaminación Atmosférica (RCCA). El dueño u operador de dicha unidad de combustión debe notificarle a la EPA y a la JCA de su reclamo de exención bajo esta sección.

(d)(1)(E) Si el dueño u operador de una unidad SSI le hace cambios que caen dentro de la definición de modificación luego del 21 de septiembre del 2011, la unidad SSI queda sujeta a la Parte 60, Subparte LLLL del Título 40 del Código de Regulaciones Federales (40 CFR) y el plan del estado no es aplicable a esa unidad.

(d)(1)(F) Si el dueño u operador de una unidad SSI le hace cambios físicos u operacionales a una unidad SSI que se haya empezado a construir en o antes del 21 de septiembre del 2011 principalmente para cumplir con el plan del estado, la Parte 60, Subparte LLLL del 40 CFR no le aplicará a esa unidad. Tales cambios no cualifican como modificaciones bajo la Subparte LLLL.

(d)(2) Límites de Emisión, Estándares de Emisión, Límites Operacionales y Requisitos

(d)(2)(A) Para la fecha de cumplimiento que se establece en el plan aprobado del estado, plan Federal o la delegación, según corresponda, usted debe cumplir con los límites y estándares de emisiones que están detallados en la Tabla 1 y 2 de esta regla. Los límites y estándares de emisiones aplican en todo momento en que la unidad esté en operación y durante los períodos de mal

funcionamiento. Los límites y estándares de emisiones aplican a las emisiones de la chimenea de desvío o ventilador mientras los lodos de aguas residuales están dentro de la cámara de combustión (por ejemplo, hasta que se haya cortado el flujo de lodos de aguas residuales al quemador por un período de tiempo no menor que el tiempo que los lodos de aguas residuales permanecen dentro del incinerador).

TABLA 1: LÍMITES Y ESTÁNDARES DE EMISIONES PARA LOS INCINERADORES EXISTENTES DE RESIDUOS DE AGUAS NEGRAS CON LECHOS FLUIDIZADOS

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
Material particulado	18 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de muestra de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 5 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-3; Método 26A o Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).
Cloruro de hidrógeno	0.51 partes por millón por volumen seco	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 26A del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).
Monóxido de carbono	64 partes por millón por volumen seco	Promedio de 3 corridas (tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 10A o 10B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-4).
Dioxinas/furanos (en base a la masa total); o Dioxinas/furanos (en base a la equivalencia de toxicidad)	1.2 nanogramos por metro cúbico seco estándar (en base a la masa total); o 0.10 nanogramos por metro cúbico seco estándar (en base a la equivalencia de toxicidad)	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 23 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-7).

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
Mercurio	0.037 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (Para el Método 29 y ASTM D6784–02 (Preaprobado 2008)[c], tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida. Para el Método 30B, tomar una muestra mínima según se especifica en el Método 30B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A–8)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8; Método 30B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8; o ASTM D6784–02 (Preaprobado 2008)[c]).
Óxidos de nitrógeno	150 partes por millón por volumen seco	Promedio de 3 corridas (tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 7 o 7E del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-4).
Bióxido de azufre	15 partes por millón por volumen seco	Promedio de 3 corridas (Para el Método 6, tomar un volumen mínimo de 60 litros por corrida. Para el Método 6C, tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 6 o 6C del Código 40 de las Regulaciones Federales (CFR) Parte 40, apéndice A–4; o ANSI/ASME PTC–19.10–1981.[c]
Cadmio	0.0016 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8). Use el GFAAS o ICP/MS para el análisis final.
Plomo	0.0074 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de muestra de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8. Use el GFAAS o ICP/MS para el análisis final.
Emisiones que se escapan durante el manejo de cenizas	Emisiones visibles de la ceniza de combustión del sistema de traslado (incluyendo los puntos de	Tres períodos de observación de 1 hora.	Prueba de emisiones visibles (Método 22 del apéndice A-7 de esta parte).

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
	transferencia del sistema de traslado) por más del 5 por ciento del período de observación por hora.		

[a] Todos los límites de emisión son medidos al 7 por ciento de oxígeno, base seca en condiciones estándares.

[b] Usted tiene la opción de cumplir con el límite de emisiones de dioxinas/furanos en base a la masa total o con el límite de emisiones de dioxinas/furanos en base a la equivalencia de toxicidad.

[c] Incorporado por referencia, *ver* Código 40 de las Regulaciones Federales (CFR) §60.17.

TABLA 2: LÍMITES Y ESTÁNDARES DE EMISIONES PARA LOS INCINERADORES EXISTENTES DE RESIDUOS DE AGUAS NEGRAS CON MÚLTIPLES SOLERAS

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
Material particulado	80 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de 0.75 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 5 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-3; Método 26A o Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).
Cloruro de hidrógeno	1.2 partes por millón por volumen seco	Promedio de 3 corridas (Para el Método 26, tomar un volumen mínimo de 200 litros por corrida. Para el Método 26A, tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 26 o 26A del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
Monóxido de carbono	3,800 partes por millón por volumen seco	Promedio de 3 corridas (tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 10A o 10B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-4).
Dioxinas/furanos (en base a la masa total)	5.0 nanogramos por metro cúbico seco estándar; o	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 23 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-7).
Dioxinas/furanos (en base a la equivalencia de toxicidad)[b]	0.32 nanogramos por metro cúbico seco estándar		
Mercurio	0.28 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (Para el Método 29 y ASTM D6784–02 (Preaprobado 2008)[c], tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida. Para el Método 30B, tomar una muestra mínima según se especifica en el Método 30B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A–8)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8; Método 30B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8; o ASTM D6784–02 (Preaprobado 2008)[c]).
Óxidos de nitrógeno	220 partes por millón por volumen seco	Promedio de 3 corridas (tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 7 o 7E del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-4).
Bióxido de azufre	26 partes por millón por volumen seco	Promedio de 3 corridas (Para el Método 6, tomar un volumen mínimo de 200 litros por corrida. Para el Método 6C, tomar una muestra mínima de una hora por corrida)	Prueba de desempeño (Método 6 o 6C del Código 40 de las Regulaciones Federales (CFR) Parte 40, apéndice A–4; o ANSI/ASME PTC 19.10–1981).[c]
Cadmio	0.095 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).

Para el contaminante	Usted debe cumplir con este límite de emisiones[a]	Usando estos métodos para calcular promedios y volúmenes mínimos de muestreo o duración	Y determinar el cumplimiento usando este método
Plomo	0.30 miligramos por metro cúbico seco estándar	Promedio de 3 corridas (tomar un volumen mínimo de 1 metro cúbico seco estándar por corrida)	Prueba de desempeño (Método 29 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-8).
Emisiones que se escapan durante el manejo de cenizas	Emisiones visibles de la ceniza de combustión des sistema de traslado (incluyendo los puntos de transferencia del sistema de traslado) por no más del 5 porciento del período de observación por hora.	Tres períodos de observación de 1 hora.	Prueba de emisiones visibles (Método 22 del apéndice A-7 de esta parte).

[a] Todos los límites de emisión son medidos al 7 por ciento de oxígeno, base seca en condiciones estándares.

[b] Usted tiene la opción de cumplir con el límite de emisiones de dioxinas/furanos en base a la masa total o con el límite de emisiones de dioxinas/furanos en base a la equivalencia de toxicidad.

[c] Incorporado por referencia, *ver* Código 40 de las Regulaciones Federales (CFR) §60.17.

(d)(2)(B) Usted debe cumplir, según correspondan, con los límites y requisitos operacionales especificados en los párrafos (d)(2)(B)(i) al (iv) y (viii) de esta sección, de acuerdo al programa que se especifica en el párrafo (v) de esta sección. Los parámetros operacionales para los cuales usted establecerá los límites de operación para el depurador húmedo, el filtro de tela, el precipitador electrostático, o las inyecciones de carbón activado se encuentran en la Tabla 6 de esta regla. Usted debe cumplir con los requisitos operacionales en el párrafo (vi) de esta sección y con los requisitos en el párrafo (vii) de esta sección para cumplir con cualquier nuevo límite operacional, reestablecido en (d)(9)(B). Los límites y estándares de emisiones aplican en todo momento en el que los lodos de aguas residuales estén dentro de la cámara de combustión (por ejemplo, hasta

que se haya cortado el flujo de lodos de aguas residuales al quemador por un período de tiempo no menor que el tiempo que los lodos de aguas residuales permanecen dentro del incinerador).

(d)(2)(B)(i) Usted debe cumplir con el límite operacional especificado para el local para la temperatura mínima operacional de la cámara de combustión (o cámara de postcombustión) que usted establece en (d)(8)(B).

(d)(2)(B)(ii) Si usted usa un depurador húmedo, precipitador electrostático, inyección de carbón activado, o postquemador para cumplir con un límite de emisiones, usted debe cumplir con los límites operacionales especificados para el local que usted establece en (d)(8)(B) para cada parámetro asociado con cada dispositivo para el control de la contaminación del aire.

(d)(2)(B)(iii) Si usted usa in filtro de tela para cumplir con los límites de emisiones, usted debe instalar el sistema de detección de fugas en las bolsas especificado en las secciones (d)(8)(D)(ii) y (d)(5)(B)(ii)(3)(a) y operar el sistema de detección de fugas en las bolsas de tal manera que la alarma no suene por más del 5 por ciento del tiempo que esté en operación durante un período de 6 meses. Usted debe calcular el tiempo de alarma según se especifica en (d)(9)(B)(i)(2)(a).

(d)(2)(B)(iv) Usted debe cumplir con los requisitos operacionales en su plan de monitoreo para la fuga de emisiones específico para el local que sometió según las especificaciones de (d)(8)(D)(iv) para asegurar que su sistema de manejo de cenizas cumplirá con los estándares de emisiones para la fuga de emisiones que se producen durante el manejo de las cenizas.

(d)(2)(B)(vi) Para la fecha de cumplimiento que se establece en el plan aprobado del estado, plan Federal o la delegación, según corresponda, usted debe cumplir con los límites

	y requisitos operacionales especificados en los párrafos del (d)(2)(B)(i) al (iv) de esta sección.
(d)(2)(B)(vi)	Usted debe monitorear la razón de alimentación y contenido de humedad de los lodos de aguas residuales que se alimentan al incinerador de lodos de aguas residuales, según se especifica en los párrafos (d)(2)(B)(vi)(1) y (vi)(2) de esta sección.
(d)(2)(B)(vi)(1)	Monitoree continuamente la razón de alimentación de lodos de aguas residuales y calcule los promedios diarios para todas las horas de operación durante cada período de 24 horas. Documente del promedio diario de la razón de alimentación, según se especifica en (d)(6)(A)(vi)(3)(b).
(d)(2)(B)(vi)(2)	Tome una muestra diaria al azar de los lodos de aguas residuales que se alimentan al incinerador de lodos de aguas residuales. Si toma más de una muestra al azar por día, calcule el promedio diario para las muestras. Documente el promedio diario del contenido de humedad, según se especifica en (d)(6)(A)(vi)(3)(b).
(d)(2)(B)(vii)	Para los límites y requisitos especificados en los párrafos del (d)(2)(B)(i) al (B)(iv) y el (B)(viii) de esta sección, usted debe cumplir con cualesquiera nuevos límites y requisitos operacionales reestablecidos de acuerdo con (d)(9)(B)(iv).
(d)(2)(B)(viii)	Si usted usa un dispositivo de control de contaminación del aire que no sea el depurador húmedo, el filtro de tela, el precipitador electrostático, o la inyección de carbón activado para cumplir con los límites de emisiones en la Tabla 1 ó 2 de esta regla, usted debe cumplir con cualquier límite o requisito operacional que usted establezca como requerido en (d)(2)(C).
(d)(2)(C)	Si usted usa un dispositivo de control de contaminación del aire que no sea el depurador húmedo, el filtro de tela, el precipitador electrostático,

	la inyección de carbón activado, o un postquemador, o limita las emisiones de alguna otra manera (por ejemplo, balance de materiales) para cumplir con los límites de emisiones en (d)(2)(A), usted debe cumplir con los requisitos en los párrafos (d)(2)(C)(i) y (ii) de esta sección.
(d)(2)(C)(i)	Cumplir con los límites y requisitos operacionales correspondientes del 40 CFR 60.4850, y establecer los límites operacionales correspondientes de acuerdo con (d)(8)(B).
(d)(2)(C)(ii)	Solicitarle al Administrador que se establezcan los parámetros específicos operacionales, los límites operacionales, y los períodos para los promedios durante las pruebas iniciales de desempeño y que se monitoreen continuamente a partir de ese momento.
(d)(2)(C)(ii)(1)	Usted es responsable de suministrar oportunamente cualquier información de apoyo que permita que el Administrador considere la aplicación antes de la prueba de desempeño. Usted no debe realizar la prueba inicial de desempeño hasta después de que haya sido aprobada por el Administrador, y usted debe cumplir con los límites operacionales según están escritos, pendiente a la aprobación del Administrador. Ni el haber sometido la solicitud, ni el que el Administrador apruebe o rechace la solicitud, lo exime a usted de la responsabilidad de cumplir con cualquiera de las disposiciones de esta regla.
(d)(2)(C)(ii)(2)	Su solicitud debe incluir los cinco artículos que se detallan en los párrafos del (d)(2)(C)(ii)(2)(a) al (C)(ii)(2)(e) de esta sección.
(d)(2)(C)(ii)(2)(a)	Identificar los parámetros específicos que usted se propone monitorear.
(d)(2)(C)(ii)(2)(b)	Una discusión sobre la relación entre estos parámetros y las emisiones de contaminantes regulados, identificando cómo las emisiones de contaminantes

regulados cambian de acuerdo a los cambios en estos parámetros y sobre cómo es que los límites de estos parámetros servirán para limitar las emisiones de los contaminantes regulados.

(d)(2)(C)(ii)(2)(c) Una discusión sobre cómo usted establecerá los valores máximos y/o mínimos para estos parámetros que a su vez establecerán los límites operacionales de estos parámetros, incluyendo una discusión sobre los promedios por períodos asociados a esos parámetros para determinar el cumplimiento.

(d)(2)(C)(ii)(2)(d) Una discusión que identifica los métodos que usted usará para medir, y los instrumentos que usted usará para monitorear, estos parámetros, y sobre la exactitud y precisión de estos métodos e instrumentos.

(d)(2)(C)(ii)(2)(e) Una discusión que identifica la frecuencia y los métodos para recalibrar los instrumentos que usted usará para monitorear estos parámetros.

(d)(2)(D) Los límites y estándares de emisiones aplican en todo momento y durante los períodos de malfuncionamientos. Los límites y estándares de emisiones aplican en todo momento en el que los lodos de aguas residuales estén dentro de la cámara de combustión (por ejemplo, hasta que se haya cortado el flujo de lodos de aguas residuales al quemador por un período de tiempo no menor que el tiempo que los lodos de aguas residuales permanecen dentro del incinerador). Para determinar el cumplimiento con los límites de concentración de CO usando el SMCE de CO, la corrección al 7 por ciento de oxígeno no aplicará durante los períodos de encendido y apagado. Use la concentración medida de CO sin corregir la concentración de oxígeno cuando promedie junto con otras concentraciones de CO (corregidas al 7 por ciento de O_2) para determinar el valor promedio de 24 horas.

(d)(2)(E)	Como respuesta ante una acción para hacer cumplir el estándar numérico de emisiones que se establece en el párrafo (d)(2)(A), usted puede imponer una defensa afirmativa para reclamar las sanciones civiles por exceder los límites de emisiones cuando estos son causados por malfuncionamientos, según está definido en el 40 CFR 60.2. Sin embargo, si usted no cumple con su obligación de proveer todos los requisitos para la defensa afirmativa, podrían imponérsele las sanciones apropiadas. La defensa afirmativa no estará disponible para reclamos por desagravio judicial.
(d)(2)(E)(i)	Para establecer una defensa afirmativa en cualquier acción para imponer dicho límite, usted debe cumplir oportunamente con los requisitos de notificación en el párrafo (d)(2)(E)(ii) de esta sección y demostrar por preponderancia de evidencia que se cumple con las condiciones en los párrafos del (d)(2)(E)(i)(1) al (i)(9) de esta sección.
(d)(2)(E)(i)(1)	Las emisiones en exceso:
(d)(2)(E)(i)(1)(a)	Fueron causadas por una súbita, esporádica e inevitable falla en la operación normal o usual del equipo de control y monitoreo de la contaminación del aire, del equipo de procesamiento, o de un proceso, y
(d)(2)(E)(i)(1)(b)	Que no se pudiera haber prevenido a través de la planificación minuciosa, el diseño adecuado, o de mejores prácticas de operación y mantenimiento, y
(d)(2)(E)(i)(1)(c)	No surgen de ninguna actividad o evento que se pudiera haber previsto y evitado, o para el cual se pudiera haber planificado, y
(d)(2)(E)(i)(1)(d)	No fueron parte de un patrón recurrente que indique un diseño, operación o un mantenimiento inadecuado, y
(d)(2)(E)(i)(2)	Cuando se estaban excediendo los límites correspondientes de emisiones, se realizaron

reparaciones con la mayor brevedad posible. Se empleó personal que estaba fuera de horas de trabajo y en tiempo extra, hasta donde fuera práctico, para efectuar estas reparaciones, y

(d)(2)(E)(i)(2)(3) La frecuencia, cantidad y duración de las emisiones excesivas (incluyendo cualquier desvío) fueron minimizadas al máximo que fuera práctico durante los períodos de dichas emisiones, y

(d)(2)(E)(i)(2)(4) Si las emisiones en exceso fueron el resultado de un desvío del equipo de control o de un proceso, entonces el desvío fue inevitable para prevenir la pérdida de vidas, las lesiones personales, o los daños graves a la propiedad, y

(d)(2)(E)(i)(5) Se tomaron todas las medidas posibles para minimizar el impacto que las emisiones en exceso pudieran tener sobre la calidad del aire ambiental, el medio ambiente y la salud humana, y

(d)(2)(E)(i)(6) Todos los sistemas de monitoreo y control de emisiones se mantuvieron en operación al grado que fuera posible de manera consistente con las prácticas de seguridad y del buen control de la contaminación del aire, y

(d)(2)(E)(i)(7) Todas las acciones que se tomaron para responder a las emisiones en exceso fueron documentadas en libros de registros de operaciones contemporáneos debidamente firmados, y

(d)(2)(E)(i)(8) En todo momento, la instalación afectada fue operada de forma consistente con las buenas prácticas para minimizar las emisiones, y

(d)(2)(E)(i)(9) Se ha preparado un análisis escrito de la causa primaria con el propósito de determinar, corregir y eliminar la causa primaria del malfuncionamiento y el exceso de emisiones que resultare del evento de falla en cuestión. El análisis también especificará, usando

los mejores métodos de monitoreo y criterios de ingeniería, la cantidad de emisiones en exceso que fueron el resultado del malfuncionamiento.

(d)(2)(E)(ii) Si es que desea utilizar una defensa afirmativa ante las sanciones civiles que resultaren del malfuncionamiento, el dueño u operador de la unidad SSI que se está excediendo de los límites de emisiones durante un malfuncionamiento debe notificar al Administrador por teléfono o por transmisión de facsímil (fax) tan pronto como sea posible, pero no más tarde de los 2 días hábiles luego de la primera ocurrencia del malfuncionamiento. El dueño u operador que busca presentar una defensa afirmativa también debe someter un informe escrito al Administrador dentro de los 45 días de la primera ocurrencia del exceso al estándar en (d)(2)(A) para demostrar, con toda la documentación de apoyo que sea necesaria, que ha cumplido con todos los requisitos estipulados en el párrafo (d)(2)(E)(i) de esta sección. El dueño u operador puede solicitar una extensión de hasta 30 días adicionales a este plazo sometiendo una solicitud por escrito al Administrador previo a que expire el período de los 45 días. Hasta que la solicitud de extensión no sea aprobada por el Administrador, el dueño u operador estará sujeto al requisito de someter dicho informe dentro de los 45 días de la primera ocurrencia del exceso.

(d)(3) Requisitos de adiestramiento y calificación del operador.

(d)(3)(A) Una unidad SSI no puede ser operada a menos que un operador de unidades SSI completamente capacitado y calificado esté accesible, ya sea dentro de las instalaciones o que pueda estar en las instalaciones en menos de 1 hora. El operador capacitado y calificado de la unidad SSI puede operar la unidad directamente o ser el supervisor inmediato de uno o más empleados de la planta que operen la unidad. Si todos los operadores de las unidades SSI calificados están temporalmente

	inaccesibles, usted debe seguir los procedimientos en el párrafo (d)(3)(I) de esta sección.
(d)(3)(B)	El adiestramiento y la calificación del operador deben ser obtenidas a través de un programa que esté aprobado por el Administrador o a través de haber completado los requisitos que se incluyen en el párrafo (d)(3)(C) de esta sección.
(d)(3)(C)	Se debe obtener el adiestramiento completando un curso de adiestramiento para operadores de incineradores que incluya, como mínimo, los tres elementos descritos en el párrafo (d)(3)(C)(i), (d)(3)(C)(ii) y (d)(3)(C)(iii) de esta sección.
(d)(3)(C)(i)	Adiestramiento en los 10 temas indicados en los párrafos del (d)(3)(C)(i)(1) al (d)(3)(C)(i)(10) de esta sección.
(d)(3)(C)(i)(1)	Consideraciones ambientales, incluyendo los tipos de emisiones.
(d)(3)(C)(i)(2)	Principios básicos de la combustión, incluyendo los productos de la combustión.
(d)(3)(C)(i)(3)	Operación del tipo específico de incinerador que el operador estará usando, incluyendo los procedimientos adecuados para el encendido, la alimentación de los lodos de aguas residuales y los procedimientos para apagar la unidad.
(d)(3)(C)(i)(4)	Controles y monitoreo de la combustión.
(d)(3)(C)(i)(5)	Operación del equipo de control de contaminación del aire y los factores que afectan el desempeño, (si corresponden).
(d)(3)(C)(i)(6)	Inspección y mantenimiento del incinerador y los dispositivos de control de contaminación del aire.

(d)(3)(C)(i)(7)	Acciones para prevenir malfuncionamientos o para prevenir las condiciones que pudieran conducir a un malfuncionamiento.
(d)(3)(C)(i)(8)	Características de las cenizas del fondo y volantes y los procedimientos para manejarlas.
(d)(3)(C)(i)(9)	Las Regulaciones Federales, Estatales y locales correspondientes, incluyendo los estándares para el lugar del trabajo de la Administración de la Salud y la Seguridad Ocupacional.
(d)(3)(C)(i)(10)	Prevención de la contaminación.
(d)(3)(C)(ii)	Un examen diseñado y administrado por un programa que esté aprobado por el estado.
(d)(3)(C)(iii)	Material impreso que cubra los temas del curso de adiestramiento que pueda servir de referencia luego de haber terminado el curso.
(d)(3)(D)	El curso de adiestramiento del operador debe ser completado para la última de las tres fechas especificadas en los párrafos del (d)(3)(D)(i) al (D)(iii) de esta sección.
(d)(3)(D)(i)	La fecha final de cumplimiento.
(d)(3)(D)(ii)	Seis meses luego de la activación de su unidad SSI.
(d)(3)(D)(iii)	Seis meses luego de que un empleado haya asumido la responsabilidad de operar la unidad SSI o que haya asumido la responsabilidad de supervisar la operación de la unidad SSI.
(d)(3)(E)	Usted debe obtener la calificación de operador completando un curso que cumpla con los criterios establecidos bajo (d)(3)(B).
(d)(3)(F)	La calificación es válida desde la fecha en que se complete el curso de adiestramiento y el operador

	aprueba con éxito el examen requerido bajo (d)(3)(C)(ii).
(d)(3)(G)	Para mantener su calificación, el operador debe completar una evaluación anual o un curso de actualización (educación continua), que cubra, como mínimo, los cinco temas descritos en los párrafos del (d)(3)(G)(i) al (v) de esta sección.
(d)(3)(G)(i)	Actualizaciones de las regulaciones.
(d)(3)(G)(ii)	Operación del incinerador, incluyendo los procedimientos para el encendido y apagado, la alimentación de lodos de aguas residuales y el manejo de cenizas.
(d)(3)(G)(iii)	Inspección y mantenimiento.
(d)(3)(G)(iv)	Prevención de malfuncionamientos o de las condiciones que pudieran causar a un malfuncionamiento.
(d)(3)(G)(v)	Discusión sobre los problemas operacionales enfrentados por los asistentes.
(d)(3)(H)	Usted debe renovar la calificación expirada del operador previo a comenzar la operación de una unidad SSI a través de uno o más de los métodos que se especifican en los siguientes párrafos:
(d)(3)(H)(i)	Para un lapso de expiración de menos de tres meses, usted debe completar un curso anual de actualización que se describe en (d)(3)(G).
(d)(3)(H)(ii)	Para un lapso de 3 años o más, usted deberá repetir los requisitos iniciales de calificación en (d)(3)(E).
(d)(3)(I)	Si un operador calificado no se encuentra en la instalación y no puede estar en la instalación en menos de 1 hora, usted debe cumplir con el criterio

establecido ya sea en el párrafo (d)(3)(I)(i) o el (d)(3)(I)(ii) de esta sección.

(d)(3)(I)(i) Cuando un operador calificado no está accesible por más de 8 horas, la unidad SSI podrá ser operada por menos de dos semanas por otros empleados de la planta que estén familiarizados con la operación de la unidad SSI y que hayan completado una evaluación de la información especificada en el (d)(3)(J) y el (d)(3)(K) dentro de los últimos 12 meses. Sin embargo, usted debe documentar el tiempo que un operador calificado no estuviera accesible e incluir esta desviación en el informe anual según se especifica bajo el (d)(6)(B)(iv).

(d)(3)(I)(ii) Cuando un operador calificado no está accesible por 2 semanas o más, usted deberá tomar las dos acciones que se describen en los siguientes párrafos:

(d)(3)(I)(ii)(1) Notifique por escrito al Administrador de esta desviación dentro de los 10 días. En la notificación, indique qué es lo que causó esta desviación, qué es lo que usted está haciendo para asegurar que un operador calificado esté accesible y cuándo usted anticipa que un operador calificado vuelva a estar accesible.

(d)(3)(I)(ii)(2) Someta un informe de situación al Administrador cada 4 semanas describiendo los pasos que usted está tomando para asegurar que un operado calificado esté accesible, indicando cuándo usted anticipa que un operador calificado estará accesible y solicitando la aprobación del Administrador para continuar operando la unidad SSI. Usted debe someter el primer informe de situación 4 semanas después de que haya notificado al Administrador de la desviación bajo el párrafo (d)(3)(I)(ii)(1) de esta sección.

(d)(3)(I)(ii)(2)(a) Si el Administrador le notifica que su solicitud para continuar operando la unidad SSI fue rechazada, la unidad SSI puede continuar operando por 30 días y entonces debe cesar la operación.

(d)(3)(I)(ii)(2)(b) La operación de la unidad puede reanudarse si un operador calificado está accesible según lo requerido bajo los párrafos del (d)(3)(A) al (d)(3)(C). Usted debe notificar al Administrador dentro de los 5 días de haber reanudado las operaciones y de tener accesible a un operador calificado.

(d)(3)(J) Usted debe mantener en las instalaciones la documentación de los procedimientos de adiestramiento del operador especificados bajo el (d)(6)(A)(iii)(1) y hacer que la documentación sea fácilmente accesible para todos los operadores de las unidades SSI.

(d)(3)(K) Usted debe establecer un programa para repasar la información detallada en el (d)(6)(A)(iii)(1) con cada uno de los operadores de incineradores calificados y con el resto del personal de la planta que pudiera operar la unidad de acuerdo con las disposiciones del (d)(3)(I)(i), de acuerdo al siguiente programa:

(d)(3)(K)(i) El repaso inicial de la información detallada en el (d)(6)(A)(iii)(1) debe realizarse dentro de los 6 meses luego de la fecha efectiva de esta regla o previo a que un empleado asuma las responsabilidades de la operación de una unidad SSI, la fecha que resultare más futura.

(d)(3)(K)(ii) Los repasos anuales subsecuentes de la información que se detalla en el (d)(6)(A)(iii)(1) deben realizarse a no más de los 12 meses del repaso anterior.

(d)(4) Permiso de Operación Título V

(d)(4)(A) Si usted está sujeto a un plan estatal o tribal de la sección 111(d)/129 de la Ley de Aire Limpio (CAA en inglés) que sea aplicable, vigente y esté aprobado por la EPA (Agencia para la Protección del Medio Ambiente) o a un plan Federal vigente y aplicable, se requiere que usted solicite y obtenga un permiso de operación Título V para la unidad SSI existente a

	menos que usted cumpla con los requisitos relevantes para la exención que se especifica en el párrafo (d)(1)(D).
(d)(4)(A)(i)	Si su unidad SSI existente no está sujeta a un plazo anterior para la solicitud de un permiso, una solicitud completa para el Título V debe ser sometida en o antes de la más cercana de las fechas especificadas en los párrafos del (d)(4)(A)(i)(1) al (i)(3) de esta sección. (Ver la sección 129 (e), 503 (c), 503 (d) y 502 (a), de la Ley de Aire Limpio y el Código 40 de las Regulaciones Federales (CFR) 70.5(a)(1)(i) y el Código 40 de las Regulaciones Federales (CFR) 71.5(a)(1)(i)).
(d)(4)(A)(i)(1)	12 meses luego de la fecha efectiva de cualquier plan estatal o tribal de la sección 111(d)/129 de la Ley de Aire Limpio que sea aplicable y esté aprobado por la EPA.
(d)(4)(A)(i)(2)	12 meses luego de la fecha efectiva de cualquier plan Federal aplicable.
(d)(4)(A)(i)(3)	21 de marzo del 2014.
(d)(4)(A)(ii)	Para cualquier unidad existente que no esté sujeta a un sujeta a un plazo anterior para la solicitud de un permiso, el plazo de 36 meses para someter una solicitud luego de la publicación de esta regla aplicará sin importar si es o cuando fuera efectivo cualquier plan Federal aplicable, o si es o si se hiciera efectivo cualquier plan estatal o tribal de la sección 111(d)/129 de la Ley de Aire Limpio que sea aplicable y esté aprobado por la EPA.
(d)(4)(A)(iii)	Si su unidad existente está sujeta al Título V como resultado de algún(os) requisito(s) que así lo establezcan y que no fueran aquellos especificados en los párrafos (d)(4)(A)(i) y (ii) de esta sección (por ejemplo, una unidad puede ser una fuente principal, o parte de una fuente principal), entonces su unidad

podría requerir que se solicite un permiso de Título V previo a los plazos indicados en los párrafos (d)(4)(A)(i) y (ii). Si más de un requisito establece que la fuente tenga la obligación de solicitar un permiso Título V, el plazo de 12 meses para remitir una solicitud de permiso Título V es iniciado por el requisito que inicialmente causara que la fuente esté sujeta al Título V. (Ver sección 503(c) de la CAA y el Código 40 de las Regulaciones Federales (CFR) 70.3(a) y (b), Código 40 de las Regulaciones Federales (CFR) 70.5(a)(1)(i), el Código 40 de las Regulaciones Federales (CFR) 71.3(a) y (b), y el Código 40 de las Regulaciones Federales (CFR) 71.5(a)(1)(i)).

(d)(4)(A)(iv) Una solicitud "completa" para un permiso de Título V es aquella que haya sido determinada o considerada como completa por la autoridad de permisos relevante bajo la sección 503(d) de la CAA y el Código 40 de las Regulaciones Federales (CFR) 70.5(a)(2) o el Código 40 de las Regulaciones Federales (CFR) 71.5(a)(2). Usted debe someter una solicitud de permiso completa antes de que se cumpla el plazo de solicitud relevante para poder operar de acuerdo con la Ley Federal luego de esta fecha. (Ver sección 503(d) y 502(a) de la Ley de Aire Limpio y el Código 40 de las Regulaciones Federales (CFR) 70.7(b) y Código 40 de las Regulaciones Federales (CFR) 71.7(b)).

(d)(5) Requisitos para Pruebas de desempeño, Monitoreo y Calibración.

(d)(5)(A) Usted debe cumplir, según correspondan, con los requisitos para las pruebas de desempeño que se especifican en el párrafo (d)(5)(A)(i) de esta sección, los requisitos de monitoreo que se especifican en el párrafo (d)(5)(A)(ii) de esta sección, los requisitos de inspección de los dispositivos de control de contaminación del aire que se especifican en el párrafo (d)(5)(A)(iii) de esta sección, y con las disposiciones sobre la chimenea de desvío que se especifican en el párrafo (d)(5)(A)(iv) de esta sección.

(d)(5)(A)(i)	*Requisitos para las pruebas de desempeño.*
(d)(5)(A)(i)(1)	Todas las pruebas de desempeño deben consistir de un mínimo de tres corridas de prueba realizadas bajo condiciones que sean representativas de la operación normal, según lo especifica el Código 40 de las Regulaciones Federales (CFR) 60.8(c). Las emisiones en exceso de los límites o estándares de emisiones durante los períodos de encendido, apagado, y de malfuncionamientos son consideradas desviaciones de los límites y estándares correspondientes a las emisiones.
(d)(5)(A)(i)(2)	Usted debe documentar que el residuo seco que se quema durante la prueba de desempeño es representativo del residuo que se quema bajo las condiciones normales de operación mediante:
(d)(5)(A)(i)(2)(a)	Documente la cantidad de lodos de aguas residuales que se quema durante la prueba de desempeño a través del monitoreo y la documentación continua de la razón promedio por hora con que se está alimentando al incinerador con los lodos de aguas residuales.
(d)(5)(A)(i)(2)(b)	Documente el contenido de humedad de los lodos de aguas residuales durante la prueba de desempeño tomando muestras al azar de los lodos de aguas residuales que se alimentan al incinerador por cada período de 8 horas en el que se esté realizando la prueba.
(d)(5)(A)(i)(3)	Todas las pruebas de desempeño se deben realizar usando los métodos de prueba, volúmenes mínimos de muestreo, períodos de observación y métodos para sacar promedios que se especifican en la Tabla 1 ó 2de esta regla.
(d)(5)(A)(i)(4)	Para seleccionar el lugar para tomar la muestra y el número de puntos transversales, se debe usar el método 1 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A.

(d)(5)(A)(i)(5) Para el análisis de la composición de los gases, incluyendo la medición de la concentración de oxígeno, se debe usar el método 3A o 3B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-2. El método 3A o 3B del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-2 se debe usar simultáneamente con cada método.

(d)(5)(A)(i)(6) Todas las concentraciones de contaminantes se deben de ajustar al 7 por ciento de oxígeno usando la ecuación 1 de esta sección.

$C_{aju} = C_{medi}\ (20.9 - 7) / (20.9 - \%O_2)$
Ecuación 1

Donde:

C_{aju}= Concentración de contaminantes ajustado al 7 por ciento de oxígeno.

C_{medi}= Concentración de contaminantes medida en seco.

(20.9 – 7) = 20.9 por ciento de oxígeno – 7 por ciento de oxígeno (base definida de corrección del oxígeno).

20.9 = Concentración de oxígeno en el aire, porcentaje.

$\%O_2$= Concentración de oxígeno medido en seco, porcentaje.

(d)(5)(A)(i)(7) Se deben de realizar las pruebas de desempeño, y la data debe ser reducida, de acuerdo con los métodos y procedimientos de pruebas contenidos en esta regla a menos que el Administrador tome alguna de las siguientes acciones:

(d)(5)(A)(i)(7)(a) Especifica o aprueba, en casos específicos, el uso de un método con cambios mínimos en la metodología.

(d)(5)(A)(i)(7)(b)	Apruebe el uso de un método equivalente.
(d)(5)(A)(i)(7)(c)	Apruebe el uso de un método alterno cuyos resultados haya determinado son adecuados para indicar si la fuente específica está en cumplimiento.
(d)(5)(A)(i)(7)(d)	Dispense del requisito de realizar las pruebas debido a que usted le ha demostrado a la satisfacción del Administrador, a través de otros medios, que la unidad SSI afectada se encuentra en cumplimiento del estándar.
(d)(5)(A)(i)(7)(e)	Apruebe tiempos de muestreo más cortos, y volúmenes de muestreo más pequeños, cuando esto fuera necesitado por las variables del proceso u otros factores. Nada en el contenido de este párrafo se puede interpretar como una derogación de la autoridad del Administrador para requerir que se hagan pruebas bajo la sección 114 de la CAA.
(d)(5)(A)(i)(8)	Usted debe notificar al Administrador con por lo menos 30 días de aviso previo a cualquier prueba de desempeño, excepto según se especifique bajo otras reglas, para permitirle al Administrador la oportunidad de tener a un observador presente. Si luego de la notificación de los 30 días para una prueba de desempeño que haya sido pautada inicialmente, hubiera una demora, (debido a problemas operacionales, *etc.*), para realizar la prueba de desempeño que se había planificado, usted debe notificar al Administrador tan pronto como sea posible sobre cualquier demora de la fecha original para la prueba, ya sea con por lo menos 7 días de previo aviso de la nueva fecha planificada para la realización de la prueba de desempeño, o estableciendo una nueva fecha por mutuo acuerdo con el Administrador.
(d)(5)(A)(i)(9)	Usted debe proveer, o hacer que se provean, las siguientes instalaciones para realizar pruebas de desempeño:

(d)(5)(A)(i)(9)(a)	Puertos para la toma de muestras que sean adecuadas para los métodos de pruebas correspondientes a la unidad SSI, según lo siguiente:
(d)(5)(A)(i)(9)(a)(*i*)	Construir el sistema de control de contaminación del aire de tal manera que se puedan determinar con precisión, mediante los métodos y procedimientos correspondientes, las razones de flujo volumétrico y de emisión de contaminantes.
(d)(5)(A)(i)(9)(a)(*ii*)	Proveer una chimenea o ducto que no tenga flujos ciclónicos durante las pruebas de desempeño, según se demuestra con los métodos y procedimientos correspondientes.
(d)(5)(A)(i)(9)(b)	Plataforma(s) segura(s) para la toma de muestras.
(d)(5)(A)(i)(9)(c)	Acceso seguro a la(s) plataforma(s) para la toma de muestras.
(d)(5)(A)(i)(9)(d)	Instalaciones para el equipo de muestreo y de pruebas.
(d)(5)(A)(i)(10)	A menos que se especifique lo contrario en esta regla, cada prueba de desempeño debe constar de tres corridas separadas usando los métodos correspondientes de prueba. Cada corrida debe ser realizada durante el tiempo y bajo las condiciones que se especifican en el estándar correspondiente. El cumplimiento con cada uno de los límites de emisiones debe ser determinado mediante el cálculo del medio aritmético de las tres corridas. En caso de que la muestra sea accidentalmente extraviada o de que ocurran condiciones en las cuales una de las tres corridas deba ser descontinuada debido a un apagado forzoso, la falla en una porción irremplazable de la cadena de muestreo, condiciones meteorológicas extremas, u otras circunstancias fuera de su control, el cumplimiento podría ser determinado, con la

aprobación del Administrador, usando el medio aritmético de los resultados de las otras dos corridas.

(d)(5)(A)(i)(11) Durante cada corrida de pruebas que se especifica en el párrafo (d)(5)(A)(i)(1) de esta sección, usted debe operar su incinerador de lodos de aguas residuales a un mínimo del 85 por ciento de su capacidad máxima permitida.

(d)(5)(A)(ii) *Requisitos del monitoreo continuo.* Usted debe cumplir con los siguientes requisitos, según correspondan, cuando use un sistema de monitoreo continuo para demostrar el cumplimiento con los límites de emisiones en la Tabla 1 ó 2 de esta regla. La opción de usar un sistema de monitoreo continuo de emisiones de cloruro de hidrógeno, de dioxinas/furanos, de cadmio, o de plomo tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño correspondiente al cloruro de hidrógeno, las dioxinas/furanos, el cadmio, o el plomo. Si usted opta por usar un sistema de monitoreo continuo de emisiones en lugar de realizar pruebas anuales de desempeño, usted debe cumplir con los requisitos en los párrafos del (d)(5)(A)(ii)(1) al (ii)(6) de esta sección. Si usted opta por usar un sistema automatizado de muestreo continuo en lugar de realizar pruebas anuales de desempeño, usted debe cumplir con los requisitos del párrafo (d)(5)(A)(ii)(7) de esta sección. La opción de usar un sistema automatizado de muestreo continuo para las dioxinas/furanos, tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño para dicho sistema automatizado de muestreo continuo.

(d)(5)(A)(ii)(1) Usted debe notificar al Administrador 1 mes antes de comenzar a usar un sistema de monitoreo continuo de emisiones.

(d)(5)(A)(ii)(2)	Usted debe notificar al Administrador 1 mes antes de dejar de usar un sistema de monitoreo continuo de emisiones, en cuyo caso usted debe además realizar una prueba de desempeño previo al cese de la operación del sistema.
(d)(5)(A)(ii)(3)	Usted debe instalar, operar, calibrar y mantener un instrumento para que continuamente monitoree y documente las emisiones hacia la atmósfera de acuerdo con lo siguiente:
(d)(5)(A)(ii)(3)(a)	Código 40 de las Regulaciones Federales (CFR) 60.13.
(d)(5)(A)(ii)(3)(b)	Las siguientes especificaciones de desempeño del apéndice B del 40 CFR Parte 60, según corresponda:
(d)(5)(A)(ii)(3)(b)(*i*)	Para material particulado, Especificaciones de Desempeño 11 del apéndice B del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(b)(*ii*)	Para cloruro de hidrógeno, Especificaciones de Desempeño 15 del apéndice B del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(b)(*iii*)	Para monóxido de carbono, Especificaciones de Desempeño 4B del apéndice B del 40 CFR Parte 60 con alcances que sean apropiados a los límites de emisiones correspondientes.
(d)(5)(A)(ii)(3)(b)(*iv*)	[Reservado]
(d)(5)(A)(ii)(3)(b)(*v*)	Para mercurio, Especificación de Desempeño 12A del apéndice B del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(b)(*vi*)	Para óxidos de nitrógeno, Especificación de Desempeño 2 del apéndice B del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(b)(*vii*)	Para bióxido de azufre, Especificación de Desempeño 2 del apéndice B del 40 CFR Parte 60.

(d)(5)(A)(ii)(3)(c)	Para un sistema de monitoreo continuo de emisiones, los procedimientos para garantizar la calidad del apéndice F de esta parte (por ejemplo, las determinaciones trimestrales de la precisión y las pruebas diarias de desviaciones en la calibración), que se especifican en los párrafos del (d)(5)(A)(ii)(3)(c)(*i*) al (ii)(3)(c)(*vii*) de esta sección. Para cada contaminante, el rango de valores del sistema de monitoreo continuo de emisiones es dos veces el límite correspondiente de emisiones, expresado como una concentración.
(d)(5)(A)(ii)(3)(c)(*i*)	Para material particulado, el Procedimiento 2 del Apéndice F del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(c)(*ii*)	Para cloruro de hidrógeno, el Procedimiento 1 del apéndice F del 40 CFR Parte 60, excepto que los requisitos de Auditoría de la Prueba de Precisión Relativa del Procedimiento 1 será reemplazado con los requisitos y criterios de validación de las secciones 11.1.1 y 12.0 de la Especificación de Desempeño 15 del apéndice B del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(c)(*iii*)	Para monóxido de carbono, el Procedimiento 1 del apéndice F del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(c)(*iv*)	[Reservado]
(d)(5)(A)(ii)(3)(c)(*v*)	Para mercurio, el Procedimiento 5 del apéndice F del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(c)(*vi*)	Para óxidos de nitrógeno, el Procedimiento 1 del apéndice F del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(c)(*vii*)	Para bióxido de azufre, el Procedimiento 1 del apéndice F del 40 CFR Parte 60.
(d)(5)(A)(ii)(3)(d)	Si su sistema de monitoreo sufre un malfuncionamiento o un período donde está fuera de control, usted debe completar las reparaciones y

resumir las operaciones de su sistema de monitoreo tan pronto como sea posible.

(d)(5)(A)(ii)(4) Durante cada prueba de precisión relativa del sistema de monitoreo continuo de emisiones usando las especificaciones de desempeño en el párrafo (d)(5)(A)(ii)(3)(b) de esta sección, los datos de las emisiones para cada contaminante regulado y oxígeno (o el bióxido de carbono según está establecido en (d)(5)(A)(ii)(5) de esta sección), deben ser recopilados concurrentemente (o dentro de un período de 30 a 60 minutos) tanto por el sistema de monitoreo continuo de emisiones como por los métodos de prueba que se especifican en los párrafos del (d)(5)(A)(ii)(4)(a) al (ii)(4)(h) de esta sección. Las pruebas de precisión relativa se deben de realizar en condiciones de operación que sean representativas mientras que la unidad SSI está cargando lodos de aguas residuales.

(d)(5)(A)(ii)(4)(a) Para material particulado, se usará el Método 5 del 40 CFR Parte 60, apéndice A-3 o el Método 26A o 29 40 CFR Parte 60, apéndice A-8.

(d)(5)(A)(ii)(4)(b) Para el cloruro de hidrógeno, se usará el Método 26 o 26A del 40 CFR Parte 60, apéndice A-8, según se especifica en las Tablas 1 y 2 de esta regla.

(d)(5)(A)(ii)(4)(c) Para monóxido de carbono, se usará el Método 10, 10A o 10B del 40 CFR Parte 60, apéndice A-4.

(d)(5)(A)(ii)(4)(d) Para dioxinas/furanos, se usará el Método 23 del 40 CFR Parte 60, apéndice A-7.

(d)(5)(A)(ii)(4)(e) Para mercurio, cadmio y plomo, se usará el Método 29 del 40 CFR Parte 60, apéndice A-8. Alternativamente para mercurio, se podrá usar el Método 30B del 40 CFR Parte 60, apéndice A-8 o el ASTM D6784-02 (Reaprobado 2008) (incorporado por referencia, ver 40 CFR 60.17).

(d)(5)(A)(ii)(4)(f)	Para óxidos de nitrógeno, se usará el Método 7 o el 7E del 40 CFR Parte 60, apéndice A-4.
(d)(5)(A)(ii)(4)(g)	Para bióxido de azufre, se usará el Método 6 o el 6C del 40 CFR Parte 60, apéndice A-4, o como alternativa, el ANSI/ASME PTC 19.10-1981 (incorporado por referencia, ver 40 CFR 60.17). Para fuentes que tengan emisiones actuales de entrada a menos de 100 partes por millón de volumen seco, el criterio de precisión relativa del sistema de monitoreo continuo de emisiones de bióxido de azufre para la entrada no debe ser mayor de 20 por ciento del valor medio en los datos del método de prueba en términos de las unidades del estándar de emisiones, o de 5 partes por millón del valor absoluto del volumen seco de la diferencia media entre el método y el sistema de monitoreo continuo de emisiones, la que sea mayor.
(d)(5)(A)(ii)(4)(h)	Para oxígeno, (o bióxido de carbono según se establece en (d)(5)(A)(ii)(5) de esta sección), se debe usar el Método 3A o 3B del 40 CFR Parte 60, apéndice A-2, o como alternativa, el ANSI/ASME PTC 19.10-1981 (incorporado por referencia, ver Código 40 de las Regulaciones Federales (CFR) 60.17), según corresponda.
(d)(5)(A)(ii)(5)	Usted puede solicitar que el cumplimiento con los límites de emisiones sea determinado usando mediciones del bióxido de carbono corregidas al equivalente de 7 porciento de oxígeno. Si se usa el bióxido de carbono para correcciones diluyentes, la relación entre los niveles de oxígeno y bióxido de carbono debe ser establecida durante la prueba inicial de desempeño de acuerdo con los procedimientos y métodos especificados en los párrafos del (d)(5)(A)(ii)(5)(a) al (ii)(5)(d) de esta sección. Esta relación puede ser establecida nuevamente durante pruebas de desempeño subsecuentes.
(d)(5)(A)(ii)(5)(a)	Se debe de usar la ecuación para el factor del combustible del Método 3B del 40 CFR Parte 60,

apéndice A-2 para determinar la relación entre el oxígeno y el bióxido de carbono en el lugar donde se toma la muestra. Se debe de usar el Método 3A o 3B del 40 CFR Parte 60, apéndice A-2, o como alternativa, el ANSI/ASME PTC 19.10-1981 (incorporado por referencia, ver 40 CFR 60.17), según corresponda, para determinar la concentración de oxígeno en el mismo lugar que el monitor de bióxido de carbono.

(d)(5)(A)(ii)(5)(b) Las muestras se deben de tomar por 30 minutos de cada hora.

(d)(5)(A)(ii)(5)(c) Cada muestra debe representar un promedio de 1 hora.

(d)(5)(A)(ii)(5)(d) Se debe realizar un mínimo de tres corridas.

(d)(5)(A)(ii)(6) Usted debe operar el sistema de monitoreo continuo y recopilar la data con el sistema de monitoreo continuo según lo siguiente:

(d)(5)(A)(ii)(6)(a) Usted debe obtener la información usando el sistema de monitoreo continuo en todo momento en que la unidad SSI afectada esté operando y en los intervalos que se especifican en el párrafo (d)(5)(A)(ii)(6)(b) de esta sección, excepto para los períodos de malfuncionamientos en el sistema de monitoreo que ocurran durante los períodos especificados en el (d)(8)(D)(i)(7)(a), para las reparaciones asociadas a los malfuncionamientos del sistema de monitoreo, y las actividades requeridas para garantizar la calidad del sistema de monitoreo o las de control de calidad (incluyendo, según correspondan, verificaciones de calibración y los ajustes requeridos de cero y de rango). Cualquiera de dichos períodos en los que usted no recopile los datos usando el sistema de monitoreo continuo constituye una desviación de los requisitos de monitoreo y debe ser informado en el informe de desviaciones.

(d)(5)(A)(ii)(6)(b)	Usted debe recopilar los datos del sistema de monitoreo continuo de acuerdo con el 40 CFR 60.13(e)(2).
(d)(5)(A)(ii)(6)(c)	No se deben incluir en los cálculos que se usan para los informes de los niveles de emisiones y operaciones, cualquier información que se obtenga durante un malfuncionamiento del sistema de monitoreo, durante las reparaciones de los malfuncionamientos del sistema de monitoreo, o durante las actividades requeridas para garantizar la calidad de, o para controlar el sistema de monitoreo. Cualquier ocurrencia de uno de estos períodos debe reportarse en un informe de desviaciones.
(d)(5)(A)(ii)(6)(d)	No se deben incluir en los cálculos que se usan para los informes de los niveles de emisiones y operaciones, cualquier información que se obtenga mientras que el sistema de monitoreo esté fuera de control según se especifica en el 40 CFR 60.4880(a)(7)(i), durante las reparaciones asociadas a períodos donde el sistema de monitoreo está fuera de control, o durante las actividades requeridas para garantizar la calidad de, o para controlar el sistema de monitoreo que se realicen durante los períodos en que está fuera de control. Cualquiera de dichos períodos que no coincida con un malfuncionamiento del sistema de monitoreo, según se define en la Regla 102 del RCCA, constituye una desviación de los requisitos de monitoreo y debe ser informado en el informe de desviaciones.
(d)(5)(A)(ii)(6)(e)	Usted debe usar toda la información obtenida durante todos los períodos excepto aquellos períodos que se especifican en los párrafos del (d)(5)(A)(ii)(6)(c) al (ii)(6)(d) de esta sección para evaluar la operación del dispositivo de control y los sistemas de control asociados.

(d)(5)(A)(ii)(7)	Si usted opta por usar un sistema automatizado de muestreo continuo en lugar de realizar pruebas anuales de desempeño, usted debe:
(d)(5)(A)(ii)(7)(a)	Instalar, calibrar, mantener y operar un sistema automatizado de muestreo continuo de acuerdo con el plan de monitoreo específico para el local que fue desarrollado en el 40 CFR del 60.58b(p)(1) al (p)(6), (p)(9), (p)(10) y (q).
(d)(5)(A)(ii)(7)(b)	Recopilar toda la data de acuerdo al 40 CFR 60.58b(p)(5) y el párrafo (d)(5)(A)(ii)(6) de esta sección.
(d)(5)(A)(iii)	*Inspecciones del dispositivo de control de contaminación del aire.* Usted debe realizar inspecciones del dispositivo de control de contaminación del aire que incluyan, como mínimo, lo siguiente:
(d)(5)(A)(iii)(1)	Inspeccionar el/los dispositivo(s) de control de contaminación del aire para su buen funcionamiento.
(d)(5)(A)(iii)(2)	Generalmente cumplir con que el equipo se mantenga en buenas condiciones de operación.
(d)(5)(A)(iii)(3)	Desarrollar un plan de monitoreo que sea específico para el local de acuerdo con los requisitos del (d)(8)(D). Este requisito también le aplica a usted si le solicita al Administrador de la EPA parámetros alternos de monitoreo bajo el 40 CFR 60.13(i).
(d)(5)(A)(iv)	*Chimenea de desvío.* El uso de la chimenea de desvío en cualquier momento en que se esté cargando lodos de aguas residuales a la unidad SSI es una desviación del estándar para todos los contaminantes detallados en la Tabla 1 ó 2 de esta regla. El uso de la chimenea de desvío durante una prueba de desempeño invalida la prueba de desempeño.

(d)(5)(B)	Requisitos de monitoreo y calibración para cumplir con sus límites operacionales.
(d)(5)(B)(i)	Usted debe instalar, operar, calibrar y mantener el sistema de monitoreo continuo de parámetros de acuerdo a los requisitos en los párrafos del (d)(5)(B)(i)(1) al (2) de esta sección.
(d)(5)(B)(i)(1)	Cumplir con los siguientes requisitos generales de flujo, presión, pH y dispositivos de medición de temperaturas:
(d)(5)(B)(i)(1)(a)	Usted debe recopilar datos usando el sistema de monitoreo continuo en todo momento que la unidad SSI afectada esté en operación y en los intervalos especificados en el (d)(5)(B)(i)(l)(b) de esta sección, excepto por los períodos de monitoreo de malfuncionamientos en el sistema que ocurren durante los períodos definidos en el (d)(8)(D)(i)(7)(a), durante las reparaciones asociadas con el monitoreo de malfuncionamientoss en el sistema, y durante las actividades requeridas para garantizar la calidad, o para controlar la calidad del sistema de monitoreo, (incluyendo, según correspondan, las revisiones de la calibración y los ajustes requeridos de cero y de rango). Cualquiera de dichos períodos en los que usted no recopile los datos usando el sistema de monitoreo continuo constituye una desviación de los requisitos de monitoreo y debe ser informado en el informe de desviaciones.
(d)(5)(B)(i)(1)(b)	Usted debe recopilar datos continuos del sistema de monitoreo de parámetros de acuerdo con el 40 CFR 60.13(e)(2).
(d)(5)(B)(i)(1)(c)	No se deben incluir en los cálculos que se usan para los informes de los niveles de emisiones y operaciones, cualquier información que se obtenga durante un malfuncionamiento del sistema de monitoreo, durante las reparaciones de los malfuncionamientos del sistema de monitoreo, o

durante las actividades requeridas para garantizar la calidad de, o para controlar el sistema de monitoreo. Cualquier ocurrencia de uno de estos períodos debe reportarse en su informe anual de desviaciones.

(d)(5)(B)(i)(1)(d) No se deben incluir en los cálculos que se usan para los informes de los niveles de emisiones o de operaciones, cualquier información que se obtenga durante un período cuando el sistema esté fuera de control según se especifica en el (d)(8)(D)(i)(7)(a). Cualquiera de dichos períodos que no coincida con un malfuncionamiento del sistema de monitoreo, según se define en la Regla 102 del RCCA, constituye una desviación de los requisitos de monitoreo y debe ser informado en el informe de desviaciones.

(d)(5)(B)(i)(1)(e) Usted debe usar toda la información obtenida durante todos los períodos excepto aquellos períodos que se especifican en los párrafos (d)(5)(B)(i)(1)(c) y (i)(1)(d) de esta sección para evaluar la operación del dispositivo de control y los sistemas de control asociados.

(d)(5)(B)(i)(1)(f) Documente los resultados de cada inspección, calibración y revisión de validación.

(d)(5)(B)(i)(2) Opere y mantenga su sistema de monitoreo continuo de acuerdo a su plan de monitoreo según se requiere bajo el 40 CFR 60.4880. Además:

(d)(5)(B)(i)(2)(a) Para los monitores de la razón de flujo del gas portador (para la inyección de carbón activado), durante las pruebas de desempeño que se realizan conforme al 40 CFR 60.4885, usted debe demostrar que el sistema se mantiene dentro del ±5 por ciento de precisión, de acuerdo a los procedimientos en el apéndice A del 40 CFR Parte 75.

(d)(5)(B)(i)(2)(b) Para los monitores de la caída en presión del gas portador (para la inyección de carbón activado),

durante las pruebas de desempeño que se realizan conforme al 40 CFR 60.4885, usted debe demostrar que el sistema se mantiene dentro del ±5 por ciento de precisión.

(d)(5)(B)(ii) Usted debe operar y mantener su sistema de detección de fugas en las bolsas en operación continua de acuerdo a su plan de monitoreo según se requiere bajo el 40 CFR 60.4880. Además:

(d)(5)(B)(ii)(1) Para los sistemas de filtros de tela de presión positiva que no canalizan a todos los compartimientos de celdas a una chimenea común, un sistema de detección de fugas en las bolsas debe ser instalado en cada compartimiento de casa de bolsas o celdas.

(d)(5)(B)(ii)(2) Donde sean requeridos varios detectores de fugas en las bolsas, los instrumentos y alarmas del sistema pueden ser compartidos entre los detectores.

(d)(5)(B)(ii)(3) Usted debe iniciar los procedimientos para determinar las causas de cada alarma dentro de las 8 horas de haberse producido la alarma y usted debe tomar las acciones correctivas que sean necesarias para aliviar la causa de la alarma dentro de las 24 horas de haberse producido la alarma. Las acciones correctivas pueden incluir, pero no están limitadas, a las siguientes:

(d)(5)(B)(ii)(3)(a) Inspeccionar los filtros de tela para detectar fugas de aire, bolsas o filtros desgarrados o rotos, o cualquier otra condición que pudiera causar un aumento en las emisiones de material particulado.

(d)(5)(B)(ii)(3)(b) Sellar las bolsas o filtros defectuosos.

(d)(5)(B)(ii)(3)(c) Reemplazar las bolsas o filtros defectuosos o de otra manera reparar el dispositivo de control.

(d)(5)(B)(ii)(3)(d) Sellar un compartimiento defectuoso de filtros de tela.

(d)(5)(B)(ii)(3)(e)	Limpiar la sonda del sistema de detección de fugas en las bolsas o de otra manera reparar el sistema de detección de fugas en las bolsas.
(d)(5)(B)(ii)(3)(f)	Apagar el proceso que produce las emisiones de material particulado.
(d)(5)(B)(iii)	Usted debe operar y mantener el sistema de monitoreo continuo de parámetros especificado en los párrafos (d)(5)(B)(i) y (ii) de esta sección en operación continua de acuerdo a su plan de monitoreo según se requiere bajo el 40 CFR 60.4880.
(d)(5)(B)(iv)	Si su unidad SSI tiene una chimenea de desvío, usted debe instalar, calibrar, (según las especificaciones del fabricante), mantener y operar un dispositivo o método para medir el uso de la chimenea de desvío que incluya la fecha, hora y duración.
(d)(6)	**Mantenimiento de archivos e informes**
(d)(6)(A)	Usted debe mantener los artículos (según correspondan) que se especifican en los párrafos del (d)(6)(A)(i) al (xiv) de esta sección por un período de por lo menos 5 años. Todos los archivos deben estar disponibles en el local, ya sea en copias de papes o en formatos legibles por computadoras que se puedan imprimir al momento, a menos que un formato alterno sea aprobado por el Administrador.
(d)(6)(A)(i)	*Fecha.* La fecha de calendario de cada archivo.
(d)(6)(A)(ii)	*Incrementos en el progreso.* Copias del plan final de control y de cualesquiera notificaciones adicionales, que se hayan informado bajo (d)(6)(B).
(d)(6)(A)(iii)	*Adiestramiento del operador.* Documentación de los procedimientos y archivos del adiestramiento del operador que se especifica en los párrafos del (d)(6)(A)(iii)(1) al (iii)(4) de esta sección. Usted debe

	mantener en las instalaciones, disponibles y fácilmente accesibles en todo momento para todos los operadores de unidades SSI, la documentación especificada en el párrafo (d)(6)(A)(iii)(1) de esta sección.
(d)(6)(A)(iii)(1)	Documentación de los siguientes procedimientos de adiestramiento de los operadores e información:
(d)(6)(A)(iii)(1)(a)	Resumen de los estándares aplicables bajo esta regla.
(d)(6)(A)(iii)(1)(b)	Procedimientos para recibir, manejar y alimentar los lodos de aguas residuales.
(d)(6)(A)(iii)(1)(c)	Procedimientos para el encendido, apagado, y de prevención y corrección de malfuncionamientos.
(d)(6)(A)(iii)(1)(d)	Procedimientos para mantener los niveles adecuados de aire para la combustión.
(d)(6)(A)(iii)(1)(e)	Procedimientos para operar el incinerador y los sistemas asociados de control de contaminación del aire dentro de los estándares establecidos bajo esta regla.
(d)(6)(A)(iii)(1)(f)	Procedimientos de monitoreo para demostrar que se cumple con los límites operacionales del incinerador.
(d)(6)(A)(iii)(1)(g)	Procedimientos de mantenimiento de archivos y para rendir informes.
(d)(6)(A)(iii)(1)(h)	Procedimiento para el manejo de cenizas.
(d)(6)(A)(iii)(1)(i)	Una lista de los materiales que se quemaron durante la prueba de desempeño, además de los lodos de aguas residuales.
(d)(6)(A)(iii)(1)(j)	Para cada operador calificado y demás personal de la planta que pudiera operar la unidad de acuerdo a las disposiciones del (d)(3)(I)(i), el número de teléfono o

	del localizador a donde pueden ser contactados durante las horas de operación.
(d)(6)(A)(iii)(2)	Archivos que contengan los nombre de los operadores de las unidades SSI y demás personal de la planta que pudiera operar la unidad de acuerdo con las disposiciones del (d)(3)(I)(i), según lo siguiente:
(d)(6)(A)(iii)(2)(a)	Archivos que contengan los nombre de los operadores de las unidades SSI y demás personal de la planta que hayan completado una revisión de la información en el párrafo (d)(6)(A)(iii)(1) de esta sección según se requiere en el (d)(3)(K), incluyendo la fecha de la revisión inicial y todas las posteriores revisiones anuales.
(d)(6)(A)(iii)(2)(b)	Archivos que contengan los nombres de los operadores de SSI que hayan completado los requisitos de adiestramiento de los operadores bajo el (d)(3), cumplido con el criterio de calificación bajo el (d)(3)(E) y el (d)(3)(F), y que hayan mantenido o renovado su calificación bajo el (d)(3)(G) o el (d)(3)(H). Los archivos deben incluir la documentación del adiestramiento, incluyendo las fechas de su calificación inicial y todas las subsecuentes renovaciones de dichas calificaciones.
(d)(6)(A)(iii)(3)	Archivos que contengan los períodos en donde ningún operador calificado estuvo accesible por más de 8 horas, pero por menos de 2 semanas, según se requiere en el (d)(3)(I)(i).
(d)(6)(A)(iii)(4)	Archivos que contengan los períodos en donde ningún operador calificado estuvo accesible por 2 semanas o más, incluyendo las copias de los informes que se sometieron según se requiere en el (d)(3)(I)(ii).
(d)(6)(A)(iv)	*Inspecciones del dispositivo de control de contaminación del aire.* Archivos de los resultados de las inspecciones anuales de los dispositivos de

control de la contaminación del aire que se realizaron según las especificaciones en las secciones (d)(8)(C)(i) y (d)(5)(A)(iii), incluyendo cualquier mantenimiento requerido y cualquier reparación que no se haya completado dentro de los 10 días de la fecha de la inspección o del tiempo que haya establecido el Administrador.

(d)(6)(A)(v) *Informes de las pruebas de desempeño.*

(d)(6)(A)(v)(1) Los resultados de las pruebas iniciales, anuales y subsecuentes de desempeño que se realizan para determinar el cumplimiento con los límites y estándares de emisiones y/o para establecer los límites operacionales, según correspondan.

(d)(6)(A)(v)(2) Mantenga una copia del informe completo de la prueba de desempeño, incluyendo los cálculos.

(d)(6)(A)(v)(3) Documente la razón por hora de alimentación de lodo seco que se mida durante las corridas de las pruebas de desempeño según se especifica en el (d)(5)(A)(i)(2)(a).

(d)(6)(A)(v)(4) Mantenga cualquier documentación que sea necesaria para demostrar que la prueba de desempeño fue realizada bajo condiciones representativas de las operaciones normales, incluyendo una documentación del contenido de humedad que se haya medido según se requiere en el (d)(5)(A)(i)(2)(b) para cada muestra al azar que se tome de los lodos de aguas residuales que se queman durante las pruebas de desempeño.

(d)(6)(A)(vi) *Información del monitoreo continuo.* Documentación de la siguiente información, según corresponda:

(d)(6)(A)(vi)(1) Para sistemas de monitoreo continuo de emisiones, todos los promedios de 1 hora de las emisiones del material particulado, cloruro de hidrógeno,

monóxido de carbono, dioxinas/furanos en base a la masa total, mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio y plomo.

(d)(6)(A)(vi)(2) Para sistemas automatizados de muestreo continuo, todas los promedios de concentraciones medida para el mercurio y las dioxinas/furanos en base a la masa total en las frecuencias especificadas en su plan de monitoreo.

(d)(6)(A)(vi)(3) Para sistemas de monitoreo continuo de parámetros:

(d)(6)(A)(vi)(3)(a) Todos los valores promedios registrados para los siguientes parámetros de operación, según correspondan:

(d)(6)(A)(vi)(3)(a)(*i*) Temperatura operacional de la cámara de combustión (o la temperatura del postquemador).

(d)(6)(A)(vi)(3)(a)(*ii*) Si se usa un depurador húmedo para cumplir con la regla, la caída en presión a lo largo de cada sistema de depurador húmedo y la razón de flujo líquido de cada depurador húmedo que se usa para cumplir con los límites de emisiones para el material particulado, el cadmio, o el plomo en la Tabla 1 ó 2 de esta regla, y la razón de flujo líquido del depurador y el pH del líquido del depurador para cada depurador húmedo que se use para cumplir con un límite de emisiones para el bióxido de azufre o el cloruro de hidrógeno en la Tabla 1 ó 2 de esta regla.

(d)(6)(A)(vi)(3)(a)(*iii*) Si se usa un precipitador electrostático para cumplir con la regla, el voltaje secundario de las placas de colección del precipitador electrostático y el amperaje secundario de las placas de colección del precipitador electrostático y la razón del flujo del agua efluente en la toma de salida del precipitador electrostático húmedo.

(d)(6)(A)(vi)(3)(a)(*iv*)	Si se usa la inyección de carbón activado para cumplir con la regla, la razón del flujo de absorción y la razón de flujo del gas portador o baja en la presión, según corresponda.
(d)(6)(A)(vi)(3)(b)	Todos los valores promedios diarios que se hayan registrado para la razónde alimentación y contenido de humedad de los lodos de aguas residuales que se alimentan al incinerador de lodos de aguas residuales, que se hayan monitoreado y calculado según se especifica en el (d)(2)(B)(vi).
(d)(6)(A)(vi)(3)(c)	Si se usa un filtro de tela para cumplir con la regla, la fecha, hora y duración de cada alarma y el tiempo en que se iniciara y completara la acción correctiva, y una descripción breve de la causa de la alarma y de la acción correctiva que se tomó. Usted debe además documentar el porcentaje del tiempo operacional por el cual sonará la alarma durante cada período de 6 meses, calculado según se especifica en el (d)(9)(B).
(d)(6)(A)(vi)(3)(d)	Para otros dispositivos de control para los cuales usted debe de establecer límites operacionales bajo la sección (d)(2)(C), usted debe mantener la información obtenida para todos los parámetros que se usaron para determinar el cumplimiento con los límites operacionales, en las frecuencias especificadas en su plan de monitoreo.
(d)(6)(A)(vii)	*Otras constancias documentales para los sistemas de monitoreo continuo.* Usted debe mantener la siguiente documentación, según corresponda:
(d)(6)(A)(vii)(1)	Mantenga archivos de cualesquiera notificaciones al Administrador contenidas en el 40 CFR 60.4915(h)(1), de haber iniciado o detenido el uso de un sistema de monitoreo continuo para determinar el cumplimiento con cualesquiera límites de emisiones.

(d)(6)(A)(vii)(2) Mantenga archivos de cualquier solicitud bajo el (d)(5)(A)(ii)(5) para que el cumplimiento con los límites de emisiones sea determinado usando mediciones del bióxido de carbono corregidas al equivalente de 7 por ciento de oxígeno.

(d)(6)(A)(vii)(3) Si se usa la inyección de carbón activado para cumplir con la regla, el tipo de absorbente que se usa y cualquier cambio en el tipo de absorbente que se usa.

(d)(6)(A)(viii) *Informes de desviaciones.* Archivos de cualquier informe de desviación que se haya sometido bajo el (d)(6)(B)(v) y (vi).

(d)(6)(A)(ix) *Las especificaciones del equipo y requisitos de operación y mantenimiento.* Las especificaciones del equipo y los requisitos relacionados de operación y mantenimiento para el incinerador, los controles de emisiones, y el equipo de monitoreo que recibió de los vendedores.

(d)(6)(A)(x) *Inspecciones, calibraciones y revisiones de validación para los dispositivos de monitoreo.* Archivos de las inspecciones, calibraciones y revisiones de validación de cualquier dispositivo de monitoreo según se requiere bajo el (d)(5)(A) y el (d)(5)(B).

(d)(6)(A)(xi) *Plan de monitoreo y evaluaciones de desempeño para los sistemas de monitoreo continuo.* Archivos de los planes de monitoreo requeridos bajo el (d)(8)(D) y la documentación de las evaluaciones de desempeño requeridas bajo el (d)(9)(A)(ii)(4).

(d)(6)(A)(xii) *Pruebas menos frecuentes.* Si, consistente con el (d)(5)(A)(i)(3), usted elige realizar las pruebas de desempeño con una frecuencia menor a la de una vez al año, usted debe mantener archivos anuales que documenten que sus emisiones en los dos previos años consecutivos estuvieron en o por debajo del 75% de

los correspondientes límites de emisiones en la Tabla 1 ó 2 de esta regla y documentar que no ha habido cambios en las operaciones de la fuente o en el equipo de control de la contaminación del aire que causara que las emisiones de los contaminantes relevantes aumentaran durante los pasados 2 años.

(d)(6)(A)(xiii) *El uso de la chimenea de desvío.* Archivos que indiquen el uso de la chimenea de desvío, incluyendo fechas, horas y los tiempos de duración según se requiere bajo la sección (d)(5)(B)(iv).

(d)(6)(A)(xiv) Si ocurriera un malfuncionamiento, usted debe mantener archivos de la información sometida en su informe anual según la sección (d)(6)(B)(iii)(16).

(d)(6)(B) Usted debe someter los informes especificados en los párrafos del (d)(6)(B)(i) al (ix) de esta sección. Vea la Tabla 3 de esta regla para un resumen de estos informes.

(d)(6)(B)(i) *Informe de incrementos en el progreso.* Si usted tiene planificado lograr el cumplimiento por más de un año luego de la fecha de efectividad de la aprobación del plan estatal, usted debe someter los siguientes informes, según correspondan:

(d)(6)(B)(i)(1) Un plan final de control según se especifica en las secciones (d)(7)(A)(i) y (d)(7)(F).

(d)(6)(B)(i)(2) Usted debe someter su notificación de haber logrado un incremento del progreso a no más de 10 días laborales luego de la fecha de cumplimiento para el incremento según se especifica en las secciones (d)(7)(C) y (d)(7)(D).

(d)(6)(B)(i)(3) Si usted no logra cumplir con el incremento del progreso, usted debe someter una notificación al Administrador con un matasellos fechado dentro de los 10 días siguientes a la fecha de ese incremento, según se especifica en el (d)(7)(E).

(d)(6)(B)(i)(4)	Si usted planifica cerrar su planta de SSI en lugar de cumplir con el plan estatal, someta una notificación de cierre según se especifica en el (d)(7)(J).
(d)(6)(B)(ii)	*Informe inicial de cumplimiento.* Usted debe someter la siguiente información a no más de 60 días de la prueba inicial de desempeño.
(d)(6)(B)(ii)(1)	Nombre de la compañía, dirección física y dirección postal.
(d)(6)(B)(ii)(2)	Declaración de un oficial responsable, con el nombre del oficial, su título y firma, certificando la exactitud del contenido del informe.
(d)(6)(B)(ii)(3)	Fecha del informe.
(d)(6)(B)(ii)(4)	El informe completo de prueba para los resultados de la prueba inicial de desempeño obtenidos usando los métodos de prueba especificados en la Tabla 1 ó 2 de esta regla.
(d)(6)(B)(ii)(5)	Si se ha realizado una evaluación inicial de desempeño de un sistema de monitoreo continuo, los resultados de esa evaluación inicial de desempeño.
(d)(6)(B)(ii)(6)	Los valores para los límites operacionales específicos para el local establecidos conforme a las secciones (d)(2)(B) y (d)(2)(C) y los cálculos y métodos, según correspondan, que se usaron para establecer cada límite operacional.
(d)(6)(B)(ii)(7)	Si usted está usando un filtro de tela para cumplir con los límites de emisiones, la documentación que indique que un sistema de detección de fugas en las bolsas se haya instalado y está siendo operado, calibrado y mantenido como se requiere en el (d)(2)(B)(ii).
(d)(6)(B)(ii)(8)	Los resultados de la inspección inicial del dispositivo de control de la contaminación del aire que está

requerido en las secciones (d)(8)(C)(i) y (C)(ii), incluyendo una descripción de las reparaciones.

(d)(6)(B)(ii)(9) El plan de monitoreo específico para el local que se requiere bajo la sección (d)(8)(D), al menos 60 días antes de la evaluación inicial de desempeño de su sistema de monitoreo continuo.

(d)(6)(B)(ii)(10) El plan de monitoreo específico para el local para su sistema de manejo de cenizas que se requiere bajo la sección (d)(8)(D), al menos 60 días antes de la prueba inicial de desempeño para demostrar el cumplimiento de su límite de emisiones para la fuga de cenizas.

(d)(6)(B)(iii) *Informe anual de cumplimiento.* Usted debe someter un informe anual de cumplimiento que incluya los artículos que se detallan en los párrafos del (d)(6)(B)(iii)(1) al (iii)(16) de esta sección para el período del informe que se especifica en el párrafo (d)(6)(B)(iii)(3) de esta sección. Usted debe someter su primer informe anual de cumplimiento a no más de los 12 meses después de que haya sometido el informe inicial de cumplimiento en el párrafo (d)(6)(B)(ii) de esta sección. Usted debe someter los informes subsecuentes de cumplimiento a no más de los 12 meses después del previo informe anual de cumplimiento. (El permiso de operación del Título V requerido en la sección (d)(4)(A), podría requerirle que someta estos informes (o información adicional de cumplimiento) con mayor frecuencia).

(d)(6)(B)(iii)(1) Nombre de la compañía, dirección física y dirección postal.

(d)(6)(B)(iii)(2) Declaración de un oficial responsable, con el nombre del oficial, su título y firma, certificando la exactitud del contenido del informe.

(d)(6)(B)(iii)(3) Fecha de informe y fechas de principio y final del período del informe.

(d)(6)(B)(iii)(4)	Si se realizara una prueba de desempeño durante el período del informe, los resultados de esa prueba de desempeño.
(d)(6)(B)(iii)(4)(a)	Si se establecieron límites operacionales durante la prueba de desempeño, incluya el valor de cada límite operacional y, según corresponda, el método que se usó para establecer cada límite operacional, incluyendo los cálculos.
(d)(6)(B)(iii)(4)(b)	Si se usa el carbón activado durante la prueba de desempeño, incluya el tipo de carbón activado que se usó.
(d)(6)(B)(iii)(5)	Para cada contaminante y parámetro operacional que se registre usando un sistema de monitoreo continuo, el valor promedio más alto y el valor promedio más bajo que se haya registrado durante el período del informe, según lo siguiente:
(d)(6)(B)(iii)(5)(a)	Para sistemas de monitoreo continuo de emisiones y sistemas automatizados de muestreo continuo, informe el valor más alto y más bajo del promedio de emisiones en períodos de 24 horas.
(d)(6)(B)(iii)(5)(b)	Para sistemas de monitoreo continuo de parámetros, informe los siguientes valores:
(d)(6)(B)(iii)(5)(b)(*i*)	Para todos los parámetros operacionales excepto el pH del líquido del depurador, los valores más altos y más bajos de los promedios en períodos de 12 horas.
(d)(6)(B)(iii)(5)(b)(*ii*)	Para el pH del líquido del depurador, los valores más altos y más bajos de los promedios en períodos de 3 horas.
(d)(6)(B)(iii)(6)	Si no hay desviaciones de ninguno de los límites de emisiones, estándares de emisiones, o de los límites operacionales que le aplique a usted, durante el período del informe, una declaración de que no

	hubo desviaciones de los límites de emisiones, estándares de emisiones, o de los límites operacionales.
(d)(6)(B)(iii)(7)	Información de los sistemas de detección de fugas en las bolsas registradas bajo el (d)(6)(A)(vi)(3)(c).
(d)(6)(B)(iii)(8)	Si se ha realizado una evaluación de desempeño de un sistema de monitoreo continuo, los resultados de esa evaluación de desempeño. Si se han establecido nuevos límites operacionales durante la evaluación de desempeño, incluya los cálculos que usó para establecer esos límites operacionales.
(d)(6)(B)(iii)(9)	Si usted elige realizar las pruebas de desempeño con una frecuencia menor a la permitida en la sección (d)(9)(A)(i)(3), y no realizó una prueba de desempeño durante el período del informe, usted debe incluir las fechas de las últimas dos pruebas de desempeño, una comparación de los niveles de emisiones que alcanzó en las últimas dos pruebas de desempeño con el umbral del 75 por ciento para el límite de emisiones especificado en la sección (d)(9)(A)(i)(3), y una declaración sobre si ha habido algún cambio en el proceso y si el cambio en el proceso causó un aumento en las emisiones.
(d)(6)(B)(iii)(10)	Documentación de los períodos en donde todos los operadores calificados para los incineradores de lodos de aguas residuales estuvieron inaccesibles por más de 8 horas, pero por menos de 2 semanas.
(d)(6)(B)(iii)(11)	Los resultados de las inspecciones anuales del dispositivo de control de la contaminación del aire que se registraron bajo la sección (d)(6)(A)(iv) para el período del informe, incluyendo una descripción de las reparaciones.
(d)(6)(B)(iii)(12)	Si no hubo períodos durante el período del informe en los cuales sus sistemas de monitoreo continuo hayan tenido malfuncionamientos, una declaración

de que no hubo períodos durante los cuales su sistemas de monitoreo continuo tuvieron malfuncionamientos.

(d)(6)(B)(iii)(13) Si no hubo períodos durante el período del informe en los cuales un sistema de monitoreo continuo estuviera fuera de control, una declaración de que no hubo períodos durante los cuales su sistemas de monitoreo continuo estuvieron fuera de control.

(d)(6)(B)(iii)(14) Si no hubo desviaciones en los adiestramientos de sus operadores, una declaración de que no hubo desviaciones de este tipo durante el período del informe.

(d)(6)(B)(iii)(15) Si usted no le ha hecho revisiones a su plan de monitoreo específico para el local durante el período del informe, una declaración de que usted no ha hecho revisiones a su plan de monitoreo específico para el local durante el período del informe. Si usted revisó su plan de monitoreo específico para el local durante el período del informe, una copia del plan revisado.

(d)(6)(B)(iii)(16) Si usted tuvo un malfuncionamiento durante el período del informe, el informe de cumplimiento debe incluir el número, la duración y una descripción breve de cada tipo de malfuncionamiento que ocurrió durante el período del informe y que causara o que pude haber causado que se excediera alguna limitación de emisiones que fuera aplicable. El informe también debe incluir una descripción de las acciones que tomó un dueño o un operador durante el malfuncionamiento de una fuente afectada para minimizar las emisiones de acuerdo con 40 CFR60.11(d), incluyendo las acciones tomadas para corregir el malfuncionamiento.

(d)(6)(B)(iv)	*Informes de desviaciones.*
(d)(6)(B)(iv)(1)	Usted debe someter un informe de desviaciones si:
(d)(6)(B)(iv)(1)(a)	Cualquier nivel de parámetros operacionales que fuera registrado, en base a los tiempos de promedio especificados en la Tabla 6 de esta regla, está por encima del límite operacional máximo o por debajo del límite operacional mínimo que establece esta regla.
(d)(6)(B)(iv)(1)(b)	La alarma del sistema de detección de fugas en las bolsas suena por más del 5 por ciento del tiempo de operación para el período de 6 meses del informe.
(d)(6)(B)(iv)(1)(c)	Cualquier nivel de emisiones promedio en un bloque de 24 horas que se haya registrado por encima del límite de emisiones, si se usa un sistema de monitoreo continuo para cumplir con un límite de emisiones.
(d)(6)(B)(iv)(1)(d)	Hay emisiones visibles de la ceniza de combustión del sistema de traslado de cenizas por más del 5 porciento del período de observación por hora.
(d)(6)(B)(iv)(1)(e)	Se realizó una prueba de desempeño que se desvió de algún límite de emisiones en la Tabla 1 ó 2 de esta regla.
(d)(6)(B)(iv)(1)(f)	Un sistema de monitoreo continuo estaba fuera de control.
(d)(6)(B)(iv)(1)(g)	Usted tuvo un malfuncionamiento (por ejemplo, un malfuncionamiento del sistema de monitoreo continuo) que causara o pudo haber causado que se excediera algún límite aplicable de emisiones.
(d)(6)(B)(iv)(2)	El informe de desviaciones debe ser sometido antes del 1 de agosto del año para la información que se obtuvo durante la primera mitad del año calendario (1 de enero al 30 de junio) y antes del 1 de febrero

	del año siguiente para la información que se obtuvo durante la segunda mitad del año calendario (1 de julio al 31 de diciembre).
(d)(6)(B)(iv)(3)	Para cada desviación donde usted está usando un sistema de monitoreo continuo para cumplir con un límite asociado de emisiones o un límite operacional, informe los artículos descritos en los párrafos del (d)(6)(B) (iv)(3)(a) al (iv)(3)(h) de esta sección.
(d)(6)(B)(iv)(3)(a)	Nombre de la compañía, dirección física y dirección postal.
(d)(6)(B)(iv)(3)(b)	Declaración de un oficial responsable, con el nombre del oficial, su título y firma, certificando la exactitud del contenido del informe.
(d)(6)(B)(iv)(3)(c)	Las fechas de calendario y las horas en que su unidad se desvió de los requeridos límites de emisiones, estándares de emisiones, o límites operacionales.
(d)(6)(B)(iv)(3)(d)	La información de promedio y los datos registrados para esas fechas.
(d)(6)(B)(iv)(3)(e)	Duración y causa de cada una de las siguientes desviaciones:
(d)(6)(B)(iv)(3)(e)(*i*)	Límites de Emisión, Estándares de Emisión, Límites Operacionales y sus acciones correctivas.
(d)(6)(B)(iv)(3)(e)(*ii*)	Eventos de desvío y sus acciones correctivas.
(d)(6)(B)(iv)(3)(f)	Fechas, horas y causas para los incidentes de inactividad del monitor.
(d)(6)(B)(iv)(3)(g)	Una copia de la data del monitoreo del parámetro operacional durante cada desviación y cualquier informe de pruebas que documente los niveles de emisiones.

(d)(6)(B)(iv)(3)(h)	Si hubo períodos durante los cuales el sistema de monitoreo continuo estuvo averiado o fuera de control, usted debe incluir la siguiente información para cada desviación del límite de emisiones o del límite operacional.
(d)(6)(B)(iv)(3)(h)(*i*)	La fecha y hora en que cada malfuncionamiento comenzó y terminó.
(d)(6)(B)(iv)(3)(h)(*ii*)	La fecha, hora y duración del período en que cada sistemas de monitoreo continuo estuvo sin operar, excepto para los cotejos en cero (bajo nivel) y las de alto nivel.
(d)(6)(B)(iv)(3)(h)(*iii*)	La fecha, hora y duración del período en que cada sistemas de monitoreo continuo estuvo fuera de control, incluyendo las fechas de comienzo y de final y las horas y descripciones de las acciones correctivas que se tomaron.
(d)(6)(B)(iv)(3)(h)(*iv*)	La fecha y hora en que cada desviación empezó y terminó, y si cada desviación ocurrió durante un período de malfuncionamiento, durante un período cuando el sistema estaba fuera de control, o durante otro período.
(d)(6)(B)(iv)(3)(h)(v)	Un resumen de la duración total de la desviación durante el período del informe y la duración total como un porcentaje del tiempo total de operación de la fuente durante ese período de informe.
(d)(6)(B)(iv)(3)(h)(*vi*)	Un desglose de la duración total de las desviaciones durante el período del informe de aquellos que fueron a causa de problemas con el equipo de control, problemas con el proceso, otras causas conocidas y otras causas desconocidas.
(d)(6)(B)(iv)(3)(h)(*vii*)	Un resumen de la duración total del tiempo de inactividad del sistema de monitoreo continuo durante el período del informe y la duración total

	del tiempo de inactividad del sistema de monitoreo continuo como un porcentaje del tiempo total de operación de la unidad SSI donde ocurrió el tiempo de inactividad del sistema de monitoreo continuo durante ese período de informe.
(d)(6)(B)(iv)(3)(h)(*viii*)	Una identificación de cada parámetro y contaminante que se estaba monitoreando en la unidad SSI.
(d)(6)(B)(iv)(3)(h)(*ix*)	Una descripción breve de la unidad SSI.
(d)(6)(B)(iv)(3)(h)(*x*)	Una descripción breve del sistema de monitoreo continuo.
(d)(6)(B)(iv)(3)(h)(*xi*)	La fecha de la última certificación o auditoría del sistema de monitoreo continuo.
(d)(6)(B)(iv)(3)(h)(*xii*)	Una descripción de cualquier cambio en el sistema de monitoreo continuo, proceso, o control que se realizara desde el último período de informe.
(d)(6)(B)(iv)(4)	Para cada desviación donde usted no está usando un sistema de monitoreo continuo para cumplir con el límite asociado de emisiones o un límite operacional, informe sobre los siguientes artículos:
(d)(6)(B)(iv)(4)(a)	Nombre de la compañía, dirección física y dirección postal.
(d)(6)(B)(iv)(4)(b)	Declaración de un oficial responsable, con el nombre del oficial, su título y firma, certificando la exactitud del contenido del informe.
(d)(6)(B)(iv)(4)(c)	El tiempo operacional total de cada fuente afectada durante el período del informe.

(d)(6)(B)(iv)(4)(d)	Las fechas de calendario y las horas en que su unidad se desvió de los requeridos límites de emisiones, estándares de emisiones, o límites operacionales.
(d)(6)(B)(iv)(4)(e)	La información de promedio y los datos registrados para esas fechas.
(d)(6)(B)(iv)(4)(f) desviaciones:	Duración y causa de cada una de las siguientes
(d)(6)(B)(iv)(4)(f)(*i*)	Límites de Emisión, Estándares de Emisión, Límites Operacionales y sus acciones correctivas.
(d)(6)(B)(iv)(4)(f)(*ii*)	Eventos de desvío y sus acciones correctivas.
(d)(6)(B)(iv)(4)(g)	Una copia de cualquier informe de prueba de desempeño que indique una desviación de los límites o estándares de emisiones.
(d)(6)(B)(iv)(4)(h)	Una descripción breve de cualquier malfuncionamiento que se informara en el párrafo (d)(6)(B)(iv)(1)(g) de esta sección, incluyendo una descripción de las acciones que se tomaron durante el malfuncionamiento para minimizar las emisiones de acuerdo al 40 CFR 60.11(d), y para corregir el malfuncionamiento.
(d)(6)(B)(v)	*Desviación del operador calificado.*
(d)(6)(B)(v)(1)	Si ningún operador calificado está accesible por 2 semanas o más, usted deberá tomar las dos acciones que se describen en los párrafos (d)(6)(B)(v)(1)(a) y (v)(1)(b) de esta sección.
(d)(6)(B)(v)(1)(a)	Someter una notificación de la desviación dentro de los 10 días que incluya los tres artículos en los párrafos del (d)(6)(B)(v)(1)(a)(*i*) al (v)(1)(a)(*iii*) de esta sección.

(d)(6)(B)(v)(1)(a)(*i*)	Una declaración sobre qué fue lo que causó la desviación.
(d)(6)(B)(v)(1)(a)(*ii*)	Una descripción de las acciones que se tomaron para asegurar que un operador calificado estuviera accesible.
(d)(6)(B)(v)(1)(a)(*iii*)	La fecha en que usted anticipa que un operador calificado esté disponible.
(d)(6)(B)(v)(1)(b)	Someter un informe de estatus al Administrador a cada 4 semanas que incluya los tres artículos en los párrafos del (d)(6)(B)(v)(1)(b)(*i*) al (v)(1)(b)(*iii*) de esta sección.
(d)(6)(B)(v)(1)(b)(*i*)	Una descripción de las acciones que se tomaron para asegurar que un operador calificado estuviera accesible.
(d)(6)(B)(v)(1)(b)(*ii*)	La fecha en que usted anticipa que un operador calificado esté accesible.
(d)(6)(B)(v)(1)(b)(*iii*)	Solicitud de aprobación del Administrador para continuar operando la unidad SSI.
(d)(6)(B)(v)(2)	Si su unidad fue apagada por el Administrador, bajo las disposiciones de la sección (d)(3)(I)(ii)(2)(a), debido a que no se proveyó de un operador calificado accesible, usted debe notificar al Administrador dentro de los 5 días de haber cumplido con la sección (d)(3)(I)(ii)(2)(b), de que usted está retomando la operación.
(d)(6)(B)(vi)	*Notificación de fuerza mayor.* Si un evento de fuerza mayor está a punto de ocurrir, ocurre, o ha ocurrido para el cual usted tiene la intención de presentar un reclamo de fuerza mayor:
(d)(6)(B)(vi)(1)	Usted debe notificar por escrito al administrador tan pronto como sea práctico luego de la fecha en que usted se entera por primera vez, o que a

través de la debida diligencia, usted debió saber que el evento podría causar o causó una demora en la realización de una prueba de desempeño que se extendiera más allá de la fecha regulada de entrega, pero la notificación debe realizarse antes de la fecha límite para realizar la prueba de desempeño a menos que el evento inicial de fuerza mayor, o un evento subsecuente de fuerza mayor, cause la demora de la notificación, y en ese caso, se debe realizar la notificación tan pronto como sea práctico.

(d)(6)(B)(vi)(2) Usted le debe proveer al Administrador una descripción por escrito del evento de fuerza mayor y sus razones para atribuirle al evento de fuerza mayor la demora en la realización de la prueba de desempeño hasta después de la fecha regulada de entrega; describa las medida que se han tomado o que se tomarán para minimizar la demora; e identifique la fecha en la que usted se propone a realizar la prueba de desempeño.

(d)(6)(B)(vii) *Otras notificaciones e informes requeridos.* Usted debe someter otras notificaciones según se dispone en el 40 CFR 60.7 y según lo siguiente:

(d)(6)(B)(vii)(1) Usted debe notificar al Administrador 1 mes antes de comenzar a, o dejar de usar un sistema de monitoreo continuo para detectar el cumplimiento con cualquier límite de emisiones.

(d)(6)(B)(vii)(2) Usted debe notificar al Administrador con por lo menos 30 días de aviso previo a cualquier prueba de desempeño que se realice para cumplir con las disposiciones de esta regla, para permitirle al Administrador la oportunidad de tener a un observador presente.

(d)(6)(B)(vii)(3) Según se especifica en la sección (d)(5)(A)(i)(8), usted debe notificar al Administrador con por lo menos 7 días de previo aviso a la nueva fecha

programada de la prueba de desempeño para la cual previamente se había hecho una notificación en el párrafo (d)(6)(B)(vii)(2) de esta sección.

(d)(6)(B)(viii) *Forma de entrega de informe.*

(d)(6)(B)(viii)(1) Someter informes iniciales, anuales y de desviación, por medio electrónico o en papel, con matasellos fechados en o antes de las fechas de entrega.

(d)(6)(B)(viii)(2) A partir del 1 de enero del 2012, y dentro de los 60 días luego de haber terminado una prueba de desempeño, según se define en el 40 CFR §63.2, realizada para demostrar el cumplimiento con esta regla, usted debe someter una auditoría de la exactitud relativa de la prueba (por ejemplo, el método de referencia), una prueba de datos y de desempeño (por ejemplo, la prueba de cumplimiento), datos, excepto los datos de opacidad, por medios electrónicos al Intercambio Central de Datos (CDX) de la EPA mediante el uso de la Herramienta de Informes Electrónicos (ERT) (ver *http://www.epa.gov/ttn/chief/ert/ert_tool.html/*) o alguna otra hoja de cálculos electrónica que sea compatible. Solamente los datos obtenidos a través de métodos de prueba que sean compatibles con el ERT estarán sujetos a este requisito de que se sometan electrónicamente a la base de datos "Web FIRE" de la EPA.

(d)(6)(B)(ix) *Cambiando las fechas de los informes.* Si el Administrador está de acuerdo, usted puede cambiar las fechas de los informes semestrales o anuales. Vea el 70 CFR 60.19(c) para los procedimientos para solicitar la aprobación de un cambio en sus fechas de informes.

TABLA 3: RESUMEN DE LOS REQUISITOS PARA LOS INFORMES PARA LOS INCINERADORES DE RESIDUOS DE AGUAS NEGRAS EXISTENTES[a]

Informe	Fecha de entrega	Contenido	Referencia
Informe de incrementos en el progreso	No más de 10 días laborales luego de la fecha de cumplimiento para el incremento	1. Plan final de control incluyendo descripciones de los dispositivos de control de contaminación del aire, cambios en el proceso, tipo de desperdicio que va a quemar y la capacidad máxima de diseño para la quema de lodos de aguas residuales 2. Notificación de cualquier incumplimiento con el incremento del progreso. 3. Notificación de cualquier cierre.	§60.5235(a).
Informe inicial de cumplimiento	No más de 60 días luego de la prueba inicial de desempeño	1. Nombre y dirección de la compañía 2. Declaración de un oficial responsable, con el nombre del oficial, su título y firma, certificando la exactitud del contenido del informe	§60.5235(b).
		3. Fecha del informe	
		4. Informe de prueba completo para la prueba inicial de desempeño	
		5. Los resultados de la evaluación de desempeño de CMS[b]	
		6. Los valores para los límites operacionales específicos para el local y los cálculos y métodos que se usaron para establecer cada límite operacional	
		7. Documentación de la instalación del sistema de detección de fugas en las bolsas para el filtro de tela	
		8. Los resultados de la inspección inicial del dispositivo de control de contaminación del aire, incluyendo una descripción de las reparaciones	
		9. El plan de monitoreo que es específico para el local como es requerido bajo §60.5200	
		10. El plan de monitoreo que es específico para el local para su	

Informe	Fecha de entrega	Contenido	Referencia
		sistema de manejo de cenizas requerido bajo §60.5200	
Informe anual de cumplimiento	No más de los 12 meses luego de que haya sometido el informe inicial de cumplimiento; los informes subsecuentes serán sometidos a no más de los 12 meses luego del informe anterior.	1. Nombre y dirección de la compañía 2. Declaración y firma por el oficial responsable. 3. Fecha de, y fechas de principio y final del informe. 4. Si se realizara una prueba de desempeño durante el período del informe, los resultados de la prueba, incluyendo cualesquiera nuevos límites operacionales y los cálculos asociados y el tipo de carbón activado que se usó, si corresponde.	§60.5235(c).
		5. Para cada contaminante y parámetro operacional que se registre usando un SMC, el valor promedio de 3 horas más alto y el valor promedio de 3 horas más bajo que se haya registrado, según corresponda	
		6. Si no han ocurrido desviaciones de los límites de emisiones, los estándares de emisiones, o de los límites operacionales, una declaración de que no han ocurrido desviaciones.	
		7. Si se usa un filtro de tela, la fecha, hora y duración de las alarmas	
		8. Si se ha realizado una evaluación de desempeño de un SMC, los resultados, incluyendo cualesquiera nuevos límites operacionales y sus cálculos asociados	
		9. Si usted cumple con los requisitos de la §60.5205(a)(3) y no realizó una prueba de desempeño, incluya las fechas de las últimas tres pruebas de desempeño, una comparación del límite de emisiones alcanzado en las últimas tres pruebas de desempeño con el umbral del 50 por ciento del límite de emisiones, y una declaración sobre si ha habido algún cambio en el proceso	
		10. Documentación de los períodos en donde todos los operadores calificados para las unidades SSI estuvieron inaccesibles por más de 8 horas, pero por menos de 2 semanas.	

Informe	Fecha de entrega	Contenido	Referencia
		11. Los resultados de la inspección anual del dispositivo de control de contaminación del aire, incluyendo la descripción de las reparaciones	
		12. Si no hubo períodos durante los cuales sus SMCs hayan tenido los malfuncionamientos , una declaración de que no hubo períodos durante los cuales sus SMCs tuvieron malfuncionamientos	
		13. Si no hubo períodos durante los cuales sus SMCs estuvieran fuera de control, una declaración de que no hubo períodos durante los cuales sus SMCs estuvieron fuera de control	
		14. Si no hubo desviaciones en los adiestramientos de sus operadores, una declaración de que no hubo desviaciones de este tipo	
		15. Información sobre las revisiones del plan de monitoreo, incluyendo una copia de cualquier plan de monitoreo que fuera revisado	
Informe de desviaciones (desviaciones de los límites de emisiones, estándares de emisiones, o límites operacionales, según se especifica en la §60.5235(e)(1))	Antes del 1 de agosto del año calendario para la información que se obtuvo durante la primera mitad del año calendario; antes del 1 de febrero del año calendario para la información que se obtuvo durante la segunda mitad del año calendario	*Si está usando un SMC:* 1. Nombre y dirección de la compañía. 2. Una declaración por un oficial responsable. 3. Las fechas de calendario y las horas en que su unidad se desvió de los límites de emisiones o de los límites operacionales. 4. La información de promedio y los datos registrados para esas fechas. 5. Duración y causa de cada desviación. 6. Fechas, horas y causas para los incidentes de inactividad del monitor 7. Una copia de la data del monitoreo del parámetro	§60.5235(d).

Informe	Fecha de entrega	Contenido	Referencia
		operacional durante cada desviación y cualquier informe de pruebas que documente los niveles de emisiones	
		8. Para períodos de malfuncionamiento del SMC o cuando un SMC estuvo fuera de control, usted debe incluir la información especificada en la §60.5235(d)(3)(viii) *Si no está usando un SMC:* 1. Nombre y dirección de la compañía 2. Una declaración por un oficial responsable 3. El tiempo operacional total de cada SSI afectado 4. Las fechas de calendario y las horas en que su unidad se desvió de los límites de emisiones, estándares de emisiones, o límites operacionales 5. La información de promedio y los datos registrados para esas fechas 6. Duración y causa de cada desviación 7. Una copia de cualquier informe de prueba de desempeño que indique una desviación de los límites o estándares de emisiones 8. Una descripción breve de cualquier malfuncionamiento, una descripción de las acciones que se tomaron durante el malfuncionamiento para minimizar las emisiones y las acciones correctivas que se tomaron	
Notificación de desviación de los operadores calificados (si ninguno de los operadores calificados estuvo accesible por 2 semanas o más)	Dentro de los 10 días de la desviación	1. Declaración de causa de la desviación 2. Una descripción de las acciones que se tomaron para asegurar que un operador calificado estará disponible. 3. La fecha en que un operador calificado estará accesible.	§60.5235(e).
Notificación del estatus de la desviación del operador	A cada 4 semanas luego de la notificación de desviación	1. Una descripción de las acciones que se tomaron para asegurar que un operador calificado esté accesible	§60.5235(e).

Informe	Fecha de entrega	Contenido	Referencia
calificado		2. La fecha en que usted anticipa que un operador calificado esté accesible. 3. Solicitud de aprobación para continuar las operaciones.	
Notificación de reanudación de operaciones luego de un cese (debido a una desviación de operador calificado y según especificado en la §60.5155(b)(2)(i))	Dentro de los cinco días de haber obtenido un operador calificado y de reanudar las operaciones	1. Notificación de que usted ha obtenido a un operador calificado y que está reanudando las operaciones	§60.5235(e).
Notificación de fuerza mayor	Tan pronto como sea práctico luego de la fecha en que usted se entera por primera vez, o que a través de la debida diligencia usted debió saber que el evento podría causar o causó una demora en la realización de una prueba de desempeño que se extendiera más allá de la fecha regulada de entrega; la notificación debe realizarse antes de la fecha límite para realizar la prueba de desempeño a menos que el evento inicial de fuerza mayor, o un evento subsecuente de fuerza mayor, cause la demora de la notificación y en ese caso, se debe realizar la notificación tan pronto como sea práctico	1. Descripción del evento de fuerza mayor 2. Fundamento para atribuirle la demora en la realización de la prueba de desempeño hasta luego de la fecha reglamentaria de entrega al evento de fuerza mayor 3. Descripción de las medidas que se tomaron o que se van a tomar para minimizar la demora. 4. Identificar la fecha para la cual usted se propone realizar la prueba de desempeño.	§60.5235(f).
Notificación de la intención de detener o iniciar el uso de un SMC.	1 mes antes de iniciar o detener el uso de un SMC	1. La intención de iniciar o detener el uso de un SMC	§60.5235(g).
Notificación de la intención de realizar una prueba de desempeño	Por lo menos 30 días previos a la prueba de desempeño	1. La intención de realizar una prueba de desempeño para cumplir con esta regla	

Informe	Fecha de entrega	Contenido	Referencia
Notificación de la intención de realizar una prueba de desempeño reprogramada	Por lo menos 7 días previos a la prueba de desempeño reprogramada	1. La intención de realizar una prueba de desempeño reprogramada para cumplir con esta regla	

[a]Esta tabla es solamente un resumen, *vea* las secciones referenciadas de la regla para los requisitos completos.

[b]SMC quiere decir Sistemas de Monitoreo Continuo.

(d)(7) **Incrementos del progreso**

(d)(7)(A) Si usted planifica lograr el cumplimiento por más de 1 año luego de la fecha de efectividad de la aprobación del plan estatal, usted debe cumplir los dos incrementos de progreso especificados en los párrafos (d)(7)(A)(i) y (ii) de esta sección.

(d)(7)(A)(i) Someta un plan de control final.

(d)(7)(A)(ii) Alcance el cumplimiento final.

(d)(7)(B) La Tabla 4 de esta regla especifica las fechas de cumplimiento para cada incremento del progreso.

(d)(7)(C) Su notificación de haber logrado los incrementos del progreso debe incluir los tres artículos especificados en los párrafos del (d)(7)(C)(i) al (iii) de esta sección.

(d)(7)(C)(i) Notificación de que se ha logrado el incremento del progreso.

(d)(7)(C)(ii) Cualquier artículo que le sea requerido someter con cada incremento del progreso.

(d)(7)(C)(iii) Firma del dueño u operador de la unidad SSI.

TABLA 4 : INCREMENTOS DE PROGRESO Y PROGRAMA DE CUMPLIMIENTO PARA LAS UNIDADES DE INCINERADORES DE LODOS DE AGUAS RESIDUALES EXISTENTES

Cumpla con los Incrementos de progreso	Para estas fechas[a]
Incremento 1—Someta un plan de control final	21 de septiembre de 2014
Incremento 2—Cumplimiento final	21 de marzo de 2016[b]

[a] Una programación específica para el local podría usarse a la discreción del estado.

[b] La fecha no podrá ser más de 3 años después de la fecha de efectividad de la aprobación del plan estatal o del 21 de marzo del 2016 para las unidades que se comenzaron a construir en o antes del 14 de octubre del 2010.

(d)(7)(D)	Las notificaciones de haber logrado los incrementos de progreso deben tener un matasellos con fecha no más tarde de los 10 días laborales luego de la fecha de cumplimiento del incremento.
(d)(7)(E)	Si usted no logra cumplir con el incremento del progreso, usted debe someter una notificación al Administrador con un matasellos fechado dentro de los 10 días siguientes a la fecha de ese incremento de progreso en la Tabla 4 de esta regla. Usted debe informar al Administrador que usted no cumplió con el incremento y usted debe continuar sometiendo los informes cada mes calendario subsecuente hasta que se cumple con el incremento de progreso.
(d)(7)(F)	Para los incrementos del progreso de su plan de control, usted debe satisfacer los dos requisitos especificados en los párrafos del (d)(7)(F)(i) al (ii) de esta sección.
(d)(7)(F)(i)	Someta el plan final de control que incluya los cuatro artículos descritos en los párrafos del (d)(7)(F)(i)(1) al (i)(4) de esta sección.
(d)(7)(F)(i)(1)	Una descripción de los dispositivos de control de la contaminación del aire y los cambios en el proceso que usted usará para cumplir con los límites y estándares de emisiones y los demás requisitos de esta regla.
(d)(7)(F)(i)(2)	Los tipos de desperdicios que serán quemados, si es que otros desperdicios además de los lodos de aguas residuales van a ser quemados en la unidad.
(d)(7)(F)(i)(3)	La capacidad máxima por diseño para la quema de lodos de aguas residuales.
(d)(7)(F)(i)(4)	Si corresponde, la petición de los límites operacionales específicos para el local bajo el (d)(2)(C).
(d)(7)(F)(ii)	Mantenga una copia en el local del plan final de control.
(d)(7)(G)	Para el incremento de progreso del cumplimiento final, usted debe completar todos los cambios del proceso y readaptar la construcción de los dispositivos de control,

según se especifica en el plan final de control, de tal modo que si la unidad SSI afectada fuera puesta en producción, todos los cambios en el proceso y dispositivos de control de la contaminación necesarios puedan operar según su diseño.

(d)(7)(H) Si usted cierra su unidad SSI, pero la volverá a encender previo a la fecha del cumplimiento final de esta regla, usted debera cumplir con los incrementos de progreso especificados en el párrafo (d)(7)(A) de esta regla. someter un plan final de cumplimiento y obtener el cumplimiento final.

(d)(7)(I) Si usted cierra su unidad SSI, pero la volverá a encender luego de la fecha de cumplimiento final, usted debe completar la readaptación de los controles de emisiones y cumplir con los límites de emisiones, los estándares de emisiones y los límites operacionales para la fecha en que su unidad reanude las operaciones.

(d)(7)(J) Si usted planifica cerrar su unidad SSI permanentemente y no la volverá a encender, en lugar de cumplir con esta regla, someta una notificación de cierre, incluyendo la fecha del cierre, al Administrador en o antes de la fecha en que tenga que entregar su plan de control.

(d)(8) Requisitos iniciales de cumplimiento.

(d)(8)(A) Para demostrar el cumplimiento inicial con los límites y estándares de emisiones en la Tabla 1 ó 2 de esta regla, use los procedimientos especificados en el párrafo (d)(8)(A)(i) de esta sección. En lugar de usar los procedimientos especificados en el párrafo (d)(8)(A)(i) de esta sección, usted tiene la opción de demostrar el cumplimiento inicial usando los procedimientos especificados en el párrafo (d)(8)(A)(ii) de esta sección para material particulado, cloruro de hidrógeno, monóxido de carbono, dioxinas/furanos, (en base a la masa total o en base a la equivalencia de toxicidad), mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio, plomo y la fuga de emisiones durante el manejo de cenizas. Usted debe cumplir los requisitos en los párrafos (d)(8)(A)(i) y (d)(8)(A)(ii) de esta sección,

según correspondan, y los párrafos del (d)(8)(A)(iii) al (A)(v) de esta sección, de acuerdo a los requisitos para las pruebas de desempeño, el monitoreo y la calibración en (d)(5)(A)(i) y (ii).

(d)(8)(A)(i) Demostrar el cumplimiento inicial usando las pruebas de desempeño requeridas en el 40 CFR 60.8. Usted debe demostrar que su unidad SSI cumple con los límites y estándares especificados en la Tabla 1 ó 2 de esta regla para las emisiones de material particulado, cloruro de hidrógeno, monóxido de carbono, dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad), mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio, plomo y la fuga de emisiones durante el manejo de cenizas usando las pruebas de desempeño. Las pruebas iniciales de desempeño se deben realizar usando los métodos de prueba, métodos para sacar promedios, y volúmenes mínimos de muestreo o términos de duración que se especifican en la Tabla 1 ó 2 de esta regla y de acuerdo con los requisitos de pruebas, monitoreos, y calibraciones que se especifican en el (d)(5)(A)(i).

(d)(8)(A)(i)(1) Excepto por lo que dispone el párrafo (d)(8)(A)(v) de esta sección, usted debe demostrar que su unidad SSI cumple con los límites y estándares de emisiones especificados en la Tabla 1 ó 2 de esta regla para su fecha de cumplimiento final (ver la Tabla 4 de esta regla).

(d)(8)(A)(i)(2) Usted puede usar los resultados de una prueba de desempeño que se haya realizado dentro de los 2 años anteriores que se haya realizado bajo las mismas condiciones y que haya demostrado el cumplimiento con los límites y estándares de emisiones en la Tabla 1 ó 2 de esta regla, siempre y cuando que no se hayan realizado cambios en el proceso desde que usted realizó la prueba de desempeño. Sin embargo, usted debe continuar cumpliendo con los límites operacionales establecidos durante la prueba de desempeño más reciente que haya demostrado el cumplimiento con los límites y estándares de emisiones en la Tabla 1 ó 2 de esta regla. La prueba de desempeño tiene que haber usado los métodos de prueba especificados en la Tabla 1 ó 2 de esta regla.

(d)(8)(A)(ii) Demostrar el cumplimiento inicial usando un sistema de monitoreo continuo de emisiones o un sistema automatizado de muestreo continuo. La opción de usar un sistema de monitoreo continuo de emisiones de cloruro de hidrógeno, de dioxinas/furanos, de cadmio, o de plomo tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño correspondiente al cloruro de hidrógeno, las dioxinas/furanos, el cadmio, o el plomo. La opción de usar un sistema automatizado de muestreo continuo para las dioxinas/furanos, tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño para dicho sistema automatizado de muestreo continuo. Obtenga la información según se especifica en el (d)(5)(A)(ii)(6) y use los siguientes procedimientos:

(d)(8)(A)(ii)(1) Para demostrar el cumplimiento inicial con los límites de emisiones especificados en la Tabla 1 ó 2 de esta regla, para material particulado, cloruro de hidrógeno, monóxido de carbono, dioxinas/furanos, (en base a la masa total o en base a la equivalencia de toxicidad), mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio y plomo, usted puede sustituir el uso de un sistema de monitoreo continuo en lugar de realizar la prueba inicial de desempeño requerida en el párrafo (d)(8)(A)(i) de esta sección, de la siguiente manera:

(d)(8)(A)(ii)(1)(a) Usted puede sustituir el uso de un sistema de monitoreo continuo para cualquiera de los contaminantes especificados en el párrafo (d)(8)(A)(ii)(1) de esta sección en lugar de realizar la prueba inicial de desempeño para los contaminantes en el párrafo (d)(8)(A)(i) de esta sección. Para determinar el cumplimiento con los límites de concentración de monóxido de carbono usando el SMCE de monóxido de carbono, la corrección al 7 por ciento de oxígeno no aplica durante los períodos de encendido y apagado. Use la concentración medida de monóxido de carbono sin corregir para la concentración de oxígeno cuando promedie junto con otras concentraciones de monóxido de carbono

(corregidas al 7 por ciento de oxígeno) para determinar el valor promedio de 24 horas.

(d)(8)(A)(ii)(1)(b) Usted puede sustituir el uso de un sistema automatizado de muestreo continuo para el mercurio o las dioxinas/furanos en lugar de realizar la prueba anual de desempeño para mercurio o dioxinas/furanos en el párrafo (d)(8)(A)(i) de esta sección.

(d)(8)(A)(ii)(2) Si usted usa un sistema de monitoreo continuo de emisiones para demostrar el cumplimiento con un límite aplicable de emisiones de la Tabla 1 ó 2 de esta regla, según se describe en el párrafo (d)(8)(A)(ii)(1) de esta sección, usted debe usar el sistema de monitoreo continuo de emisiones y seguir los requisitos especificados en el (d)(5)(A)(ii). Usted debe medir las emisiones de acuerdo con el 40 CFR 60.13 para calcular los promedios aritméticos de 1 hora, corregidos al 7 por ciento de oxígeno (o bióxido de carbono). Usted debe demostrar el cumplimiento inicial usando un promedio de estos promedios aritméticos de concentraciones de emisiones de 1 hora en bloques de 24 horas, calculadas usando la Ecuación 19-19 de la sección 12.4.1 del método 19 del 40 CFR Parte 60, apéndice A-7.

(d)(8)(A)(ii)(3) Si usted usa un sistema automatizado de muestreo continuo para demostrar el cumplimiento con un límite aplicable de emisiones de la Tabla 1 ó 2 de esta regla, según se describe en el párrafo (d)(8)(A)(ii)(1) de esta sección, usted deberá:

(d)(8)(A)(ii)(3)(a) Use el sistema automatizado de muestreo continuo especificado en el 40 CFR 60.58b(p) y (q), y medir y calcular emisiones promedio corregidas al 7 por ciento de oxígeno (o bióxido de carbono) de acuerdo al 40 CFR 60.58b(p) y su plan de monitoreo.

(d)(8)(A)(ii)(3)(a)(1) Use los procedimientos especificados en el 40 CFR 60.58b(p) para calcular los promedios de los bloques de 24 horas para determinar el

	cumplimiento con el límite de las emisiones de mercurio de la Tabla 1 de esta regla.
(d)(8)(A)(ii)(3)(a)(2)	Use los procedimientos especificados en el 40 CFR 60.58b(p) para calcular los promedios de los bloques de 2 semanas para determinar el cumplimiento con el límite de emisiones de dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad), de la Tabla 1 de esta regla.
(d)(8)(A)(ii)(3)(b)	Cumpla con las disposiciones en el 40 CFR 60.58b(q) para desarrollar un plan de monitoreo. Para sistemas automatizados de muestreo continuo de mercurio, usted deberá usar las Especificación de Desempeño 12B del apéndice B del 40 CFR Parte 75 y el Procedimiento 5 del apéndice F del 40 CFR Parte 60.
(d)(8)(A)(ii)(4)	Excepto por lo que dispone el párrafo (d)(8)(A)(v) de esta sección, usted debe completar su evaluación inicial de desempeño requerida bajo su plan de monitoreo para cualquier sistema de monitoreo continuo de emisiones y sistema automatizado de muestreo continuo para su fecha de cumplimiento final (ver la Tabla 4 de esta regla). Su evaluación de desempeño debe ser realizada usando los procedimientos y criterios de aceptación especificados en el (d)(8)(D)(i)(3).
(d)(8)(A)(iii)	Para demostrar el cumplimiento inicial con los límites de emisiones de la equivalencia de toxicidad de las dioxinas/furanos en la Tabla 1 ó 2 de esta regla, determine la equivalencia de toxicidad de las dioxinas/furanos de la siguiente manera:
(d)(8)(A)(iii)(a)	Mida la concentración de cada isómero emitido de dioxina/furano, desde los tetraclorados hasta los octaclorados, usando el Método 23 del 40 CFR Parte 60, apéndice A-7 de la EPA.

(d)(8)(A)(iii)(b)	Multiplique la concentración de cada isómero de dioxina/furano (desde los tetraclorados hasta los octaclorados) por el correspondiente factor de equivalencia de toxicidad que está especificado en la Tabla 5 de esta regla.
(d)(8)(A)(iii)(c)	Suma los productos calculados de acuerdo con el párrafo (d)(8)(A)(iii)(b) de esta sección para obtener la concentración total emitida de dioxinas/furanos en términos de su equivalencia de toxicidad.
(d)(8)(A)(iv)	Someta un informe inicial de cumplimiento, según se especifica en el (d)(6)(B)(ii).
(d)(8)(A)(v)	Si usted demuestra el cumplimiento inicial usando la prueba de desempeño especificada en el párrafo (A)(i) de esta sección, entonces aplican las disposiciones de este párrafo (d)(8)(A)(v). Si un evento de fuerza mayor está a punto de ocurrir, ocurre, o ha ocurrido para el cual usted tiene la intención de presentar un reclamo de fuerza mayor, usted debe notificar al Administrador por escrito según está especificado en el (d)(6)(B)(vii). Usted debe realizar la prueba inicial de desempeño tan pronto como sea práctico luego de que ocurra el evento de fuerza mayor. El Administrador determinará si se otorga o no la extensión del plazo para la prueba inicial de desempeño y le notificará a usted por escrito de la aprobación o desaprobación de la solicitud para una extensión tan pronto como sea práctico. Hasta que una extensión de la fecha de entrega de la prueba de desempeño sea aprobada por el Administrador, usted permanecerá estrictamente sujeto a los requisitos de esta regla.

TABLA 5: FACTORES DE EQUIVALENCIA DE TOXICIDAD

Isómeros de dioxina/furanos	Factores de Equivalencia de Toxicidad
2,3,7,8-tetracloro dibenzo-p-dioxina	1
1,2,3,7,8-pentacloro dibenzo-p-dioxina	1
1,2,3,4,7,8-hexacloro dibenzo-p-dioxina	0.1
1,2,3,7,8,9-hexacloro dibenzo-p-dioxina	0.1
1,2,3,6,7,8-hexacloro dibenzo-p-dioxina	0.1
1,2,3,4,6,7,8-heptacloro dibenzo-p-dioxina	0.01
octacloro dibenzo-p-dioxina	0.0003
2,3,7,8-tetracloro dibenzofurano	0.1
2,3,4,7,8-pentracloro dibenzofurano	0.3
1,2,3,7,8-pentracloro dibenzofurano	0.03
1,2,3,4,7,8-hexacloro dibenzofurano	0.1
1,2,3,6,7,8-hexacloro dibenzofurano	0.1
1,2,3,7,8,9-hexacloro dibenzofurano	0.1
2,3,4,6,7,8-hexacloro dibenzofurano	0.1
1,2,3,4,6,7,8-heptracloro dibenzofurano	0.01
1,2,3,4,7,8,9-heptracloro dibenzofurano	0.01
octacloro dibenzofurano	0.0003

(d)(8)(B) Límites operacionales.

(d)(8)(B)(i) Usted debe establecer los límites operacionales específicos para el local que se especifican en los párrafos del (d)(8)(B)(ii) al (viii) de esta sección, o los establecidos en el (d)(2)(C), según corresponda, durante su prueba inicial de desempeño. Usted debe cumplir con los requisitos en el (d)(9)(B) para confirmar estos límites operacionales o reestablecer nuevos límites operacionales usando la información obtenida durante cualquier prueba de desempeño o evaluación de desempeño que sea requerida en el (d)(9)(A). Usted debe seguir las mediciones de los datos y las frecuencias de registro y los tiempos de promedio de los datos que se especifican en la Tabla 6 de esta regla o como está establecido en el (d)(2)(C) y usted debe seguir los requisitos para las pruebas, el monitoreo y calibración que se especifican en el (d)(5)(A) y el (d)(5)(B), o las establecidas en el (d)(2)(C). No se requiere que usted establezca los límites operacionales para los parámetros operacionales detallados en la Tabla 6 de esta regla para un dispositivo de control si usted usa un sistema de monitoreo continuo para demostrar el cumplimiento con los límites de emisiones en la Tabla 1 ó 2 de esta regla para los contaminantes aplicables, según lo siguiente:

(d)(8)(B)(i)(1) Para un depurador que esté diseñado para controlar las emisiones de cloruro de hidrógeno o bióxido de azufre, no es requerido que usted establezca un límite operacional y que monitoree la razón de flujo del líquido del depurador, o el nivel de pH del líquido del depurador, si usted usa el sistema de monitoreo continuo que se especifica en el 40 CFR 60.4865(b) y 60.4885(b) para demostrar el cumplimiento con los límites de emisiones para el cloruro de hidrógeno o del bióxido de azufre.

(d)(8)(B)(i)(2) Para un depurador que esté diseñado para controlar las emisiones del material particulado, el cadmio y el plomo, no es requerido que usted establezca un límite operacional y que monitoree las caídas en presión a lo largo del depurador o de la razón de flujo del líquido del depurador si usted usa el sistema de monitoreo continuo

que se especifica en el 40 CFR 60.4865(b) y 60.4885(b) para demostrar el cumplimiento con los límites de emisiones para el material particulado, el cadmio y el plomo.

(d)(8)(B)(i)(3) Para un precipitador electrostático que esté diseñado para controlar las emisiones del material particulado, el cadmio y el plomo, no es requerido que usted establezca un límite operacional y que monitoree el voltaje secundario de las placas de colección, el amperaje secundario de las placas de colección, o la razón del flujo del agua efluente en la salida del precipitador electrostático si usted usa el sistema de monitoreo continuo que se especifica en el 40 CFR 60.4865(b) y 60.4885(b) para demostrar el cumplimiento con los límites de emisiones para el material particulado, el plomo y el cadmio.

(d)(8)(B)(i)(4) Para un sistema de inyección de carbón activado que esté diseñado para controlar las emisiones de mercurio, no es requerido que usted establezca un límite operacional y que monitoree la razón de inyección del absorbente y la razón del flujo del gas portador (o la caída en presión del gas portador) si usted usa el sistema de monitoreo continuo que se especifica en el 40 CFR 60.4865(b) y 60.4885(b) para demostrar el cumplimiento con los límites de emisiones para el mercurio.

(d)(8)(B)(i)(5) Para un sistema de inyección de carbón activado que esté diseñado para controlar las emisiones de dioxinas/furanos, no es requerido que usted establezca un límite operacional y que monitoree la razón de inyección del absorbente y la razón del flujo del gas portador (o las caídas en presión del gas portador) si usted usa el sistema de monitoreo continuo que se especifica en el 40 CFR 60.4865(b) y 60.4885(b) para demostrar el cumplimiento con los límites de emisiones para dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad).

(d)(8)(B)(ii) La caída de presión mínima a lo largo de cada depurador húmedo que se use para cumplir con los

límites de emisiones para el material particulado, el plomo y el cadmio en la Tabla 1 ó 2 de esta regla, igual al promedio de 4 horas más bajo de la caidas en presión a lo largo de cada uno de estos depuradores húmedos que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones para el material particulado, el plomo y el cadmio.

(d)(8)(B)(iii) La razón mínima de flujo del líquido del depurador (medido en la entrada de cada depurador húmedo), igual al promedio de 4 horas más bajo de la razón de flujo líquido que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con todos los límites de emisiones que sean aplicables.

(d)(8)(B)(iv) El pH mínimo del líquido del depurado para cada depurador húmedo que se use para cumplir con los límites de emisiones para el bióxido de azufre o el cloruro de hidrógeno en la Tabla 1 ó 2 de esta regla, igual al promedio de 1 hora más bajo de pH del líquido del depurador que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones para el bióxido de azufre o el cloruro de hidrógeno.

(d)(8)(B)(v) La temperatura mínima de operación para la cámara de combustión (o temperatura mínima del postquemador), igual al promedio de 4 horas más bajo de la temperatura operacional para la cámara de combustión (o temperatura mínima del postquemador) que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con todos los límites de emisiones que sean aplicables.

(d)(8)(B)(vi) La potencia mínima de entrada (*power input*) de las placas de colección del precipitador electrostático, igual al promedio de 4 horas más bajo del nivel de energía secundario que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones para el material particulado, el plomo y el cadmio. Los niveles de energía deben ser calculados como un producto del voltaje secundario y el

amperaje secundario para las placas de colección del precipitador electrostático. Tanto los voltajes secundarios como los amperajes secundarios deben ser registrados durante la prueba de desempeño.

(d)(8)(B)(vii) La razón mínima de flujo del agua efluente en la salida del precipitador electrostático, igual al promedio de 4 horas más bajo de la razón de flujo del agua efluente en la salida del precipitador electrostático que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones para el material particulado, el plomo y el cadmio.

(d)(8)(B)(viii) Para la inyección de carbón activado, establecer los límites operacionales específicos para el local que se especifican en los párrafos del (d)(9)(B)(viii)(1) al (viii)(3) de esta sección.

(d)(8)(B)(viii)(1) La razón mínima de inyección del absorbente de mercurio, igual al promedio de 4 horas más bajo de la razón de inyección del absorbente de mercurio que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones del mercurio.

(d)(8)(B)(viii)(2) La razón mínima de inyección del absorbente de dioxinas/furanos, igual al promedio de 4 horas más bajo de la razón de inyección del absorbente de dioxinas/furanos que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones de dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad).

(d)(8)(B)(viii)(3) La razón mínima de flujo del gas portador o la caída mínima en presión del gas portador, según lo siguiente:

(d)(8)(B)(viii)(3)(a) La razón mínima de flujo del gas portador, igual al promedio de 4 horas más bajo de la razón de flujo del gas portador que se haya medido durante la prueba de desempeño más reciente para demostrar el

cumplimiento con los límites de emisiones que sean aplicables.

(d)(8)(B)(viii)(3)(b) La caída de presión mínima del gas portador, igual al promedio de 4 horas más bajo de la razón de flujo del gas portador que se haya medido durante la prueba de desempeño más reciente para demostrar el cumplimiento con los límites de emisiones que sean aplicables.

(d)(8)(C)(i) Usted debe realizar una inspección del dispositivo de control de la contaminación del aire de acuerdo al (d)(5)(A)(iii) para la fecha de cumplimiento final bajo el plan estatal, el plan Federal, o de la delegación que se haya aprobado, según corresponda. Para los dispositivos para el control de la contaminación del aire que se hayan instalado luego de la fecha de cumplimiento final, usted debe realizar la inspección de del dispositivo de control de la contaminación del aire dentro de los 60 días luego de la instalación del dispositivo de control.

(d)(8)(C)(ii) Todas las reparaciones necesarias se deben de haber completado dentro de los 10 días operacionales luego de la inspección del dispositivo de control de la contaminación del aire bajo el párrafo (d)(8)(C)(i) de esta sección, a menos que usted obtenga una aprobación por escrito del Administrador estableciendo una fecha en la cual se deben completar todas las reparaciones necesarias para la unidad SSI.

TABLA 6: PARÁMETROS OPERACIONALES PARA LOS INCINERADORES DE RESIDUOS DE AGUAS NEGRAS EXISTENTES[a]

Para estos parámetros operacionales	Usted debe cumplir con estos límites operacionales	Y monitorear usando estas frecuencias mínimas		
		Medición de datos	Registro de datos[b]	Periodo para el promedio de los datos para el cumplimiento
Todas las unidades de incineración de lodos de aguas residuales				
Temperatura operacional de la cámara de combustión (no es requerido si se monitorea la temperatura del postquemador)	Temperatura operacional mínima de la cámara de combustión o la temperatura del postquemador	Continuo	A cada 15 minutos	Bloque de 12 horas.
Emisiones que se escapan durante el manejo de cenizas	Requisitos específicos para el local	No aplica	No aplica	No aplica.
Depurador				
La caída en presión a lo largo de cada depurador húmedo	Bajas mínimas en la presión	Continuo	A cada 15 minutos	Bloque de 12 horas.
Razón de flujo del líquido del depurador	Razón mínima de flujo	Continuo	A cada 15 minutos	Bloque de 12 horas.
pH del líquido del depurador	pH mínimo	Continuo	A cada 15 minutos	Bloque de 3 horas.
Filtro de tela				
Tiempo de alarma del sistema de detección de fugas en las bolsas	Tiempo máximo de alarma de la alarma del sistema de detección de fugas en las bolsas (este límite operacional se provee en la §60.4850 y no está establecido en base al local específico)			
Precipitador electrostático				
Voltaje secundario de las placas de colección del precipitador electrostático	Energía mínima de entrada a las placas de colección del precipitador electrostático	Continuo	Por hora	Bloque de 12 horas.
Amperaje secundario de las placas de colección del precipitador electrostático				
Razón de flujo del agua efluente en la salida del precipitador electrostático	Razón mínima de flujo del agua efluente en la salida del precipitador electrostático	Por hora	Por hora	Bloque de 12 horas.

Para estos parámetros operacionales	Usted debe cumplir con estos límites operacionales	Y monitorear usando estas frecuencias mínimas		
		Medición de datos	Registro de datos[b]	Periodo para el promedio de los datos para el cumplimiento
Inyección de carbón activado				
Razón de inyección del absorbente de mercurio	Razón mínima de inyección del absorbente de mercurio	Por hora	Por hora	Bloque de 12 horas.
Razón de inyección del absorbente de dioxinas/furanos	Razón mínima de inyección del absorbente de dioxinas/furanos			
Razón de flujo del gas portador o baja en la presión del gas portador	- Razones mínimas de flujo del gas portador o bajas mínimas en la presión del gas portador	Continuo	A cada 15 minutos	Bloque de 12 horas.
Postquemador				
Temperatura de la cámara de combustión del postquemador	Temperatura mínima de la cámara de combustión del postquemador	Continuo	A cada 15 minutos	Bloque de 12 horas.

[a]Según se especifica en el Código 40 de las Regulaciones Federales (CFR) 60.5190, usted puede usar un sistema de monitoreo continuo de emisiones o un sistema automatizado de muestreo continuo en lugar de establecer algunos límites operacionales.

[b]Este tiempo de registro se refiere a la frecuencia mínima en la que el monitor continuo u otro dispositivo de medición registra los datos inicialmente. Para todos los datos obtenidos a cada 15 minutos, usted debe calcular los promedios aritméticos por hora. Para todos los parámetros, use promedios por hora para calcular los promedios en bloques de 12 horas o de 3 horas que se especifican en esta tabla para demostrar el cumplimiento. Usted mantendrá registros en promedios de 1 hora.

(d)(8)(D) Usted debe desarrollar y someter para la aprobación del Administrador, un plan de monitoreo específico para el lugar o instalación (*site-specific*) para cada sistema de monitoreo continuo que se requiera bajo esta regla, de acuerdo a los requisitos en los párrafos del (d)(8)(D)(i) al (iii) de esta sección. Este requisito también le aplica a usted si le solicita parámetros alternos de monitoreo al Administrador bajo el 40 CFR 60.13(i) y el párrafo (d)(8)(D)(v) de esta sección. Si usted usa un sistema automatizado de muestreo

continuo para cumplir con los límites de emisiones de mercurio o dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad), usted debe desarrollar su plan de monitoreo según se especifica en el 40 CFR 60.58b(q) y a usted no se le requiere cumplir con los requisitos en los párrafos (d)(8)(D)(i) y (ii) de esta sección. Usted también debe someter un plan de monitoreo específico para el lugar para su sistema de manejo de cenizas, según se especifica en el párrafo (d)(8)(D)(iv) de esta sección. Usted debe someter y actualizar sus planes de monitoreo según se especifica en los párrafos del (d)(8)(D)(vi) al (viii) de esta sección.

(d)(8)(D)(i)	Para cada sistema de monitoreo continuo, su plan de monitoreo debe atender los elementos y requisitos que se especifican en los párrafos del (d)(8)(D)(i)(1) al (i)(8) de esta sección. Usted debe operar y mantener el sistema de monitoreo continuo en operación continua de acuerdo con el plan de monitoreo específico para el local.
(d)(8)(D)(i)(1)	La instalación de una sonda de muestreo para el sistema de monitoreo continuo o de algún otro tipo de interfaz en el lugar de toma de medidas relativo a cada unidad de proceso afectada de tal manera que la medida sea representativa del control de las emisiones de escape (por ejemplo, en o después del último dispositivo de control).
(d)(8)(D)(i)(2)	Especificaciones del desempeño y del equipo para el interfaz de muestreo, la concentración de contaminantes o el analizador de señales paramétricas y los sistemas de obtención y reducción de datos.
(d)(8)(D)(i)(3)	Procedimientos de evaluación del desempeño y criterios de aceptación (por ejemplo, calibraciones).

(d)(8)(D)(i)(3)(a)	Para los sistemas de monitoreo continuo de emisiones, su criterio de desempeño y aceptación debe incluir, pero no estará limitado a, lo siguiente:
(d)(8)(D)(i)(3)(a)(*i*)	Los requisitos correspondientes a los sistemas de monitoreo continuo de emisiones especificados en el 40 CFR 60.13.
(d)(8)(D)(i)(3)(a)(*ii*)	Las especificación de desempeño correspondientes (por ejemplo, la prueba de precisión relativa) en el apéndice B del 40 CFR Parte 60.
(d)(8)(D)(i)(3)(a)(*iii*)	Los procedimientos correspondientes (por ejemplo, las determinaciones trimestrales de la precisión y las pruebas diarias de desviaciones en la calibración) en el apéndice F del 40 CFR Parte 60.
(d)(8)(D)(i)(3)(a)(*iv*)	Una discusión sobre cómo la ocurrencia y duración de los períodos en que se encuentra fuera de control afectarán la calidad de los datos de los SMCE, en donde fuera de control tiene el significado que se indica en la sección (d)(8)(D)(i)(7)(a) de esta sección.
(d)(8)(D)(i)(3)(b)	Para los sistemas de monitoreo continuo de parámetros, su criterio de desempeño y aceptación debe incluir, pero no estará limitado a, lo siguiente:
(d)(8)(D)(i)(3)(b)(*i*)	Si usted tiene un límite operacional que requiere un sistema de monitoreo de flujo, usted debe cumplir con los requisitos en los párrafos del (d)(8)(D)(i)(3)(b)(*i*)(*1*) al (4) de esta sección.
(d)(8)(D)(i)(3)(b)(*i*)(*1*)	Instalar el sensor de flujo y otros equipos necesarios en una posición que le provea de un flujo que sea representativo.
(d)(8)(D)(i)(3)(b)(*i*)(*2*)	Use un sensor de flujo con una sensitividad de medición no mayor del 2 por ciento de la razón de flujo anticipado.

(d)(8)(D)(i)(3)(b)(*i*)(*3*)	Minimice los efectos de los remolinos en el flujo o de velocidades de distribución anormales debido a disturbios en el flujo, ya sean antes o después.
(d)(8)(D)(i)(3)(b)(*i*)(*4*)	Realice una evaluación del desempeño del sistema de monitoreo de flujo de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos de una vez al año.
(d)(8)(D)(i)(3)(b)(*ii*)	Si usted tiene un límite operacional que requiere un sistema de monitoreo de presión, usted debe cumplir con los requisitos en los párrafos del (d)(8)(D)(i)(3)(b)(*ii*)(*1*) al (6) de esta sección.
(d)(8)(D)(i)(3)(b)(*ii*)(*1*)	Instale el/los sensor(es) de presión en una posición que le provea una medida que sea representativa de la presión (por ejemplo, la caída en presión del depurador de material particulado).
(d)(8)(D)(i)(3)(b)(*ii*)(*2*)	Minimice o elimine la presión pulsante, las vibraciones y la corrosión interna y externa.
(d)(8)(D)(i)(3)(b)(*ii*)(*3*)	Use un sensor de presión con un mínimo de tolerancia de 1.27 centímetros de agua o un mínimo de tolerancia del 1 por ciento del rango de operación del sistema de monitoreo de presión, el que sea menor.
(d)(8)(D)(i)(3)(b)(*ii*)(*4*)	Realice revisiones por lo menos un vez por cada día de operación para asegurar que no se obstruyan las medidas de la presión (por ejemplo, revise la llave de presión diariamente para ver si está obstruida).
(d)(8)(D)(i)(3)(b)(*ii*)(*5*)	Realice una evaluación del desempeño del sistema de monitoreo de presión de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos de una vez al año.

(d)(8)(D)(i)(3)(b)(*ii*)(*6*)	Si en cualquier momento la medida de presión se excede del rango máximo de presión operacional especificado por el fabricante, realice una evaluación del desempeño del sistema de monitoreo de la presión de acuerdo con su plan de monitoreo y confirme que el sistema de monitoreo de la presión continua cumpliendo con los requisitos de desempeño de su plan de monitoreo. Alternativamente, instale y verifique la operación de un nuevo sensor de presión.
(d)(8)(D)(i)(3)(b)(*iii*)	Si usted tiene un límite operacional que requiere un sistema de monitoreo de pH, usted debe cumplir con los requisitos en los párrafos del (d)(8)(D)(i)(3)(b)(*iii*)(*1*) al (4) de esta sección.
(d)(8)(D)(i)(3)(b)(*iii*)(*1*)	Instale el sensor de pH en una posición que le provea una medida que sea representativa del pH del efluente del depurador.
(d)(8)(D)(i)(3)(b)(*iii*)(*2*)	Asegúrese de que la muestra esté debidamente mezclada y que sea representativa del líquido que se va a medir.
(d)(8)(D)(i)(3)(b)(*iii*)(*3*)	Realice una evaluación del desempeño del sistema de monitoreo de pH de acuerdo con su plan de monitoreo por lo menos una vez por cada día de operación del proceso.
(d)(8)(D)(i)(3)(b)(*iii*)(*4*)	Realice una evaluación del desempeño (incluyendo una calibración de dos puntos con una de las dos soluciones de buffer teniendo un valor de pH de 1 dentro del nivel límite de pH operacional) del sistema de monitoreo de pH de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos que trimestralmente.
(d)(8)(D)(i)(3)(b)(*iv*)	Si usted tiene un límite operacional que requiere el uso de un dispositivo para medir la temperatura, usted debe cumplir con los

	requisitos en los párrafos del (d)(8)(D)(i)(3)(b)(*iv*)(*1*) al (4) de esta sección.
(d)(8)(D)(i)(3)(b)(*iv*)(*1*)	Instalar el sensor de temperatura y otros equipos necesarios en una posición que le provea de una temperatura que sea representativa.
(d)(8)(D)(i)(3)(b)(*iv*)(*2*)	Use un sensor de temperatura con un mínimo de tolerancia de 2.8 grados Celsius (5 grados Fahrenheit), o de 1.0 por ciento de del valor de la temperatura, el que sea mayor, para temperaturas que no sean criogénica.
(d)(8)(D)(i)(3)(b)(*iv*)(*3*)	Use un sensor de temperatura con un mínimo de tolerancia de 2.8 grados Celsius (5 grados Fahrenheit), o de 2.5 por ciento de del valor de la temperatura, el que sea mayor, para temperaturas criogénica.
(d)(8)(D)(i)(3)(b)(*iv*)(*4*)	Realice una evaluación del desempeño del dispositivo de medición de temperaturas al momento de cada prueba de desempeño, pero no menos de una vez al año.
(d)(8)(D)(i)(3)(b)(*v*)	Si usted tiene un límite operacional que requiere un sistema secundario de monitoreo de energía eléctrica para un precipitador electrostático, usted debe cumplir con los requisitos en los párrafos (d)(8)(D)(i)(3)(b)(*v*)(*1*) y (2) de esta sección.
(d)(8)(D)(i)(3)(b)(*v*)(*1*)	Instale sensores para medir el voltaje (secundario) y la corriente de las placas de colección del precipitador electrostático.
(d)(8)(D)(i)(3)(b)(*v*)(*2*)	Realice una evaluación del desempeño del sistema de monitoreo de energía eléctrica de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos de una vez al año.
(d)(8)(D)(i)(3)(b)(*vi*)	Si usted tiene un límite operacional que requiere un sistema de monitoreo para medir la razón de

	inyección del absorbente (por ejemplo, un dispositivo para medir el peso de la correa, el peso de la tolva, o el flujo de la tolva), usted debe cumplir con los requisitos en los párrafos (d)(8)(D)(i)(3)(b)(*vi*)(*1*) y (2) de esta sección.
(d)(8)(D)(i)(3)(b)(*vi*)(*1*)	Instale el sistema en la(s) posición(es) que le provea una medida que sea representativa del total de la razón de inyección del absorbente.
(d)(8)(D)(i)(3)(b)(*vi*)(*2*)	Realice una evaluación del desempeño del sistema de monitoreo de inyección del absorbente de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos de una vez al año.
(d)(8)(D)(i)(4)	Operación y mantenimiento continuo de los procedimientos de acuerdo con los requisitos generales del 40 CFR 60.11(d).
(d)(8)(D)(i)(5)	Procedimientos continuos para garantizar la calidad de acuerdo con los requisitos generales del 40 CFR 60.13.
(d)(8)(D)(i)(6)	Mantenimiento de archivos y procedimientos de informes continuos de acuerdo con los requisitos generales del 40 CFR 60.7(b), (c), (c)(1), (c)(4), (d), (e), (f) y (g).
(d)(8)(D)(i)(7)	Tomar precauciones para los períodos cuando el sistema de monitoreo continuo está fuera de control, según lo siguiente:
(d)(8)(D)(i)(7)(a)	El sistema de monitoreo continuo está fuera de control si se cumplen las condiciones del párrafo (d)(8)(D)(i)(7)(a)(*i*) o (i)(7)(a)(*ii*) de esta sección.
(d)(8)(D)(i)(7)(a)(*i*)	La desviación de la calibración al nivel cero (nivel bajo), nivel medio (si aplica), o nivel alto se excede del doble de la especificación aplicable de desviación de calibración en la

	especificación de desempeño que aplique, o en el estándar relevante.
(d)(8)(D)(i)(7)(a)(*ii*)	El sistema de monitoreo continuo no realiza una auditoría de la prueba (por ejemplo, auditoría del cilindro de gas), una auditoría de la precisión relativa, una auditoría de la prueba de precisión relativa, o una auditoría de la prueba de linealidad.
(d)(8)(D)(i)(7)(b)	Cuando el sistema de monitoreo continuo está fuera de control según se especifica en el párrafo (d)(8)(D)(i)(7)(a) de esta sección, usted debe tomar la acción correctiva necesaria y debe repetir todas las pruebas necesarias que indiquen que el sistema está fuera de control. Usted debe tomar acción correctiva y realizar pruebas repetidas hasta que los requisitos de desempeño estén por debajo de los límites correspondientes. El principio del período fuera de control es la hora en que usted realiza una prueba de desempeño (por ejemplo, desviación de calibración) que indique un exceso de los requisitos de desempeño que se establecen bajo el 40 CFR Parte 60. El final del período fuera de control es la hora que sigue la implementación completa de la acción correctiva y la demostración exitosa de que el sistema está dentro de los límites permisibles.
(d)(8)(D)(i)(8)	Programa para realizar evaluaciones iniciales y periódicas de desempeño de sus sistemas de monitoreo continuo.
(d)(8)(D)(ii)	Si se usa un sistema de detección de fugas en las bolsas, su plan de monitoreo debe incluir una descripción de los siguientes artículos:
(d)(8)(D)(ii)(1)	La instalación del sistema de detección de fugas en las bolsas de acuerdo con los párrafos (d)(8)(D)(ii)(1)(a) y (ii)(1)(b) de esta sección.

(d)(8)(D)(ii)(1)(a)	Instale el/los sensor(es) de detección de fugas en las bolsas en la(s) posición(es) en donde será(n) representativas de las cargas relativas o absolutas del material particulado para cada chimenea de escape, rejilla de ventilación del techo, o compartimiento (por ejemplo, para un filtro de tela de presión positiva) del filtro de tela.
(d)(8)(D)(ii)(1)(b)	Use un sistema de detección de fugas en las bolsas que esté certificado por el fabricante con la capacidad de detectar emisiones de material particulado en concentraciones de 10 miligramos o menos por metro cúbico actual.
(d)(8)(D)(ii)(2)	Ajuste inicial y periódico del sistema de detección de fugas en las bolsas, incluyendo cómo se establecerá el punto de activación de la alarma. Use un sistema de detección de fugas en las bolsas que esté equipado con un sistema que sonará una alarma cuando el sistema detecte un aumento en las emisiones relativas de material particulado por encima del nivel predeterminado. La alarma debe estar localizada en donde sea fácilmente visible y en donde cualquier alerta puede ser fácilmente detectada y reconocida por el personal operativo de la planta.
(d)(8)(D)(ii)(3)	Evaluaciones del desempeño del sistema de detección de fugas en las bolsas, realizadas de acuerdo con su plan de monitoreo y de manera consistente con los lineamientos en La Guía de Detección de Fugas en las Bolsas de los Filtros de Tela, EPA–454/R–98–015, Septiembre del 1997 (incorporado por referencia, ver 40 CFR 60.17).
(d)(8)(D)(ii)(4)	Operación del sistema de detección de fugas en las bolsas, incluyendo los procedimientos para garantizar la calidad.

(d)(8)(D)(ii)(5)	Mantenimiento del sistema de detección de fugas en las bolsas, incluyendo un programa de mantenimiento rutinario y una lista de inventario de piezas de repuesto.
(d)(8)(D)(ii)(6)	Mantenimiento de archivos (incluyendo la retención de archivos) de la data del sistema de detección de fugas en las bolsas. Use un sistema de detección de fugas en las bolsas que esté equipado con un dispositivo para registrar la señal de salida del sensor continuamente.
(d)(8)(D)(iii)	Usted debe realizar una evaluación inicial de desempeño de cada sistema de monitoreo continuo y sistema de detección de fugas en las bolsas, según corresponda, de acuerdo a su plan de monitoreo y al 40 CFR 60.13(c). Para propósitos de esta regla, las disposiciones del 40 CFR 60.13(c) también se aplican al sistema de detección de fugas en las bolsas. Usted debe realizar la evaluación inicial de desempeño de cada sistema de monitoreo continuo dentro de los 60 días de haber instalado el sistema de monitoreo.
(d)(8)(D)(iv)	Usted debe someter un plan de monitoreo que especifique los procedimientos para la operación del sistema de manejo de cenizas que usted seguirá para asegurar que usted cumpla con el límite para la fuga de emisiones que se especifica en la Tabla 1 ó 2 de esta regla.
(d)(8)(D)(v)	Usted puede someter una solicitud para la aprobación del Administrador de requisitos alternos de monitoreo para demostrar el cumplimiento con los estándares de esta regla, sujeto a las disposiciones de los párrafos del (d)(8)(D)(v)(1) al (v)(6) de esta sección.
(d)(8)(D)(v)(1)	El Administrador no aprobará los períodos de promedio que no estén especificados en esta sección, a menos que usted documente, usando datos o información, que el período de promedio más largo asegurará que las emisiones no se excedan los niveles

alcanzados a lo largo de la duración de las tres corridas de pruebas del desempeño.

(d)(8)(D)(v)(2) Si se aprueba la aplicación para usar un requisito alterno de monitoreo, usted debe continuar usando el requisito original de monitoreo hasta que la aprobación sea recibida para usar otros requisitos de monitoreo.

(d)(8)(D)(v)(3) Usted debe someter la solicitud de los requisitos alternos de monitoreo para ser aprobados no más tarde que la notificación de la prueba de desempeño. Su solicitud debe contener la información especificada en los párrafos del (d)(8)(D)(v)(3)(a) al (v)(3)(c) de esta sección.

(d)(8)(D)(v)(3)(a) La data o información que justifique la solicitud, tales como la falta de viabilidad técnica o económica, o lo poco práctico que sería usar el enfoque requerido.

(d)(8)(D)(v)(3)(b) Una descripción del requisito alterno de monitoreo propuesto, incluyendo el parámetro de operación a ser monitoreado, el enfoque y la técnica del monitoreo, el período de promedio para el límite, y cómo se ha de calcular el límite.

(d)(8)(D)(v)(3)(c) Data o información documentando que el requisito alterno de monitoreo proveerá una garantía equivalente o mejor del cumplimiento con el estándar relevante de emisiones.

(d)(8)(D)(v)(4) El Administrador le notificará de la aprobación o rechazo de la solicitud dentro de los 90 días calendarios luego de haber recibido la solicitud original, o dentro de 60 días calendarios del recibo de cualquier información complementaria, la que sea más futura. El Administrador no aprobará una solicitud de monitoreo alterno a menos que provea una garantía equivalente o mejor del cumplimiento con el estándar relevante de emisiones. Antes de rechazar cualquier solicitud de monitoreo alterno, el Administrador proveerá lo siguiente:

(d)(8)(D)(v)(4)(a)	Notificación de la información y los hallazgos sobre los cuales se basa el rechazo que se obtuvo.
(d)(8)(D)(v)(4)(b)	Notificación de la oportunidad para que usted presente información adicional de apoyo previo a que se tome la acción final sobre su solicitud. Esta notificación especificará cuánto tiempo adicional se le ha permitido para que provea la información adicional de apoyo.
(d)(8)(D)(v)(5)	Usted es el responsable de suministrar oportunamente cualquier información de apoyo que permita que el Administrador considere la aplicación antes de la prueba de desempeño. Ni el haber sometido la solicitud, ni el que el Administrador apruebe o rechace la solicitud, lo exime a usted de la responsabilidad de cumplir con cualquiera de las disposiciones de esta regla.
(d)(8)(D)(v)(6)	El Administrador podría decidir en cualquier momento, en base a cada caso, que límites operacionales adicionales o alternos, o que enfoques alternos para establecer límites operacionales, son necesarios para demostrar el cumplimiento en los estándares de emisiones de esta regla.
(d)(8)(D)(vi)	Usted debe someter sus planes de monitoreo, requeridos en los párrafos (d)(8)(D)(i) y (d)(8)(D)(ii) de esta sección, al menos 60 días antes de la evaluación inicial de desempeño de su(s) sistema(s) de monitoreo continuo.
(d)(8)(D)(vii)	Usted debe someter su plan de monitoreo para su sistema de manejo de cenizas, según requerido en el párrafo (d)(8)(D)(iv) de esta sección, al menos 60 días antes de la fecha de su prueba inicial de cumplimiento.
(d)(8)(D)(viii)	Usted debe actualizar y someter nuevamente su plan de monitoreo si es que hay cambios o cambios potenciales en sus procedimientos de monitoreo o si hay cambios en el proceso, según se define en el 40 CFR 60.5250.

(d)(9)	**Requisitos de cumplimiento continuo**
(d)(9)(A)	Para demostrar el cumplimiento continuo con los límites y estándares de emisiones especificados en la Tabla 1 ó 2 de esta regla, use los procedimientos especificados en el párrafo (d)(9)(A)(i) de esta sección. En lugar de usar los procedimientos especificados en el párrafo (d)(9)(A)(i) de esta sección, usted tiene la opción de demostrar el cumplimiento inicial usando los procedimientos especificados en el párrafo (d)(9)(A)(ii) de esta sección para material particulado, cloruro de hidrógeno, monóxido de carbono, dioxinas/furanos, (en base a la masa total o en base a la equivalencia de toxicidad), mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio, plomo y la fuga de emisiones durante el manejo de cenizas. Usted debe cumplir los requisitos en los párrafos (d)(9)(A)(i) y (d)(9)(A)(ii) de esta sección, según correspondan, y los párrafos del (d)(9)(A)(iii) al (v) de esta sección, de acuerdo a los requisitos para las pruebas de desempeño, el monitoreo y la calibración en la sección (d)(5)(A)(i) y (ii). Además, usted puede solicitar parámetros alternos de monitoreo al Administrador cómo se especifica en el párrafo (d)(9)(A)(vi) de esta sección.
(d)(9)(A)(i)	Demostrar el cumplimiento continuo usando pruebas de desempeño. Excepto por lo que disponen los párrafos (d)(9)(A)(i)(3) y (d)(9)(A)(v) de esta sección, luego de la fecha en que se complete la prueba inicial de desempeño para cada contaminante de la Tabla 1 ó 2de esta regla, usted debe realizar una prueba de desempeño para cada uno de dichos contaminantes anualmente (entre los 12 y 13 meses calendarios luego de la prueba de desempeño anterior). Las pruebas de desempeño se deben realizar usando los métodos de prueba, métodos para sacar promedios y volúmenes mínimos de muestreo o términos de duración que se especifican en la Tabla 1 ó 2 de esta regla y de acuerdo con los requisitos de pruebas, monitoreos, y calibraciones que se especifican en el (d)(5)(A)(i).

(d)(9)(A)(i)(1)	Usted puede repetir la prueba de desempeño en cualquier momento para establecer nuevos valores para los límites operacionales que aplicarán de ese punto en adelante. El administrador podría solicitar que se repita la prueba de desempeño en cualquier momento.
(d)(9)(A)(i)(2)	Usted debe repetir la prueba de desempeño dentro de los 60 días de un cambio en el proceso, según se define en la Regla 102 del RCCA.
(d)(9)(A)(i)(3)	Excepto en la manera que se especifica en los párrafos (d)(9)(A)(i)(1) y (2) de esta sección, usted puede realizar la prueba de desempeño para un contaminante específico con menos frecuencia, según se especifica en los párrafos del (d)(9)(A)(i)(3)(a) al (c) de esta sección.
(d)(9)(A)(i)(3)(a)	Usted puede realizar pruebas de desempeño con menos frecuencia si sus pruebas de desempeño para el contaminante demuestran que por lo menos en los últimos 2 años consecutivos, sus emisiones están en o debajo del 75 por ciento del límite de emisiones especificado en la Tabla 1 ó 2 de esta regla, y que no hay cambios en la operación de la fuente afectada o en el equipo de control de la contaminación del aire que pudieran aumentar las emisiones. En este caso, usted no tendrá que realizar pruebas de desempeño para ese contaminante por los próximos 2 años. Usted debe realizar una prueba de desempeño durante el tercer año y a no más de 37 meses después de la prueba de desempeño anterior.
(d)(9)(A)(i)(3)(b)	Si su unidad SSI continúa cumpliendo con el límite de emisiones para el contaminante, usted puede optar por realizar las pruebas de desempeño para el contaminante a cada tercer año si sus emisiones están en o por debajo del 75 por ciento del límite de emisiones, y si no hay cambios en la operación de la fuente afectada o en el equipo de control de la contaminación del aire que pudieran aumentar las emisiones, pero cada prueba de desempeño de éstas

debe ser realizada a no más de los 37 meses después de la prueba de desempeño anterior.

(d)(9)(A)(i)(3)(c) Si una prueba de desempeño demuestra que las emisiones exceden el 75 por ciento del límite de emisiones para un contaminante, usted debe realizar pruebas de desempeño anualmente para ese contaminante hasta que todas las pruebas de desempeño en dos años consecutivos demuestren estar en cumplimiento.

(d)(9)(A)(ii) Demostrar el cumplimiento continuo usando un sistema de monitoreo continuo de emisiones o un sistema automatizado de muestreo continuo. La opción de usar un sistema de monitoreo continuo de emisiones de cloruro de hidrógeno, de dioxinas/furanos, de cadmio, o de plomo tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño correspondiente al cloruro de hidrógeno, las dioxinas/furanos, el cadmio, o el plomo. La opción de usar un sistema automatizado de muestreo continuo para las dioxinas/furanos, tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño para dicho sistema automatizado de muestreo continuo. Obtenga la información según se especifica en el en el párrafo (d)(5)(A)(ii)(6) [equivalente al 40 CFR 60.5220(b)(6)]y use los siguientes procedimientos:

(d)(9)(A)(ii)(1) Para demostrar el cumplimiento continuo con los límites de emisiones para material particulado, cloruro de hidrógeno, monóxido de carbono, dioxinas/furanos, (en base a la masa total o en base a la equivalencia de toxicidad), mercurio, óxidos de nitrógeno, bióxido de azufre, cadmio y plomo, usted puede sustituir el uso de un sistema de monitoreo continuo en lugar de realizar la prueba anual de desempeño requerida en el párrafo (d)(9)(A)(i) de esta sección, de la siguiente manera:

(d)(9)(A)(ii)(1)(a)	Usted puede sustituir el uso de un sistema de monitoreo continuo para cualquiera de los contaminantes en el párrafo (d)(9)(A)(ii)(1) de esta sección en lugar de realizar la prueba anual de desempeño para los contaminantes en el párrafo (d)(9)(A)(i) de esta sección. Para determinar el cumplimiento con los límites de concentración de monóxido de carbono usando el SMCE de monóxido de carbono, la corrección al 7 por ciento de oxígeno no aplica durante los períodos de encendido y apagado. Use la concentración medida de monóxido de carbono sin corregir para la concentración de oxígeno cuando promedie junto con otras concentraciones de monóxido de carbono (corregidas al 7 por ciento de oxígeno) para determinar el valor promedio de 24 horas.
(d)(9)(A)(ii)(1)(b)	Usted puede sustituir el uso de un sistema automatizado de muestreo continuo para el mercurio o las dioxinas/furanos en lugar de realizar la prueba anual de desempeño para mercurio o dioxinas/furanos en el párrafo (d)(9)(A)(i) de esta sección.
(d)(9)(A)(ii)(2)	Si usted usa un sistema de monitoreo continuo de emisiones para demostrar el cumplimiento con un límite aplicable de emisiones en el párrafo (d)(9)(A)(ii)(1) de esta sección, usted debe usar el sistema de monitoreo continuo de emisiones y seguir los requisitos especificados en el (d)(5)(A)(ii). Usted debe medir las emisiones de acuerdo con el 40 CFR 60.13 para calcular los promedios aritméticos de 1 hora, corregidos al 7 por ciento de oxígeno (o bióxido de carbono). Usted debe demostrar el cumplimiento inicial usando un promedio de estos promedios aritméticos de concentraciones de emisiones de 1 hora en bloques de 24 horas, calculadas usando la Ecuación 19-19 de la sección 12.4.1 del método 19 del 40 CFR Parte 60, apéndice A-7.

(d)(9)(A)(ii)(3)	Si usted usa un sistema automatizado de muestreo continuo para demostrar el cumplimiento con un límite aplicable de emisiones en el párrafo (d)(9)(A)(ii)(1) de esta sección, usted deberá:
(d)(9)(A)(ii)(3)(a)	Usar el sistema automatizado de muestreo continuo especificado en el 40 CFR 60.58b(p) y (q), y medir y calcular emisiones promedio corregidas al 7 por ciento de oxígeno (o bióxido de carbono) de acuerdo al 40 CFR 60.58b(p) y su plan de monitoreo.
(d)(9)(A)(ii)(3)(a)(*i*)	Usar los procedimientos especificados en el 40 CFR 60.58b(p) para calcular los promedios de 24 horas para determinar el cumplimiento con el límite de las emisiones de mercurio de la Tabla 1 de esta regla.
(d)(9)(A)(ii)(3)(a)(*ii*)	Usar los procedimientos especificados en el 40 CFR 60.58b(p) para calcular los promedios de 2 semanas para determinar el cumplimiento con el límite de emisiones de dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad), de la Tabla 1 de esta regla.
(d)(9)(A)(ii)(3)(b)	Actualizar su plan de monitoreo como se especifica en el 40 CFR 60.4880(e). Para sistemas automatizados de muestreo continuo de mercurio, usted deberá usar las Especificación de Desempeño 12B del apéndice B del 40 CFR Parte 75 y el Procedimiento 5 del apéndice F del 40 CFR Parte 60.
(d)(9)(A)(ii)(4)	Excepto por lo que dispone el párrafo (d)(9)(A)(v) de esta sección, usted debe completar su evaluación inicial de desempeño requerida bajo su plan de monitoreo para cualquier sistema de monitoreo continuo de emisiones y sistema automatizado de muestreo continuo de acuerdo al programa especificado en su plan de monitoreo. Si anteriormente usted estaba demostrando el cumplimiento a través de una prueba anual de desempeño (o de acuerdo a las pruebas menos

frecuentes para los contaminantes según se provee en el párrafo (d)(9)(A)(i)(3) de esta sección), usted debe completar la evaluación inicial de desempeño requerida bajo su plan de monitoreo en el (d)(8)(D) para el sistema de monitoreo continuo antes de usar el sistema de monitoreo continuo de emisiones o el sistema automatizado de muestreo continuo para demostrar el cumplimiento. Su evaluación de desempeño debe ser realizada usando los procedimientos y criterios de aceptación especificados en el (d)(8)(D)(i)(3).

(d)(9)(A)(iii) Para demostrar el cumplimiento con los límites de emisiones de la equivalencia de toxicidad de las dioxinas/furanos en el párrafo (d)(9)(A)(i) o (ii) de esta sección, usted debe determinar la equivalencia de toxicidad de las dioxinas/furanos de la siguiente manera:

(d)(9)(A)(iii)(1) Mida la concentración de cada isómero emitido de dioxina/furano, desde los tetraclorados hasta los octaclorados, usando el Método 23 del Código 40 de las Regulaciones Federales (CFR) Parte 60, apéndice A-7.

(d)(9)(A)(iii)(2) Para cada isómero de dioxina/furano (desde los tetraclorados hasta los octaclorados) que se mida de acuerdo con el párrafo (d)(9)(A)(iii)(1) de esta sección, multiplique la concentración del isómero por el correspondiente factor de equivalencia de toxicidad que está especificado en la Tabla 5 de esta regla.

(d)(9)(A)(iii)(3) Suma los productos calculados de acuerdo con el párrafo (d)(9)(A)(iii)(2) de esta sección para obtener la concentración total emitida de dioxinas/furanos en términos de su equivalencia de toxicidad.

(d)(9)(A)(iv) Usted debe someter un informe anual de cumplimiento, según se especifica en el (d)(6)(B)(iii). Usted debe someter un informe de desviaciones según se especifica en el (d)(6)(B)(iv)

para cada instancia en la que usted no cumplió con cada límite de emisiones de la Tabla 1 de esta regla.

(d)(9)(A)(v) Si usted demuestra el cumplimiento continuo usando la prueba de desempeño, según se especifica en el párrafo (d)(9)(A)(i) de esta sección, entonces aplican las disposiciones de este párrafo (d)(9)(A)(v). Si un evento de fuerza mayor está a punto de ocurrir, ocurre, o ha ocurrido para el cual usted tiene la intención de presentar un reclamo de fuerza mayor, usted debe notificar al Administrador por escrito según está especificado en el (d)(6)(B)(vii). Usted debe realizar la prueba de desempeño tan pronto como sea práctico luego de que ocurra el evento de fuerza mayor. El Administrador determinará si se otorga o no la extensión del plazo para la prueba de desempeño y le notificará a usted por escrito de la aprobación o desaprobación de la solicitud para una extensión tan pronto como sea práctico. Hasta que una extensión de la fecha de entrega de la prueba de desempeño sea aprobada por el Administrador, usted permanecerá estrictamente sujeto a los requisitos de esta regla.

(d)(9)(A)(vi) Luego de cualquier solicitud inicial del (d)(8)(D) para los requisitos alternos de monitoreo para el cumplimiento inicial, usted puede subsecuentemente solicitar parámetros alternos de monitoreo al Administrador según se específica en el 40 CFR 60.13(i) y el párrafo (d)(8)(D)(v).

(d)(9)(B) Usted debe monitorear sus parámetros operacionales continuamente según se especifica en el párrafo (d)(9)(B)(i) de esta sección, y cumplir los requisitos de los párrafos (d)(9)(B)(ii) y (iii) de esta sección, de acuerdo a los requisitos de monitoreo y calibración en el (d)(5)(B). Usted debe confirmar y reestablecer sus límites operacionales según se especifica en el párrafo (d)(9)(D)(iv) de esta sección.

(d)(9)(B)(i)	Usted debe monitorear los parámetros operacionales que se especifican en los párrafos (d)(9)(B)(i)(1) y (i)(2) de esta sección continuamente usando el equipo de monitoreo continuo de acuerdo a los procedimientos especificados en el (d)(5)(B) o los establecidos en el (d)(2)(C). Para determinar el cumplimiento, usted debe usar los períodos para sacar promedios de los datos que se especifica en la Tabla 6 de esta regla (excepto el tiempo de alarma del sistema de detección de fugas de la casa de bolsas) a menos que se establezca un período diferente para sacar promedios bajo el (d)(2)(C).
(d)(9)(B)(i)(1)	Usted debe demostrar que la unidad SSI cumple con los límites operacionales establecidos de acuerdo a las secciones (d)(2)(C) y (d)(8)(B)(i) y el párrafo (d)(9)(B)(iv) de esta sección para cada parámetro operacional que sea aplicable.
(d)(9)(B)(i)(2)	Usted debe demostrar que la unidad SSI cumple con los límites operacionales para los sistemas de detección de fugas en las bolsas de la siguiente manera:
(d)(9)(B)(i)(2)(a)	Para los sistemas de detección de fugas en las bolsas, usted debe calcular el tiempo de alarma de la siguiente manera:
(d)(9)(B)(i)(2)(a)(*i*)	Si una inspección del filtro de tela demuestra que no se requiere ninguna acción correctiva, no se calcula ningún tiempo de alarma.
(d)(9)(B)(i)(2)(a)(*ii*)	Si se requiere acción correctiva, cada tiempo de alarma se contará como un mínimo de 1 hora.
(d)(9)(B)(i)(2)(a)(*iii*)	Si se toma más de 1 hora para iniciar la acción correctiva, cada tiempo de alarma (por ejemplo, el tiempo que la alarma suena) se contará como el tiempo real que usted se tomó en iniciar la acción correctiva.

(d)(9)(B)(i)(2)(b)	Su tiempo máximo de alarma es igual al 5 por ciento del tiempo de operación durante un período de 6 meses, según está especificado en el (d)(2)(B)(iii).
(d)(9)(B)(ii)	La operación por encima del máximo establecido, por debajo del mínimo establecido, o fuera del rango permitido de los límites operacionales especificados en el párrafo (d)(9)(B)(i) de esta sección, constituye una desviación de sus límites operacionales establecidos bajo esta regla, excepto durante las pruebas de desempeño que se realizan para determinar el cumplimiento con los límites de emisiones y operacionales o para establecer nuevos límites operacionales. Usted debe someter el informe de desviaciones que se especifica en la sección (d)(6)(B)(iv) para cada instancia en la que usted no cumplió con uno de sus límites operacionales establecidos bajo esta regla.
(d)(9)(B)(iii)	Usted debe someter el informe anual de cumplimiento que se especifica en la sección (d)(6)(B)(iii) para demostrar el cumplimiento continuo.
(d)(9)(B)(iv)	Usted debe confirmar sus límites operacionales de acuerdo al párrafo (d)(9)(B)(iv)(1) de esta sección o reestablecer los límites operacionales de acuerdo al párrafo (d)(9)(B)(iv)(2) de esta sección. Sus límites operacionales deben ser establecidos para que pueda asegurar el cumplimiento continuo de los límites de emisiones. Estos requisitos también aplican a sus requisitos operacionales para su plan de monitoreo de fuga de emisiones que se especifica en la sección (d)(2)(B)(iv).
(d)(9)(B)(iv)(1)	Sus límites operacionales deben estar basados en la data operacional registrada durante cualquier prueba de desempeño que sea requerida en el (d)(9)(A)(i) o cualquier evaluación de desempeño que sea requerida en la sección (d)(9)(A)(ii)(4).

(d)(9)(B)(iv)(2)	Usted puede repetir la prueba de desempeño en cualquier momento para establecer nuevos valores para los límites operacionales que aplicarán de ese punto en adelante.
(d)(9)(C)	Inspecciones del dispositivo de control de contaminación del aire y las reparaciones necesarias.
(d)(9)(C)(i)	Usted debe realizar una inspección anual de cada dispositivo de control de la contaminación del aire que se use para cumplir con los límites de emisiones, de acuerdo a la sección (d)(5)(A)(iii), no más de 12 meses después de la última inspección anual del dispositivo de control de la contaminación del aire.
(d)(9)(C)(ii)	Todas las reparaciones necesarias se deben haber completado dentro de los 10 días operacionales luego de una inspección del dispositivo de control de la contaminación del aire, a menos que usted obtenga una aprobación por escrito del Administrador estableciendo una fecha en la cual se deben completar todas las reparaciones necesarias para la unidad SSI.

Regla 102 del RCCA

Definiciones

Los términos que se usan en esta regla, pero que no están definidos en ella, están definidos en la Ley de Aire Limpio y en el 40 CFR 60.2.

Administrador significa (1) Para las unidades cubiertas por un plan Federal, el Administrador de la EPA o su representante autorizado. (2) Para las unidades cubiertas por un plan estatal aprobado, el director de la Junta de Calidad Ambiental (JCA) de Puerto Rico o su representante autorizado.

Fuente afectada significa un incinerador de lodos de aguas residuales según se define en el 40 CFR 60.5250.

Defensa afirmativa significa, dentro del contexto de un procedimiento de cumplimiento, una respuesta o defensa presentada por el demandado, sobre la cual el demandado tiene la carga de la prueba, y cuyos méritos son independientemente y objetivamente evaluados en un proceso judicial o administrativo.

Chimenea de desvío significa un dispositivo que se utiliza para la descarga de los gases de combustión para evitar daños graves en el equipo de control de la contaminación del aire o de otros equipos.

Sistema automatizado de muestreo continuo significa el total del equipo y los procedimientos para la toma de muestras de manera automática y la recuperación/análisis de las muestras para determinar la concentración o la razón de emisión de un contaminante tomando una muestra integrada simple o múltiples muestras integradas del contaminante (o gas diluente) para un análisis específico en o fuera del local; la(s) muestra(s) integrada(s) que se toma(n) es/son representativa(s) de las emisiones en el momento en que se toma la muestra según se especifica en los requisitos correspondientes.

Sistema de monitoreo continuo de emisiones (SMCE) significa un sistema de monitoreo para medir y registrar de forma continua, las emisiones de un contaminante de una instalación afectada.

Sistema de Monitoreo Continuo (SMC) significa un sistema de monitoreo continuo de emisiones, un sistema automatizado de muestreo continuo, un sistema de monitoreo continuo de parámetros u otra forme de monitoreo manual o automático que se use para demostrar de manera continua el

cumplimiento con las regulaciones correspondientes según se definen en esta regla. El término se refiere al total del equipo que se usa para tomar y preparar (si aplica) muestras, para analizar, y para proveer un registro permanente de los parámetros de las emisiones o de los procesos.

Sistema de monitoreo continuo de parámetros significa un sistema de monitoreo para medir y registrar las condiciones operacionales asociadas con los sistemas de dispositivos de control de la contaminación del aire de manera continua (por ejemplo, temperaturas operacionales, presión y energía).

Precipitador electrostático o precipitador electrostático húmedo es un dispositivo de control de la contaminación del aire que usa ambas fuerzas eléctricas y agua, si aplica, para remover contaminantes en los gases de salida de la chimenea de un incinerador de lodos de aguas residuales.

Incinerador de lodos de aguas residualesexistente es un incinerador de lodos de aguas residuales cuya construcción comenzó en o antes del 14 de octubre del 2010.

Incinerador de lechos fluidizados es un dispositivo cerrado en el cual la materia orgánica y la materia inorgánica de los lodos de aguas residuales son quemados sobre una cama de partículas suspendidas sobre el gas de la cámara de combustión.

Malfuncionamiento significa cualquier falla súbita, infrecuente y no razonablemente prevenible del equipo de control de aire y equipo de monitoreo, equipo de proceso o de un proceso en operar de una forma normal o usual Fallas que son causadas, en parte, por pobre mantenimiento u operación descuidada, no son malfuncionamientos.

Modificaciones (para propósitos de la Regla 405(d)) significa un cambio al las unidades SSI existentes que se haya hecho luego del 21 de septiembre del 2011 y que cumple con uno de dos criterios:

(1) El costo cumulativo de los cambios sobre la vida de la unidad se excede del 50 por ciento del costo original de construir e instalar la unidad SSI (sin incluir el costo del terreno) actualizado al costo actual (en dólares actuales). Para determinar qué sistemas están dentro de los límites de la unidad SSI que se usa para calcular estos costos, vea la definición de Unidad SSI.

(2) Cualquier cambio físico en la unidad SSI o cambio en el método de operación de la misma que aumente la cantidad de cualquier contaminante del aire que se emita y para los cuales la sección 129 o la sección 111 de la Ley de Aire Limpio ha establecido estándares.

Incinerador de lodos de aguas residuales modificado significa una unidad SSI existente que se haya modificado, según se define en esta sección.

Incinerador de múltiples soleras es un horno circular de acero que contiene un número de soleras refractarias y un eje central rotatorio; con brazos limpiadores que se extienden del eje central, diseñados para que lentamente raspen el lodo de la solera. Los residuos deshidratados entran por la parte superior y se mueven hacia abajo a través del horno de una solera a la otra, empujados por los brazos limpiadores.

Día de operación significa un período de 24 horas entre las 12:00 de la media noche y la media noche del día siguiente durante el cual cualquier cantidad de lodos de aguas residuales es quemada en la unidad SSI en cualquier momento.

Material particulado (para propósitos de la Regla 405(d)) significa el material particulado que puede ser filtrado y que es emitido por las unidades SSI según se mide por el Método 5 del 40 CFR Parte 60, apéndice A-3 o el Método 26A o 29 del 40 CFR Parte 60, apéndice A-8.

Fuente de energía para un precipitador electrostático significa el producto del promedio del voltaje secundario de la corrida de prueba y el promedio del amperaje secundario de la corrida de prueba a las placas de colección del precipitador electrostático.

Cambio en el proceso significa una revisión significativa del permiso, pero solo con respecto a las unidades emisoras de contaminantes específicos a los cuales les aplica la revisión propuesta, incluyendo, pero sin limitarse a:

(1) Un cambio en el proceso que se emplea en la instalación de tratamiento de aguas residuales asociada a la unidad SSI afectada (por ejemplo, la inclusión del tratamiento terciario en la instalación, que cambie el método que se usa para disponer de los sólidos del proceso y el procesamiento del residuo previo a su incineración).

(2) Un cambio en el dispositivo de control de la contaminación del aire que se usa para cumplir con los límites de emisiones de la unidad

SSI afectada (por ejemplo, un cambio en el absorbente que se usa para la inyección de carbón activado).

Residuos de aguas negras significa residuos sólidos, semisólidos, o líquidos que se generan durante el tratamiento de aguas negras domésticas en una planta de tratamiento. Los lodos de aguas residuales incluyen, pero no se limitan a, aguas sépticas domésticas, mugre o sólidos extraídos en el proceso primario, secundario, o avanzado de tratamiento de aguas residuales; y un material derivado de los lodos de aguas residuales. Los lodos de aguas residuales no incluyen las cenizas que se generan durante la quema de los lodos de aguas residuales en un incinerador de lodos de aguas residuales ni las arenillas y cerniduras que se generan durante el tratamiento preliminar de las aguas residuales domésticas.

Razón de alimentación de los lodos de aguas residuales es la razón a la que los lodos de aguas residuales son alimentadas al incinerador.

Incinerador de lodos de aguas residuales (SSI por sus siglas en inglés) es un incinerador que quema lodos de aguas residuales para reducir el volumen de los lodos de aguas residuales a través de la remoción del material combustible. Los diseños de las unidades de incineración de lodos de aguas residuales incluyen lechos fluidizados y múltiples soleras. Las unidades SSI también incluyen, pero no están limitadas a, sistema de alimentación de lodos de aguas residuales, sistema auxiliar de alimentación de combustible, sistema de parrilla, sistema de conducto de gas, equipo de recuperación de calor residual, si alguno, y sistema de ceniza de fondo. La unidad SSI incluye todos los sistemas para el manejo de cenizas que está conectado al sistema de manejo de ceniza de fondo. El sistema de ceniza de fondo de la unidad de combustión termina en la estación de carga de camiones o en algún equipo similar que transfiera la ceniza a su desecho final. La unidad SSI no incluye equipo para el control de la contaminación del aire o la chimenea.

Apagado (para propósitos de la Regla 405(d)) se refiere al período de tiempo luego de que todo el residuo de aguas negras se ha quemado en la cámara principal.

Encendido (para propósitos de la Regla 405(d)) se refiere al período de tiempo entre la activación, incluyendo el encendido de combustibles (por ejemplo, gas natural o petróleo destilado), del sistema y la primera alimentación a la unidad.

Desperdicio sólido significa toda la basura, desperdicio, lodo de aguas residuales de una planta de tratamiento de residuos, planta de tratamiento de agua potable, o instalación de control de la contaminación del aire y otros materiales desechados, incluyendo sólidos, líquidos, semisólidos o material gaseoso contenido resultante de las operaciones industriales, comerciales, minería, agricultura y de actividades de la comunidad, pero no incluye el material sólido o disuelto en las aguas residuales domésticas, o de materiales sólidos o disueltos en flujos de retorno de irrigación o descargas industriales que son fuentes puntuales sujetas a permisos bajo la sección 402 de la Ley Federal de Control de Contaminación de Agua, según enmendada (33 U.S.C. 1342), subproducto de una fuente, nuclear especial o material omo se define en la Ley de Energía Atómica de 1954, según enmendada (42 U.S.C. 2014).

Equivalencia de toxicidad significa el producto de la concentración de un isómero individual de dioxina en una mezcla ambiental y el correspondiente estimado de la toxicidad específica del compuesto relativa al tetracloro dibenzo-p-dioxina, a lo que se le refiere como el factor de equivalencia de toxicidad para ese compuesto. La Tabla 5 de esta regla detalla los factores de equivalencia de toxicidad.

Usted (para propósitos de la Regla 405(d)) se refiere al propietario u operador de la unidad SSI afectada.

COMMONWEALTH OF
PUERTO RICO
Environmental Quality Board

AMENDMENT TO REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

(Regulation No. 5300, as amended)

(RULES 102 AND 405)

2014

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EQB
Environmental Quality Board
Commonwealth of Puerto Rico

COMMONWEALTH OF
PUERTO RICO
Environmental Quality Board

SUPLETORY SHEET

1. Title of Regulation:	Regulation for the Control of Atmospheric Pollution (Amendment to Rules 102 and 405)
2. Date of approval:	December 23, 2013 (R-13-17-29)
3. Officials whom approved:	EQB Board of Directors composed by: Laura M. Vélez-Vélez, Esq. Chairman Ramón J. Cruz Díaz Vice President Suzette M. Meléndez Colón Associate Member
4. Date of public notice:	November 18, 2011 (El Vocero, Primera Hora)
5. Office where approved:	Environmental Quality Board of the Commonwealth of Puerto Rico Environmental Agencies Building Cruz A. Matos Urb. San José Industrial Park, 1375 Ponce de León Avenue San Juan, P.R. 00926-2604
6. Reference of the legal authority to promulgate this regulation:	Law No. 416 of September 22, 2004, as amended, known as Public Policy Environmental Act
7. Regulation Number:	**No. 8485**
8. Date of Radication:	**June 13, 2014**
9. Date of effectiveness:	Thirty (30) days after the filing of this Regulation in the State Department
10. Reference to all other Regulations which has been amended or derogated by the adoption or promulgation of this regulation:	Regulation for the Control of Atmospheric Pollution (*Regulation No 5300*)

CERTIFICATION

I, CERTIFY that the procedures followed for the adoption of this regulation where accomplished in accordance with the Commonwealth of Puerto Rico Uniform Administrative Procedure Act, Law No. 170 of August 12, 1988, as amended, 3 L.P.R.A.§1121 *et seq.* and that regulation object of this Supletory Sheet has been duly reviewed and does not contain substantive, typographic or clerical errors.

Rebeca Acosta Pérez, Esq.
Secretary of the Government Board
Environmental Quality Board

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

Pursuant and in accordance with the Environmental Public Policy Act (Law No. 416 of September 22, 2004, as amended) the Uniform Administrative Procedure Act (Law No. 170 of August 12, 1988, as amended), and the Title 40 of Code of Federal Regulations, the following amendment of Rules 102 y 405 of the:

REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION
Regulation No. 5300, as amended of August 28, 1995

Has been promulgated by the Resolution Number R-13-17-29 of December 23, 2013, in order to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units and be consistent with the definitions approved by the Environmental Protection Agency (EPA) included in the Guidelines. These amendments will be sent to EPA in order to update the Puerto Rico State Implementation Plan.

In San Juan, Puerto Rico, June 12, 2014.

Sr. Ramón J. Cruz Díaz
Associate Member

Lcda. Suzette M. Meléndez Colón
Associate Member

Lcda. Laura M. Vélez Vélez
Chairwoman

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

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REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION
(Regulation No. 5300, as amended)

Amendment to Rules 102 and 405

Date of effectiveness: Thirty (30) days after the filing of this amendment in the State Department.

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2014

Rule 405(d)	**Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI).**
(d)(1)	**Applicability**
(d)(1)(A)	This rule establishes emission guidelines and compliance schedules for the control of emissions from sewage sludge incineration (SSI) units. The pollutants addressed by these emission guidelines are listed in Tables 1 and 2 to this rule.
(d)(1)(B)	SSI units that commenced construction on or before October 14, 2010 must achieve final compliance as expeditiously as practicable after approval of this rule but not later than the earlier of March 21, 2016 or three years after the effective date of the approval of this rule.
(d)(1)(C)	SSI units means an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.
(d)(1)(D)	This rule exempts combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge. These units may be subject to Rule 405(c) of RCAP. The owner or operator of such a combustion unit must notify EPA and EQB of an exemption claim under this section.

(d)(1)(E) If the owner or operator of a SSI unit makes changes that meet the definition of modification after September 21, 2011, the SSI unit becomes subject to 40 CFR Part 60, Subpart LLLL and the state plan no longer applies to that unit.

(d)(1)(F) If the owner or operator of a SSI unit makes physical or operational changes to a SSI unit for which construction commenced on or before September 21, 2011 primarily to comply with the state plan, 40 CFR Part 60, Subpart LLLL does not apply to that unit. Such changes do not qualify as modifications under Subpart LLLL.

(d)(2) Emission Limits, Emission Standards, and Operating Limits and Requirements

(d)(2)(A) You must meet the emission limits and standards specified in Table 1 or 2 to this rule by the final compliance date under the approved state plan, Federal plan or delegation, as applicable. The emission limits and standards apply at all times the unit is operating and during periods of malfunction. The emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (*i.e.*, until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time).

TABLE 1: EMISSION LIMITS AND STANDARDS FOR EXISTING FLUIDIZED BED SEWAGE SLUDGE INCINERATION UNITS

For the air pollutant	You must meet this emission limit[a]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	18 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run)	Performance test (Method 5 at 40 CFR part 60, appendix A–3; Method 26A or Method 29 at 40 CFR part 60, appendix A–8).

For the air pollutant	You must meet this emission limit[a]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Hydrogen chloride	0.51 parts per million by dry volume	3-run average (Collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 26A at 40 CFR part 60, appendix A–8).
Carbon monoxide	64 parts per million by dry volume	3-run average (collect sample for a minimum duration of one hour per run)	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4).
Dioxins/furans (total mass basis); or Dioxins/furans (toxic equivalency basis)[b]	1.2 nanograms per dry standard cubic meter (total mass basis); or 0.10 nanograms per dry standard cubic meter (toxic equivalency basis)	3-run average (collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 23 at 40 CFR part 60, appendix A–7).
Mercury	0.037 milligrams per dry standard cubic meter	3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008)[c], collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A–8)	Performance test (Method 29 at 40 CFR part 60, appendix A–8; Method 30B at 40 CFR part 60, appendix A–8; or ASTM D6784–02 (Reapproved 2008).[c]
Oxides of nitrogen	150 parts per million by dry volume	3-run average (Collect sample for a minimum duration of one hour per run)	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4).
Sulfur dioxide	15 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 60 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run)	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A–4; or ANSI/ASME PTC–19.10–1981.[c]
Cadmium	0.0016 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 29 at 40 CFR part 60, appendix A–8). Use GFAAS or ICP/MS for the analytical finish.
Lead	0.0074 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 1 dry standard cubic meters sample per run)	Performance test (Method 29 at 40 CFR part 60, appendix A–8. Use GFAAS or ICP/MS for the analytical finish.

For the air pollutant	You must meet this emission limit[a]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Fugitive emissions from ash handling	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of the hourly observation period	Three 1-hour observation periods	Visible emission test (Method 22 of appendix A–7 of this part).

[a]All emission limits are measured at 7 percent oxygen, dry basis at standard conditions.

[b]You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

[c]Incorporated by reference, *see* 40 CFR 60.17.

TABLE 2: EMISSION LIMITS AND STANDARDS FOR EXISTING MULTIPLE HEARTH SEWAGE SLUDGE INCINERATION UNITS

For the air pollutant	You must meet this emission limit[a]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Particulate matter	80 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 0.75 dry standard cubic meters per run)	Performance test (Method 5 at 40 CFR part 60, appendix A–3; Method 26A or Method 29 at 40 CFR part 60, appendix A–8).
Hydrogen chloride	1.2 parts per million by dry volume	3-run average (For Method 26, collect a minimum volume of 200 liters per run. For Method 26A, collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 26 or 26A at 40 CFR part 60, appendix A–8).
Carbon monoxide	3,800 parts per million by dry volume	3-run average (collect sample for a minimum duration of one hour per run)	Performance test (Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4).

For the air pollutant	You must meet this emission limit[a]	Using these averaging methods and minimum sampling volumes or durations	And determining compliance using this method
Dioxins/furans (total mass basis)	5.0 nanograms per dry standard cubic meter; or	3-run average (collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 23 at 40 CFR part 60, appendix A–7).
Dioxins/furans (toxic equivalency basis)[b]	0.32 nanograms per dry standard cubic meter		
Mercury	0.28 milligrams per dry standard cubic meter	3-run average (For Method 29 and ASTM D6784–02 (Reapproved 2008),[c]collect a minimum volume of 1 dry standard cubic meters per run. For Method 30B, collect a minimum sample as specified in Method 30B at 40 CFR part 60, appendix A–8)	Performance test (Method 29 at 40 CFR part 60, appendix A–8; Method 30B at 40 CFR part 60, appendix A–8; or ASTM D6784–02 (Reapproved 2008)).[c]
Oxides of nitrogen	220 parts per million by dry volume	3-run average (Collect sample for a minimum duration of one hour per run)	Performance test (Method 7 or 7E at 40 CFR part 60, appendix A–4).
Sulfur dioxide	26 parts per million by dry volume	3-run average (For Method 6, collect a minimum volume of 200 liters per run. For Method 6C, collect sample for a minimum duration of one hour per run)	Performance test (Method 6 or 6C at 40 CFR part 40, appendix A–4; or ANSI/ASME PTC 19.10–1981).[c]
Cadmium	0.095 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 29 at 40 CFR part 60, appendix A–8).
Lead	0.30 milligrams per dry standard cubic meter	3-run average (collect a minimum volume of 1 dry standard cubic meters per run)	Performance test (Method 29 at 40 CFR part 60, appendix A–8).
Fugitive emissions from ash handling	Visible emissions of combustion ash from an ash conveying system (including conveyor transfer points) for no more than 5 percent of the hourly observation period	Three 1-hour observation periods	Visible emission test (Method 22 of appendix A–7 of this part).

[a]All emission limits are measured at 7 percent oxygen, dry basis at standard conditions.

[b]You have the option to comply with either the dioxin/furan emission limit on a total mass basis or the dioxin/furan emission limit on a toxic equivalency basis.

[c]Incorporated by reference, *see* 40 CFR §60.17.

(d)(2)(B)	You must meet, as applicable, the operating limits and requirements specified in paragraphs (d)(2)(B)(i) through (iv) and (viii) of this section, according to the schedule specified in paragraph (v) of this section. The operating parameters for which you will establish operating limits for a wet scrubber, fabric filter, electrostatic precipitator, or activated carbon injection are listed in Table 6 to this rule. You must comply with the operating requirements in paragraph (vi) of this section and the requirements in paragraph (vii) of this section for meeting any new operating limits, re-established in (d)(9)(B). The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.,* until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time).
(d)(2)(B)(i)	You must meet a site-specific operating limit for minimum operating temperature of the combustion chamber (or afterburner combustion chamber) that you establish in (d)(8)(B).
(d)(2)(B)(ii)	If you use a wet scrubber, electrostatic precipitator, activated carbon injection, or afterburner to comply with an emission limit, you must meet the site-specific operating limits that you establish in (d)(8)(B) for each operating parameter associated with each air pollution control device.
(d)(2)(B)(iii)	If you use a fabric filter to comply with the emission limits, you must install the bag leak detection system specified in sections (d)(8)(D)(ii) and (d)(5)(B)(ii)(3)(a) and operate the bag leak detection system such that the alarm does not sound more than 5 percent of the operating time during a 6-month period. You must calculate the alarm time as specified in (d)(9)(B)(i)(2)(a).

(d)(2)(B)(iv)	You must meet the operating requirements in your site-specific fugitive emission monitoring plan, submitted as specified in (d)(8)(D)(iv) to ensure that your ash handling system will meet the emission standard for fugitive emissions from ash handling.
(d)(2)(B)(vi)	You must meet the operating limits and requirements specified in paragraphs (d)(2)(B)(i) through (iv) of this section by the final compliance date under the approved state plan, Federal plan, or delegation, as applicable.
(d)(2)(B)(vi)	You must monitor the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, as specified in paragraphs (d)(2)(B)(vi)(1) and (vi)(2) of this section.
(d)(2)(B)(vi)(1)	Continuously monitor the sewage sludge feed rate and calculate a daily average for all hours of operation during each 24-hour period. Keep a record of the daily average feed rate, as specified in (d)(6)(A)(vi)(3)(b).
(d)(2)(B)(vi)(2)	Take at least one grab sample per day of the sewage sludge fed to the sewage sludge incinerator. If you take more than one grab sample in a day, calculate the daily average for the grab samples. Keep a record of the daily average moisture content, as specified in (d)(6)(A)(vi)(3)(b).
(d)(2)(B)(vii)	For the operating limits and requirements specified in paragraphs (d)(2)(B)(i) through (B)(iv) and (B)(viii) of this section, you must meet any new operating limits and requirements, re-established according to (d)(9)(B)(iv).
(d)(2)(B)(viii)	If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator, or activated carbon injection to comply with the emission limits in Table 1 or 2 to this rule, you must meet any site-specific operating limits or requirements that you establish as required in (d)(2)(C).

(d)(2)(C)	If you use an air pollution control device other than a wet scrubber, fabric filter, electrostatic precipitator, activated carbon injection, or afterburner, or limit emissions in some other manner (*e.g.,* materials balance) to comply with the emission limits in (d)(2)(A), you must meet the requirements in paragraphs (d)(2)(C)(i) and (ii) of this section.
(d)(2)(C)(i)	Meet the applicable operating limits and requirements in 40 CFR §60.4850, and establish applicable operating limits according to (d)(8)(B).
(d)(2)(C)(ii)	Petition the Administrator for specific operating parameters, operating limits, and averaging periods to be established during the initial performance test and to be monitored continuously thereafter.
(d)(2)(C)(ii)(1)	You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. You must not conduct the initial performance test until after the petition has been approved by the Administrator, and you must comply with the operating limits as written, pending approval by the Administrator. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this rule.
(d)(2)(C)(ii)(2)	Your petition must include the five items listed in paragraphs (d)(2)(C)(ii)(2)(a) through (C)(ii)(2)(e) of this section.
(d)(2)(C)(ii)(2)(a)	Identification of the specific parameters you propose to monitor.

(d)(2)(C)(ii)(2)(b)	A discussion of the relationship between these parameters and emissions of regulated pollutants, identifying how emissions of regulated pollutants change with changes in these parameters, and how limits on these parameters will serve to limit emissions of regulated pollutants.
(d)(2)(C)(ii)(2)(c)	A discussion of how you will establish the upper and/or lower values for these parameters that will establish the operating limits on these parameters, including a discussion of the averaging periods associated with those parameters for determining compliance.
(d)(2)(C)(ii)(2)(d)	A discussion identifying the methods you will use to measure and the instruments you will use to monitor these parameters, as well as the relative accuracy and precision of these methods and instruments.
(d)(2)(C)(ii)(2)(e)	A discussion identifying the frequency and methods for recalibrating the instruments you will use for monitoring these parameters.
(d)(2)(D)	The emission limits and standards apply at all times and during periods of malfunction. The operating limits apply at all times that sewage sludge is in the combustion chamber (*i.e.,* until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time). For determining compliance with the CO concentration limit using CO CEMS, the correction to 7 percent oxygen does not apply during periods of startup or shutdown. Use the measured CO concentration without correcting for oxygen concentration in averaging with other CO concentrations (corrected to 7 percent O_2) to determine the 24-hour average value.
(d)(2)(E)	In response to an action to enforce the numerical emission standards set forth in paragraph (d)(2)(A), you may assert an affirmative defense to a claim for civil penalties for exceedances of emission limits that are caused by malfunction, as defined in 40 CFR 60.2.

	Appropriate penalties may be assessed however, if you fail to meet your burden of proving all of the requirements in the affirmative defense. The affirmative defense shall not be available for claims for injunctive relief.
(d)(2)(E)(i)	To establish the affirmative defense in any action to enforce such a limit, you must timely meet the notification requirements in paragraph (d)(2)(E)(ii) of this section, and must prove by a preponderance of evidence that the conditions in paragraphs (d)(2)(E)(i)(1) through (i)(9) of this section are met.
(d)(2)(E)(i)(1)	The excess emissions:
(d)(2)(E)(i)(1)(a)	Were caused by a sudden, infrequent, and unavoidable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner, and
(d)(2)(E)(i)(1)(b)	Could not have been prevented through careful planning, proper design or better operation and maintenance practices, and
(d)(2)(E)(i)(1)(c)	Did not stem from any activity or event that could have been foreseen and avoided, or planned for, and
(d)(2)(E)(i)(1)(d)	Were not part of a recurring pattern indicative of inadequate design, operation, or maintenance, and
(d)(2)(E)(i)(2)	Repairs were made as expeditiously as possible when the applicable emission limits were being exceeded. Off-shift and overtime labor were used, to the extent practicable to make these repairs, and
(d)(2)(E)(i)(3)	The frequency, amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions, and

(d)(2)(E)(i)(4)	If the excess emissions resulted from a bypass of control equipment or a process, then the bypass was unavoidable to prevent loss of life, personal injury, or severe property damage, and
(d)(2)(E)(i)(5)	All possible steps were taken to minimize the impact of the excess emissions on ambient air quality, the environment and human health, and
(d)(2)(E)(i)(6)	All emissions monitoring and control systems were kept in operation if at all possible consistent with safety and good air pollution control practices, and
(d)(2)(E)(i)(7)	All of the actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, and
(d)(2)(E)(i)(8)	At all times, the affected facility was operated in a manner consistent with good practices for minimizing emissions, and
(d)(2)(E)(i)(9)	A written root cause analysis has been prepared the purpose of which is to determine, correct, and eliminate the primary causes of the malfunction and the excess emissions resulting from the malfunction event at issue. The analysis shall also specify, using best monitoring methods and engineering judgment, the amount of excess emissions that were the result of the malfunction.
(d)(2)(E)(ii)	The owner or operator of the SSI unit experiencing an exceedance of its emission limit(s) during a malfunction, shall notify the Administrator by telephone or facsimile (fax) transmission as soon as possible, but no later than 2 business days after the initial occurrence of the malfunction, if it wishes to avail itself of an affirmative defense to civil penalties for thatmalfunction. The owner or operator seeking to assert an affirmative defense shall also submit a written report to the Administrator within 45 days of the initial occurrence of the exceedance of the standard in

(d)(2)(A) to demonstrate, with all necessary supporting documentation, that it has met the requirements set forth in paragraph (d)(2)(E)(i)of this section. The owner or operator may seek an extension of this deadline for up to 30 additional days by submitting a written request to the Administrator before the expiration of the 45 day period. Until a request for an extension has been approved by the Administrator, the owner or operator is subject to the requirement to submit such report within 45 days of the initial occurrence of the exceedance.

(d)(3) **Operator training and qualification requirements.**

(d)(3)(A) A SSI unit cannot be operated unless a fully trained and qualified SSI unit operator is accessible, either at the facility or can be at the facility within 1 hour. The trained and qualified SSI unit operator may operate the SSI unit directly or be the direct supervisor of one or more other plant personnel who operate the unit. If all qualified SSI unit operators are temporarily not accessible, you must follow the procedures in paragraph (d)(3)(I) of this section.

(d)(3)(B) Operator training and qualification must be obtained through a program approved by the Administrator or by completing the requirements included in paragraph (d)(3)(C) of this section.

(d)(3)(C) Training must be obtained by completing an incinerator operator training course that includes, at a minimum, the three elements described in paragraphs (d)(3)(C)(i), (d)(3)(C)(ii), and (d)(3)(C)(iii) of this section.

(d)(3)(C)(i) Training on the 10 subjects listed in paragraphs (d)(3)(C)(i)(1) through (d)(3)(C)(i)(10) of this section.

(d)(3)(C)(i)(1) Environmental concerns, including types of emissions.

(d)(3)(C)(i)(2) Basic combustion principles, including products of combustion.

(d)(3)(C)(i)(3)	Operation of the specific type of incinerator to be used by the operator, including proper startup, sewage sludge feeding, and shutdown procedures.
(d)(3)(C)(i)(4)	Combustion controls and monitoring.
(d)(3)(C)(i)(5)	Operation of air pollution control equipment and factors affecting performance (if applicable).
(d)(3)(C)(i)(6)	Inspection and maintenance of the incinerator and air pollution control devices.
(d)(3)(C)(i)(7)	Actions to prevent malfunctions or to prevent conditions that may lead to malfunctions.
(d)(3)(C)(i)(8)	Bottom and fly ash characteristics and handling procedures.
(d)(3)(C)(i)(9)	Applicable Federal, State, and local regulations, including Occupational Safety and Health Administration workplace standards.
(d)(3)(C)(i)(10)	Pollution prevention.
(d)(3)(C)(ii)	An examination designed and administered by the state-approved program.
(d)(3)(C)(iii)	Written material covering the training course topics that may serve as reference material following completion of the course.
(d)(3)(D)	The operator training course must be completed by the later of the three dates specified in paragraphs (d)(3)(D)(i) through (D)(iii) of this section.
(d)(3)(D)(i)	The final compliance date.
(d)(3)(D)(ii)	Six months after your SSI unit startup.

(d)(3)(D)(iii)	Six months after an employee assumes responsibility for operating the SSI unit or assumes responsibility for supervising the operation of the SSI unit.
(d)(3)(E)	You must obtain operator qualification by completing a training course that satisfies the criteria under (d)(3)(B).
(d)(3)(F)	Qualification is valid from the date on which the training course is completed and the operator successfully passes the examination required under (d)(3)(C)(ii).
(d)(3)(G)	To maintain qualification, the operator must complete an annual review or refresher course covering, at a minimum, the five topics described in paragraphs (d)(3)(G)(i) through (v) of this section.
(d)(3)(G)(i)	Update of regulations.
(d)(3)(G)(ii)	Incinerator operation, including startup and shutdown procedures, sewage sludge feeding, and ash handling.
(d)(3)(G)(iii)	Inspection and maintenance.
(d)(3)(G)(iv)	Prevention of malfunctions or conditions that may lead to malfunction.
(d)(3)(G)(v)	Discussion of operating problems encountered by attendees.
(d)(3)(H)	You must renew a lapsed operator qualification must be renewed before you begin operation of a SSI unit by one of the two methods specified in the following paragraphs:
(d)(3)(H)(i)	For a lapse of less than 3 years, you must complete a standard annual refresher course described in (d)(3)(G).
(d)(3)(H)(ii)	For a lapse of 3 years or more, you must repeat the initial qualification requirements in (d)(3)(E).

(d)(3)(I)	If a qualified operator is not at the facility and cannot be at the facility within 1 hour, you must meet the criteria specified in either paragraph (d)(3)(I)(i) or (d)(3)(I)(ii) of this section, depending on the length of time that a qualified operator is not accessible.
(d)(3)(I)(i)	When a qualified operator is not accessible for more than 8 hours, the SSI unit may be operated for less than 2 weeks by other plant personnel who are familiar with the operation of the SSI unit and who have completed a review of the information specified in (d)(3)(J) and (d)(3)(K) within the past 12 months. However, you must record the period when a qualified operator was not accessible and include this deviation in the annual report as specified under (d)(6)(B)(iv).
(d)(3)(I)(ii)	When a qualified operator is not accessible for 2 weeks or more, you must take the two actions that are described in the following paragraphs:
(d)(3)(I)(ii)(1)	Notify the Administrator of this deviation in writing within 10 days. In the notice, state what caused this deviation, what you are doing to ensure that a qualified operator is accessible, and when you anticipate that a qualified operator will be accessible.
(d)(3)(I)(ii)(2)	Submit a status report to the Administrator every 4 weeks outlining what you are doing to ensure that a qualified operator is accessible, stating when you anticipate that a qualified operator will be accessible, and requesting approval from the Administrator to continue operation of the SSI unit. You must submit the first status report 4 weeks after you notify the Administrator of the deviation under paragraph (d)(3)(I)(ii)(1) of this section.
(d)(3)(I)(ii)(2)(a)	If the Administrator notifies you that your request to continue operation of the SSI unit is disapproved, the SSI unit may continue operation for 30 days, and then must cease operation.

(d)(3)(I)(ii)(2)(b)	Operation of the unit may resume if a qualified operator is accessible as required under (d)(3)(A) through (d)(3)(C). You must notify the Administrator within 5 days of having resumed operations and of having a qualified operator accessible.
(d)(3)(J)	You must maintain at the facility the documentation of the operator training procedures specified under (d)(6)(A)(iii)(1) and make the documentation readily accessible to all SSI unit operators.
(d)(3)(K)	You must establish a program for reviewing the information listed in (d)(6)(A)(iii)(1) with each qualified incinerator operator and other plant personnel who may operate the unit according to the provisions of (d)(3)(I)(i), according to the following schedule:
(d)(3)(K)(i)	The initial review of the information listed in (d)(6)(A)(iii)(1) must be conducted within 6 months after the effective date of this rule or prior to an employee's assumption of responsibilities for operation of the SSI unit, whichever date is later.
(d)(3)(K)(ii)	Subsequent annual reviews of the information listed in (d)(6)(A)(iii)(1) must be conducted no later than 12 months following the previous review.
(d)(4)	**Title V Operating Permits**
(d)(4)(A)	If you are subject to an applicable EPA-approved and effective Clean Air Act (CAA) section 111(d)/129 state or tribal plan or an applicable and effective Federal plan, you are required to apply for and obtain a Title V operating permit for your existing SSI unit unless you meet the relevant requirements for an exemption specified in paragraph (d)(1)(D).
(d)(4)(A)(i)	If your existing SSI unit is not subject to an earlier permit application deadline, a complete title V permit application must be submitted on or before the earlier of the dates specified in paragraphs (d)(4)(A)(i)(1)

	through (i)(3) of this section. (See sections 129 (e), 503(c), 503(d), and 502(a) of the Clean Air Act and 40 CFR 70.5(a)(1)(i) and 40 CFR 71.5(a)(1)(i)).
(d)(4)(A)(i)(1)	12 months after the effective date of any applicable EPA-approved CAA section 111(d)/129 state or tribal plan.
(d)(4)(A)(i)(2)	12 months after the effective date of any applicable Federal plan.
(d)(4)(A)(i)(3)	March 21, 2014.
(d)(4)(A)(ii)	For any existing unit not subject to an earlier permit application deadline, the application deadline of 36 months after the promulgation of this rule applies regardless of whether or when any applicable Federal plan is effective, or whether or when any applicable CAA section 111(d)/129 state or tribal plan is approved by EPA and becomes effective.
(d)(4)(A)(iii)	If your existing unit is subject to title V as a result of some triggering requirement(s) other than those specified in paragraphs (d)(4)(A)(i) and (ii) of this section (for example, a unit may be a major source or part of a major source), then your unit may be required to apply for a title V permit prior to the deadlines specified in paragraphs (d)(4)(A)(i) and (ii). If more than one requirement triggers a source's obligation to apply for a title V permit, the 12-month timeframe for filing a title V permit application is triggered by the requirement which first causes the source to be subject to title V. (See section 503(c) of the CAA and 40 CFR 70.3(a) and (b), 40 CFR 70.5(a)(1)(i), 40 CFR 71.3(a) and (b), and 40 CFR 71.5(a)(1)(i).)
(d)(4)(A)(iv)	A "complete" title V permit application is one that has been determined or deemed complete by the relevant permitting authority under section 503(d) of the CAA and 40 CFR 70.5(a)(2) or 40 CFR 71.5(a)(2). You must submit a complete permit application by the relevant

application deadline in order to operate after this date in compliance with Federal law. (*See* sections 503(d) and 502(a) of the Clean Air Act and 40 CFR 70.7(b) and 40 CFR 71.7(b).)

(d)(5) **Performance Testing, Monitoring, and Calibration Requirements**

(d)(5)(A) You must meet, as applicable, the performance testing requirements specified in paragraph (d)(5)(A)(i) of this section, the monitoring requirements specified in paragraph (d)(5)(A)(ii) of this section, the air pollution control device inspections requirements specified in paragraph (d)(5)(A)(iii) of this section, and the bypass stack provisions specified in paragraph (d)(5)(A)(iv) of this section.

(d)(5)(A)(i) *Performance testing requirements.*

(d)(5)(A)(i)(1) All performance tests must consist of a minimum of three test runs conducted under conditions representative of normal operations, as specified in 40 CFR 60.8(c). Emissions in excess of the emission limits or standards during periods of startup, shutdown, and malfunction are considered deviations from the applicable emission limits or standards.

(d)(5)(A)(i)(2) You must document that the dry sludge burned during the performance test is representative of the sludge burned under normal operating conditions by:

(d)(5)(A)(i)(2)(a) Maintaining a log of the quantity of sewage sludge burned during the performance test by continuously monitoring and recording the average hourly rate that sewage sludge is fed to the incinerator.

(d)(5)(A)(i)(2)(b) Maintaining a log of the moisture content of the sewage sludge burned during the performance test by taking grab samples of the sewage sludge fed to the incinerator for each 8 hour period that testing is conducted.

(d)(5)(A)(i)(3) All performance tests must be conducted using the test methods, minimum sampling volume, observation period, and averaging method specified in Table 1 or 2 to this rule.

(d)(5)(A)(i)(4) Method 1 at 40 CFR part 60, appendix A must be used to select the sampling location and number of traverse points.

(d)(5)(A)(i)(5) Method 3A or 3B at 40 CFR part 60, appendix A–2 must be used for gas composition analysis, including measurement of oxygen concentration. Method 3A or 3B at 40 CFR part 60, appendix A–2 must be used simultaneously with each method.

(d)(5)(A)(i)(6) All pollutant concentrations must be adjusted to 7 percent oxygen using Equation 1 of this section:

$$C_{adj} = C_{meas} (20.9 - 7) / (20.9 - \%O_2)$$

Equation 1

Where:

C_{adj}= Pollutant concentration adjusted to 7 percent oxygen.

C_{meas}= Pollutant concentration measured on a dry basis.

(20.9 – 7) = 20.9 percent oxygen – 7 percent oxygen (defined oxygen correction basis).

20.9 = Oxygen concentration in air, percent.

$\%O_2$= Oxygen concentration measured on a dry basis, percent.

(d)(5)(A)(i)(7) Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in this rule unless the Administrator does one of the following.

(d)(5)(A)(i)(7)(a)	Specifies or approves, in specific cases, the use of a method with minor changes in methodology.
(d)(5)(A)(i)(7)(b)	Approves the use of an equivalent method.
(d)(5)(A)(i)(7)(c)	Approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance.
(d)(5)(A)(i)(7)(d)	Waives the requirement for performance tests because you have demonstrated by other means to the Administrator's satisfaction that the affected SSI unit is in compliance with the standard.
(d)(5)(A)(i)(7)(e)	Approves shorter sampling times and smaller sample volumes when necessitated by process variables or other factors. Nothing in this paragraph is construed to abrogate the Administrator's authority to require testing under section 114 of the CAA.
(d)(5)(A)(i)(8)	You must provide the Administrator at least 30 days prior notice of any performance test, except as specified under other rules, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, *etc.*) in conducting the scheduled performance test, you must notify the Administrator as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator by mutual agreement.
(d)(5)(A)(i)(9)	You must provide, or cause to be provided, performance testing facilities as follows:
(d)(5)(A)(i)(9)(a)	Sampling ports adequate for the test methods applicable to the SSI unit, as follows:

(d)(5)(A)(i)(9)(a)(*i*)	Constructing the air pollution control system such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures.
(d)(5)(A)(i)(9)(a)(*ii*)	Providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
(d)(5)(A)(i)(9)(b)	Safe sampling platform(s).
(d)(5)(A)(i)(9)(c)	Safe access to sampling platform(s).
(d)(5)(A)(i)(9)(d)	Utilities for sampling and testing equipment.
(d)(5)(A)(i)(10)	Unless otherwise specified in this rule, each performance test must consist of three separate runs using the applicable test method. Each run must be conducted for the time and under the conditions specified in the applicable standard. Compliance with each emission limit must be determined by calculating the arithmetic mean of the three runs. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond your control, compliance may, upon the Administrator's approval, be determined using the arithmetic mean of the results of the two other runs.
(d)(5)(A)(i)(11)	During each test run specified in paragraph (d)(5)(A)(i)(1) of this section, you must operate your sewage sludge incinerator at a minimum of 85 percent of your maximum permitted capacity.
(d)(5)(A)(ii)	*Continuous monitor requirements.* You must meet the following requirements, as applicable, when using a continuous monitoring system to

	demonstrate compliance with the emission limits in Table 1 or 2 to this rule. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium, or lead is published in the Federal Register. If you elect to use a continuous emissions monitoring system instead of conducting annual performance testing, you must meet the requirements of paragraphs (d)(5)(A)(ii)(1) through (ii)(6) of this section. If you elect to use a continuous automated sampling system instead of conducting annual performance testing, you must meet the requirements of paragraph (d)(5)(A)(ii)(7) of this section. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the Federal Register.
(d)(5)(A)(ii)(1)	You must notify the Administrator 1 month before starting use of the continuous emissions monitoring system.
(d)(5)(A)(ii)(2)	You must notify the Administrator 1 month before stopping use of the continuous emissions monitoring system, in which case you must also conduct a performance test within prior to ceasing operation of the system.
(d)(5)(A)(ii)(3)	You must install, operate, calibrate, and maintain an instrument for continuously measuring and recording the emissions to the atmosphere in accordance with the following:
(d)(5)(A)(ii)(3)(a)	40 CFR 60.13.
(d)(5)(A)(ii)(3)(b)	The following performance specifications of appendix B of 40 CFR part 60, as applicable:

(d)(5)(A)(ii)(3)(b)(*i*)	For particulate matter, Performance Specification 11 of appendix B of 40 CFR part 60.
(d)(5)(A)(ii)(3)(b)(*ii*)	For hydrogen chloride, Performance Specification 15 of appendix B of 40 CFR part 60.
(d)(5)(A)(ii)(3)(b)(*iii*)	For carbon monoxide, Performance Specification 4B of appendix B of 40 CFR part 60 with spans appropriate to the applicable emission limit.
(d)(5)(A)(ii)(3)(b)(*iv*)	[Reserved]
(d)(5)(A)(ii)(3)(b)(*v*)	For mercury, Performance Specification 12A of appendix B of 40 CFR part 60.
(d)(5)(A)(ii)(3)(b)(*vi*)	For nitrogen oxides, Performance Specification 2 of appendix B of 40 CFR part 60.
(d)(5)(A)(ii)(3)(b)(*vii*)	For sulfur dioxide, Performance Specification 2 of appendix B of 40 CFR part 60.
(d)(5)(A)(ii)(3)(c)	For continuous emissions monitoring systems, the quality assurance procedures (*e.g.*, quarterly accuracy determinations and daily calibration drift tests) of appendix F of this part specified in paragraphs (d)(5)(A)(ii)(3)(c)(*i*) through (ii)(3)(c)(*vii*) of this section. For each pollutant, the span value of the continuous emissions monitoring system is two times the applicable emission limit, expressed as a concentration.
(d)(5)(A)(ii)(3)(c)(*i*)	For particulate matter, Procedure 2 in appendix F of 40 CFR part 60.
(d)(5)(A)(ii)(3)(c)(*ii*)	For hydrogen chloride, Procedure 1 in appendix F of 40 CFR part 60 except that the Relative Accuracy Test Audit requirements of Procedure 1 shall be replaced with the validation requirements and criteria of sections 11.1.1 and 12.0 of Performance Specification 15 of appendix B of 40 CFR part 60.

(d)(5)(A)(ii)(3)(c)(*iii*)	For carbon monoxide, Procedure 1 in appendix F of 40 CFR part 60.
(d)(5)(A)(ii)(3)(c)(*iv*)	[Reserved]
(d)(5)(A)(ii)(3)(c)(*v*)	For mercury, Procedures 5 in appendix F of 40 CFR part 60.
(d)(5)(A)(ii)(3)(c)(*vi*)	For nitrogen oxides, Procedure 1 in appendix F of 40 CFR part 60.
(d)(5)(A)(ii)(3)(c)(*vii*)	For sulfur dioxide, Procedure 1 in appendix F of 40 CFR part 60.
(d)(5)(A)(ii)(3)(d)	If your monitoring system has a malfunction or out-of-control period, you must complete repairs and resume operation of your monitoring system as expeditiously as possible.
(d)(5)(A)(ii)(4)	During each relative accuracy test run of the continuous emissions monitoring system using the performance specifications in paragraph (d)(5)(A)(ii)(3)(b) of this section, emission data for each regulated pollutant and oxygen (or carbon dioxide as established in (d)(5)(A)(ii)(5) of this section) must be collected concurrently (or within a 30- to 60-minute period) by both the continuous emissions monitoring systems and the test methods specified in paragraph (d)(5)(A)(ii)(4)(a) through (ii)(4)(h) of this section. Relative accuracy testing must be at representative operating conditions while the SSI unit is charging sewage sludge.
(d)(5)(A)(ii)(4)(a)	For particulate matter, Method 5 at 40 CFR part 60, appendix A–3 or Method 26A or 29 at 40 CFR part 60, appendix A–8 shall be used.
(d)(5)(A)(ii)(4)(b)	For hydrogen chloride, Method 26 or 26A at 40 CFR part 60, appendix A–8, shall be used, as specified in Tables 1 and 2 to this rule.

(d)(5)(A)(ii)(4)(c) For carbon monoxide, Method 10, 10A, or 10B at 40 CFR part 60, appendix A–4, shall be used.

(d)(5)(A)(ii)(4)(d) For dioxins/furans, Method 23 at 40 CFR part 60, appendix A–7, shall be used.

(d)(5)(A)(ii)(4)(e) For mercury, cadmium, and lead, Method 29 at 40 CFR part 60, appendix A–8, shall be used. Alternatively for mercury, either Method 30B at 40 CFR part 60, appendix A–8 or ASTM D6784–02 (Reapproved 2008) (incorporated by reference, see 40 CFR 60.17), may be used.

(d)(5)(A)(ii)(4)(f) For nitrogen oxides, Method 7 or 7E at 40 CFR part 60, appendix A–4, shall be used.

(d)(5)(A)(ii)(4)(g) For sulfur dioxide, Method 6 or 6C at 40 CFR part 60, appendix A–4, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see 40 CFR 60.17) must be used. For sources that have actual inlet emissions less than 100 parts per million dry volume, the relative accuracy criterion for the inlet of the sulfur dioxide continuous emissions monitoring system should be no greater than 20 percent of the mean value of the method test data in terms of the units of the emission

standard, or 5 parts per million dry volume absolute value of the mean difference between the method and the continuous emissions monitoring system, whichever is greater.

(d)(5)(A)(ii)(4)(h) For oxygen (or carbon dioxide as established in (d)(5)(A)(ii)(5) of this section), Method 3A or 3B at 40 CFR part 60, appendix A–2, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, see 40 CFR 60.17), as applicable, must be used.

(d)(5)(A)(ii)(5)	You may request that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen. If carbon dioxide is selected for use in diluent corrections, the relationship between oxygen and carbon dioxide levels must be established during the initial performance test according to the procedures and methods specified in paragraphs (d)(5)(A)(ii)(5)(a) through (ii)(5)(d) of this section. This relationship may be re-established during subsequent performance tests.
(d)(5)(A)(ii)(5)(a)	The fuel factor equation in Method 3B at 40 CFR part 60, appendix A–2 must be used to determine the relationship between oxygen and carbon dioxide at a sampling location. Method 3A or 3B at 40 CFR part 60, appendix A–2, or as an alternative ANSI/ASME PTC 19.10–1981 (incorporated by reference, *see* 40 CFR 60.17), as applicable, must be used to determine the oxygen concentration at the same location as the carbon dioxide monitor.
(d)(5)(A)(ii)(5)(b)	Samples must be taken for at least 30 minutes in each hour.
(d)(5)(A)(ii)(5)(c)	Each sample must represent a 1-hour average.
(d)(5)(A)(ii)(5)(d)	A minimum of three runs must be performed.
(d)(5)(A)(ii)(6)	You must operate the continuous monitoring system and collect data with the continuous monitoring system as follows:
(d)(5)(A)(ii)(6)(a)	You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (d)(5)(A)(ii)(6)(b) of this section, except for periods of monitoring system malfunctions that occur during periods specified in (d)(8)(D)(i)(7)(a), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or

	quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.
(d)(5)(A)(ii)(6)(b)	You must collect continuous emissions monitoring system data in accordance with 40 CFR 60.13(e)(2).
(d)(5)(A)(ii)(6)(c)	Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in a deviation report.
(d)(5)(A)(ii)(6)(d)	Any data collected during periods when the monitoring system is out of control as specified in 40 CFR 60.4880(a)(7)(i), repairs associated with periods when the monitoring system is out of control, or required monitoring system quality assurance or control activities conducted during out-of-control periods must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction as defined in Rule 102 of RCAP, constitute a deviation from the monitoring requirements and must be reported in a deviation report.
(d)(5)(A)(ii)(6)(e)	You must use all the data collected during all periods except those periods specified in paragraphs (d)(5)(A)(ii)(6)(c) and (ii)(6)(d) of this section in assessing the operation of the control device and associated control system.

(d)(5)(A)(ii)(7)	If you elect to use a continuous automated sampling system instead of conducting annual performance testing, you must:
(d)(5)(A)(ii)(7)(a)	Install, calibrate, maintain, and operate a continuous automated sampling system according to the site-specific monitoring plan developed in 40 CFR 60.58b(p)(1) through (p)(6), (p)(9), (p)(10), and (q).
(d)(5)(A)(ii)(7)(b)	Collect data according to 40 CFR 60.58b(p)(5) and paragraph (d)(5)(A)(ii)(6) of this section.
(d)(5)(A)(iii)	*Air pollution control device inspections.* You must conduct air pollution control device inspections that include, at a minimum, the following:
(d)(5)(A)(iii)(1)	Inspect air pollution control device(s) for proper operation.
(d)(5)(A)(iii)(2)	Generally observe that the equipment is maintained in good operating condition.
(d)(5)(A)(iii)(3)	Develop a site-specific monitoring plan according to the requirements in (d)(8)(D). This requirement also applies to you if you petition the EPA Administrator for alternative monitoring parameters under 40 CFR 60.13(i).
(d)(5)(A)(iv)	*Bypass stack.* Use of the bypass stack at any time that sewage sludge is being charged to the SSI unit is an emissions standards deviation for all pollutants listed in Table 1 or 2 to this rule. The use of the bypass stack during a performance test invalidates the performance test.
(d)(5)(B)	Monitoring and calibration requirements for compliance with your operating limits.
(d)(5)(B)(i)	You must install, operate, calibrate, and maintain the continuous parameter monitoring systems according

	to the requirements in paragraphs (d)(5)(B)(i)(1) and (2) of this section.
(d)(5)(B)(i)(1)	Meet the following general requirements for flow, pressure, pH, and operating temperature measurement devices:
(d)(5)(B)(i)(1)(a)	You must collect data using the continuous monitoring system at all times the affected SSI unit is operating and at the intervals specified in paragraph (d)(5)(B)(i)(1)(b) of this section, except for periods of monitoring system malfunctions that occur during periods specified defined in (d)(8)(D)(i)(7)(a), repairs associated with monitoring system malfunctions, and required monitoring system quality assurance or quality control activities (including, as applicable, calibration checks and required zero and span adjustments). Any such periods that you do not collect data using the continuous monitoring system constitute a deviation from the monitoring requirements and must be reported in a deviation report.
(d)(5)(B)(i)(1)(b)	You must collect continuous parameter monitoring system data in accordance with 40 CFR 60.13(e)(2).
(d)(5)(B)(i)(1)(c)	Any data collected during monitoring system malfunctions, repairs associated with monitoring system malfunctions, or required monitoring system quality assurance or control activities must not be included in calculations used to report emissions or operating levels. Any such periods must be reported in your annual deviation report.
(d)(5)(B)(i)(1)(d)	Any data collected during periods when the monitoring system is out of control as specified in (d)(8)(D)(i)(7)(a) must not be included in calculations used to report emissions or operating levels. Any such periods that do not coincide with a monitoring system malfunction, as defined in Rule 102 of RCAP, constitute a deviation from the monitoring

	requirements and must be reported in a deviation report.
(d)(5)(B)(i)(1)(e)	You must use all the data collected during all periods except those periods specified in paragraphs (d)(5)(B)(i)(1)(c) and (i)(1)(d) of this section in assessing the operation of the control device and associated control system.
(d)(5)(B)(i)(1)(f)	Record the results of each inspection, calibration, and validation check.
(d)(5)(B)(i)(2)	Operate and maintain your continuous monitoring system according to your monitoring plan required under 40 CFR 60.4880. Additionally:
(d)(5)(B)(i)(2)(a)	For carrier gas flow rate monitors (for activated carbon injection), during the performance test conducted pursuant to 40 CFR 60.4885, you must demonstrate that the system is maintained within ±5 percent accuracy, according to the procedures in appendix A to 40 CFR part 75.
(d)(5)(B)(i)(2)(b)	For carrier gas pressure drop monitors (for activated carbon injection), during the performance test conducted pursuant to 40 CFR 60.4885, you must demonstrate that the system is maintained within ±5 percent accuracy.
(d)(5)(B)(ii)	You must operate and maintain your bag leak detection system in continuous operation according to your monitoring plan required under 40 CFR 60.4880. Additionally:
(d)(5)(B)(ii)(1)	For positive pressure fabric filter systems that do not duct all compartments of cells to a common stack, a bag leak detection system must be installed in each baghouse compartment or cell.

(d)(5)(B)(ii)(2)	Where multiple bag leak detectors are required, the system's instrumentation and alarm may be shared among detectors.
(d)(5)(B)(ii)(3)	You must initiate procedures to determine the cause of every alarm within 8 hours of the alarm, and you must alleviate the cause of the alarm within 24 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:
(d)(5)(B)(ii)(3)(a)	Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate matter emissions.
(d)(5)(B)(ii)(3)(b)	Sealing off defective bags or filter media.
(d)(5)(B)(ii)(3)(c)	Replacing defective bags or filter media or otherwise repairing the control device.
(d)(5)(B)(ii)(3)(d)	Sealing off a defective fabric filter compartment.
(d)(5)(B)(ii)(3)(e)	Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system.
(d)(5)(B)(ii)(3)(f)	Shutting down the process producing the particulate matter emissions.
(d)(5)(B)(iii)	You must operate and maintain the continuous parameter monitoring systems specified in paragraphs (d)(5)(B)(i) and (ii) of this section in continuous operation according to your monitoring plan required under 40 CFR 60.4880.
(d)(5)(B)(iv)	If your SSI unit has a bypass stack, you must install, calibrate (to manufacturers' specifications), maintain, and operate a device or method for measuring the use of the bypass stack including date, time, and duration.

(d)(6)	**Recordkeeping and Reporting**
(d)(6)(A)	You must maintain the items (as applicable) specified in paragraphs (d)(6)(A)(i) through (xiv) of this section for a period of at least 5 years. All records must be available on site in either paper copy or computer-readable format that can be printed upon request, unless an alternative format is approved by the Administrator.
(d)(6)(A)(i)	*Date.* Calendar date of each record.
(d)(6)(A)(ii)	*Increments of progress.* Copies of the final control plan and any additional notifications, reported under (d)(6)(B).
(d)(6)(A)(iii)	*Operator Training.* Documentation of the operator training procedures and records specified in paragraphs (d)(6)(A)(iii)(1) through (iii)(4) of this section. You must make available and readily accessible at the facility at all times for all SSI unit operators the documentation specified in paragraph (d)(6)(A) (iii)(1) of this section.
(d)(6)(A)(iii)(1)	Documentation of the following operator training procedures and information:
(d)(6)(A)(iii)(1)(a)	Summary of the applicable standards under this rule.
(d)(6)(A)(iii)(1)(b)	Procedures for receiving, handling, and feeding sewage sludge.
(d)(6)(A)(iii)(1)(c)	Incinerator startup, shutdown, and malfunction preventative and corrective procedures.
(d)(6)(A)(iii)(1)(d)	Procedures for maintaining proper combustion air supply levels.
(d)(6)(A)(iii)(1)(e)	Procedures for operating the incinerator and associated air pollution control systems within the standards established under this rule.

(d)(6)(A)(iii)(1)(f)	Monitoring procedures for demonstrating compliance with the incinerator operating limits.
(d)(6)(A)(iii)(1)(g)	Reporting and recordkeeping procedures.
(d)(6)(A)(iii)(1)(h)	Procedures for handling ash.
(d)(6)(A)(iii)(1)(i)	A list of the materials burned during the performance test, if in addition to sewage sludge.
(d)(6)(A)(iii)(1)(j)	For each qualified operator and other plant personnel who may operate the unit according to the provisions of (d)(3)(I)(i), the phone and/or pager number at which they can be reached during operating hours.
(d)(6)(A)(iii)(2)	Records showing the names of SSI unit operators and other plant personnel who may operate the unit according to the provisions of (d)(3)(I)(i), as follows:
(d)(6)(A)(iii)(2)(a)	Records showing the names of SSI unit operators and other plant personnel who have completed review of the information in paragraph (d)(6)(A)(iii)(1) of this section as required by (d)(3)(K), including the date of the initial review and all subsequent annual reviews.
(d)(6)(A)(iii)(2)(b)	Records showing the names of the SSI operators who have completed the operator training requirements under (d)(3), met the criteria for qualification under (d)(3)(E) and (d)(3)(F), and maintained or renewed their qualification under (d)(3)(G) or (d)(3)(H). Records must include documentation of training, including the dates of their initial qualification and all subsequent renewals of such qualifications.
(d)(6)(A)(iii)(3)	Records showing the periods when no qualified operators were accessible for more than 8 hours, but less than 2 weeks, as required in (d)(3)(I)(i).
(d)(6)(A)(iii)(4)	Records showing the periods when no qualified operators were accessible for 2 weeks or more along

with copies of reports submitted as required in (d)(3)(I)(ii).

(d)(6)(A)(iv) *Air pollution control device inspections.* Records of the results of initial and annual air pollution control device inspections conducted as specified in sections (d)(8)(C)(i) and (d)(5)(A)(iii), including any required maintenance and any repairs not completed within 10 days of an inspection or the timeframe established by the Administrator.

(d)(6)(A)(v) *Performance test reports.*

(d)(6)(A)(v)(1) The results of the initial, annual, and any subsequent performance tests conducted to determine compliance with the emission limits and standards and/or to establish operating limits, as applicable.

(d)(6)(A)(v)(2) Retain a copy of the complete performance test report, including calculations.

(d)(6)(A)(v)(3) Keep a record of the hourly dry sludge feed rate measured during performance test runs as specified in (d)(5)(A)(i)(2)(a).

(d)(6)(A)(v)(4) Keep any necessary records to demonstrate that the performance test was conducted under conditions representative of normal operations, including a record of the moisture content measured as required in (d)(5)(A)(i)(2)(b) for each grab sample taken of the sewage sludge burned during the performance test.

(d)(6)(A)(vi) *Continuous monitoring data.* Records of the following data, as applicable:

(d)(6)(A)(vi)(1) For continuous emissions monitoring systems, all 1-hour average concentrations of particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans total mass basis, mercury, nitrogen oxides, sulfur dioxide, cadmium, and lead emissions.

(d)(6)(A)(vi)(2)	For continuous automated sampling systems, all average concentrations measured for mercury and dioxins/furans total mass basis at the frequencies specified in your monitoring plan.
(d)(6)(A)(vi)(3)	For continuous parameter monitoring systems:
(d)(6)(A)(vi)(3)(a)	All 1-hour average values recorded for the following operating parameters, as applicable:
(d)(6)(A)(vi)(3)(a)(*i*)	Combustion chamber operating temperature (or afterburner temperature).
(d)(6)(A)(vi)(3)(a)(*ii*)	If a wet scrubber is used to comply with the rule, pressure drop across each wet scrubber system and liquid flow rate to each wet scrubber used to comply with the emission limit in Table 1 or 2 to this rule for particulate matter, cadmium, or lead, and scrubber liquid flow rate and scrubber liquid pH for each wet scrubber used to comply with an emission limit in Table 1 or 2 to this rule for sulfur dioxide or hydrogen chloride.
(d)(6)(A)(vi)(3)(a)(*iii*)	If an electrostatic precipitator is used to comply with the rule, secondary voltage of the electrostatic precipitator collection plates and secondary amperage of the electrostatic precipitator collection plates, and effluent water flow rate at the outlet of the wet electrostatic precipitator.
(d)(6)(A)(vi)(3)(a)(*iv*)	If activated carbon injection is used to comply with the rule, sorbent flow rate and carrier gas flow rate or pressure drop, as applicable.
(d)(6)(A)(vi)(3)(b)	All daily average values recorded for the feed rate and moisture content of the sewage sludge fed to the sewage sludge incinerator, monitored and calculated as specified in (d)(2)(B)(vi).
(d)(6)(A)(vi)(3)(c)	If a fabric filter is used to comply with the rule, the date, time, and duration of each alarm and the time

	corrective action was initiated and completed, and a brief description of the cause of the alarm and the corrective action taken. You must also record the percent of operating time during each 6-month period that the alarm sounds, calculated as specified in section (d)(9)(B).
(d)(6)(A)(vi)(3)(d)	For other control devices for which you must establish operating limits under section (d)(2)(C), you must maintain data collected for all operating parameters used to determine compliance with the operating limits, at the frequencies specified in your monitoring plan.
(d)(6)(A)(vii)	*Other records for continuous monitoring systems.* You must keep the following records, as applicable:
(d)(6)(A)(vii)(1)	Keep records of any notifications to the Administrator in 40 CFR 60.4915(h)(1) of starting or stopping use of a continuous monitoring system for determining compliance with any emissions limit.
(d)(6)(A)(vii)(2)	Keep records of any requests under (d)(5)(A)(ii)(5) that compliance with the emission limits be determined using carbon dioxide measurements corrected to an equivalent of 7 percent oxygen.
(d)(6)(A)(vii)(3)	If activated carbon injection is used to comply with the rule, the type of sorbent used and any changes in the type of sorbent used.
(d)(6)(A)(viii)	*Deviation Reports.* Records of any deviation reports submitted under (d)(6)(B)(v) and (vi).
(d)(6)(A)(ix)	*Equipment specifications and operation and maintenance requirements.* Equipment specifications and related operation and maintenance requirements received from vendors for the incinerator, emission controls, and monitoring equipment.

(d)(6)(A)(x)	*Inspections, calibrations, and validation checks of monitoring devices.* Records of inspections, calibration, and validation checks of any monitoring devices as required under sections (d)(5)(A) and (d)(5)(B).
(d)(6)(A)(xi)	*Monitoring plan and performance evaluations for continuous monitoring systems.* Records of the monitoring plans required under (d)(8)(D), and records of performance evaluations required under (d)(9)(A)(ii)(4).
(d)(6)(A)(xii)	*Less frequent testing.* If, consistent with (d)(5)(A)(i)(3), you elect to conduct performance tests less frequently than annually, you must keep annual records that document that your emissions in the two previous consecutive years were at or below 75 percent of the applicable emission limit in Table 1 or 2 to this rule, and document that there were no changes in source operations or air pollution control equipment that would cause emissions of the relevant pollutant to increase within the past 2 years.
(d)(6)(A)(xiii)	*Use of bypass stack.* Records indicating use of the bypass stack, including dates, times, and durations as required under section (d)(5)(B)(iv).
(d)(6)(A)(xiv)	If a malfunction occurs, you must keep a record of the information submitted in your annual report in section (d)(6)(B)(iii)(16).
(d)(6)(B)	You must submit the reports specified in paragraphs (d)(6)(B)(i) through (ix) of this section. See Table 3 to this rule for a summary of these reports.
(d)(6)(B)(i)	*Increments of progress report.* If you plan to achieve compliance more than 1 year following the effective date of state plan approval, you must submit the following reports, as applicable:

(d)(6)(B)(i)(1)	A final control plan as specified in sections (d)(7)(A)(i) and (d)(7)(F).
(d)(6)(B)(i)(2)	You must submit your notification of achievement of increments of progress no later than 10 business days after the compliance date for the increment as specified in sections (d)(7)(C) and (d)(7)(D).
(d)(6)(B)(i)(3)	If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business days after the date for that increment, as specified in (d)(7)(E).
(d)(6)(B)(i)(4)	If you plan to close your SSI unit rather than comply with the state plan, submit a closure notification as specified in (d)(7)(J).
(d)(6)(B)(ii)	*Initial compliance report.* You must submit the following information no later than 60 days following the initial performance test.
(d)(6)(B)(ii)(1)	Company name, physical address, and mailing address.
(d)(6)(B)(ii)(2)	Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.
(d)(6)(B)(ii)(3)	Date of report.
(d)(6)(B)(ii)(4)	The complete test report for the initial performance test results obtained by using the test methods specified in Table 1 or 2 to this rule.
(d)(6)(B)(ii)(5)	If an initial performance evaluation of a continuous monitoring system was conducted, the results of that initial performance evaluation.
(d)(6)(B)(ii)(6)	The values for the site-specific operating limits established pursuant to sections (d)(2)(B) and (d)(2)(C) and the calculations and methods, as applicable, used to establish each operating limit.

(d)(6)(B)(ii)(7)	If you are using a fabric filter to comply with the emission limits, documentation that a bag leak detection system has been installed and is being operated, calibrated, and maintained as required by (d)(2)(B)(ii).
(d)(6)(B)(ii)(8)	The results of the initial air pollution control device inspection required in sections (d)(8)(C)(i) and (C)(ii), including a description of repairs.
(d)(6)(B)(ii)(9)	The site-specific monitoring plan required under section (d)(8)(D), at least 60 days before your initial performance evaluation of your continuous monitoring system.
(d)(6)(B)(ii)(10)	The site-specific monitoring plan for your ash handling system required under section (d)(8)(D), at least 60 days before your initial performance test to demonstrate compliance with your fugitive ash emission limit.
(d)(6)(B)(iii)	*Annual compliance report.* You must submit an annual compliance report that includes the items listed in paragraphs (d)(6)(B)(iii)(1) through (iii)(16) of this section for the reporting period specified in paragraph (d)(6)(B)(iii)(3) of this section. You must submit your first annual compliance report no later than 12 months following the submission of the initial compliance report in paragraph (d)(6)(B)(ii) of this section. You must submit subsequent annual compliance reports no more than 12 months following the previous annual compliance report. (You may be required to submit these reports (or additional compliance information) more frequently by the title V operating permit required in section (d)(4)(A).
(d)(6)(B)(iii)(1)	Company name, physical address, and mailing address.
(d)(6)(B)(iii)(2)	Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(d)(6)(B)(iii)(3)	Date of report and beginning and ending dates of the reporting period.
(d)(6)(B)(iii)(4)	If a performance test was conducted during the reporting period, the results of that performance test.
(d)(6)(B)(iii)(4)(a)	If operating limits were established during the performance test, include the value for each operating limit and, as applicable, the method used to establish each operating limit, including calculations.
(d)(6)(B)(iii)(4)(b)	If activated carbon is used during the performance test, include the type of activated carbon used.
(d)(6)(B)(iii)(5)	For each pollutant and operating parameter recorded using a continuous monitoring system, the highest average value and lowest average value recorded during the reporting period, as follows:
(d)(6)(B)(iii)(5)(a)	For continuous emission monitoring systems and continuous automated sampling systems, report the highest and lowest 24-hour average emission value.
(d)(6)(B)(iii)(5)(b)	For continuous parameter monitoring systems, report the following values:
(d)(6)(B)(iii)(5)(b)(*i*)	For all operating parameters except scrubber liquid pH, the highest and lowest 12-hour average values.
(d)(6)(B)(iii)(5)(b)(*ii*)	For scrubber liquid pH, the highest and lowest 3-hour average values.
(d)(6)(B)(iii)(6)	If there are no deviations during the reporting period from any emission limit, emission standard, or operating limit that applies to you, a statement that there were no deviations from the emission limits, emission standard, or operating limits.
(d)(6)(B)(iii)(7)	Information for bag leak detection systems recorded under (d)(6)(A)(vi)(3)(c).

(d)(6)(B)(iii)(8)	If a performance evaluation of a continuous monitoring system was conducted, the results of that performance evaluation. If new operating limits were established during the performance evaluation, include your calculations for establishing those operating limits.
(d)(6)(B)(iii)(9)	If you elect to conduct performance tests less frequently as allowed in section (d)(9)(A)(i)(3) and did not conduct a performance test during the reporting period, you must include the dates of the last two performance tests, a comparison of the emission level you achieved in the last two performance tests to the 75 percent emission limit threshold specified in section (d)(9)(A)(i)(3), and a statement as to whether there have been any process changes and whether the process change resulted in an increase in emissions.
(d)(6)(B)(iii)(10)	Documentation of periods when all qualified sewage sludge incineration unit operators were unavailable for more than 8 hours, but less than 2 weeks.
(d)(6)(B)(iii)(11)	Results of annual air pollution control device inspections recorded under section (d)(6)(A)(iv) for the reporting period, including a description of repairs.
(d)(6)(B)(iii)(12)	If there were no periods during the reporting period when your continuous monitoring systems had a malfunction, a statement that there were no periods during which your continuous monitoring systems had a malfunction.
(d)(6)(B)(iii)(13)	If there were no periods during the reporting period when a continuous monitoring system was out of control, a statement that there were no periods during which your continuous monitoring systems were out of control.

(d)(6)(B)(iii)(14)	If there were no operator training deviations, a statement that there were no such deviations during the reporting period.
(d)(6)(B)(iii)(15)	If you did not make revisions to your site-specific monitoring plan during the reporting period, a statement that you did not make any revisions to your site-specific monitoring plan during the reporting period. If you made revisions to your site-specific monitoring plan during the reporting period, a copy of the revised plan.
(d)(6)(B)(iii)(16)	If you had a malfunction during the reporting period, the compliance report must include the number, duration, and a brief description for each type of malfunction that occurred during the reporting period and that caused or may have caused any applicable emission limitation to be exceeded. The report must also include a description of actions taken by an owner or operator during a malfunction of an affected source to minimize emissions in accordance with §60.11(d), including actions taken to correct a malfunction.
(d)(6)(B)(iv)	*Deviation reports.*
(d)(6)(B)(iv)(1)	You must submit a deviation report if:
(d)(6)(B)(iv)(1)(a)	Any recorded operating parameter level, based on the averaging time specified in Table 6 to this rule, is above the maximum operating limit or below the minimum operating limit established under this rule.
(d)(6)(B)(iv)(1)(b)	The bag leak detection system alarm sounds for more than 5 percent of the operating time for the 6-month reporting period.
(d)(6)(B)(iv)(1)(c)	Any recorded 24-hour block average emissions level is above the emission limit, if a continuous monitoring system is used to comply with an emission limit.

(d)(6)(B)(iv)(1)(d)	There are visible emissions of combustion ash from an ash conveying system for more than 5 percent of the hourly observation period.
(d)(6)(B)(iv)(1)(e)	A performance test was conducted that deviated from any emission limit in Table 1 or 2 to this rule.
(d)(6)(B)(iv)(1)(f)	A continuous monitoring system was out of control.
(d)(6)(B)(iv)(1)(g)	You had a malfunction (*e.g.*, continuous monitoring system malfunction) that caused or may have caused any applicable emission limit to be exceeded.
(d)(6)(B)(iv)(2)	The deviation report must be submitted by August 1 of that year for data collected during the first half of the calendar year (January 1 to June 30), and by February 1 of the following year for data you collected during the second half of the calendar year (July 1 to December 31).
(d)(6)(B)(iv)(3)	For each deviation where you are using a continuous monitoring system to comply with an associated emission limit or operating limit, report the items described in paragraphs (d)(6)(B)(iv)(3)(a) through (iv)(3)(h) of this section.
(d)(6)(B)(iv)(3)(a)	Company name, physical address, and mailing address.
(d)(6)(B)(iv)(3)(b)	Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.
(d)(6)(B)(iv)(3)(c)	The calendar dates and times your unit deviated from the emission limits, emission standards, or operating limits requirements.
(d)(6)(B)(iv)(3)(d)	The averaged and recorded data for those dates.
(d)(6)(B)(iv)(3)(e)	Duration and cause of each deviation from the following:

(d)(6)(B)(iv)(3)(e)(*i*)	Emission limits, emission standards, operating limits, and your corrective actions.
(d)(6)(B)(iv)(3)(e)(*ii*)	Bypass events and your corrective actions.
(d)(6)(B)(iv)(3)(f)	Dates, times, and causes for monitor downtime incidents.
(d)(6)(B)(iv)(3)(g)	A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels.
(d)(6)(B)(iv)(3)(h)	If there were periods during which the continuous monitoring system malfunctioned or was out of control, you must include the following information for each deviation from an emission limit or operating limit:
(d)(6)(B)(iv)(3)(h)(i)	The date and time that each malfunction started and stopped.
(d)(6)(B)(iv)(3)(h)(ii)	The date, time, and duration that each continuous monitoring system was inoperative, except for zero (low-level) and high-level checks.
(d)(6)(B)(iv)(3)(h)(iii)	The date, time, and duration that each continuous monitoring system was out of control, including start and end dates and hours and descriptions of corrective actions taken.
(d)(6)(B)(iv)(3)(h)(iv)	The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction, during a period when the system as out of control, or during another period.
(d)(6)(B)(iv)(3)(h)(v)	A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

(d)(6)(B)(iv)(3)(h)(vi)	A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.
(d)(6)(B)(iv)(3)(h)(vii)	A summary of the total duration of continuous monitoring system downtime during the reporting period, and the total duration of continuous monitoring system downtime as a percent of the total operating time of the SSI unit at which the continuous monitoring system downtime occurred during that reporting period.
(d)(6)(B)(iv)(3)(h)(viii)	An identification of each parameter and pollutant that was monitored at the SSI unit.
(d)(6)(B)(iv)(3)(h)(ix)	A brief description of the SSI unit.
(d)(6)(B)(iv)(3)(h)(x)	A brief description of the continuous monitoring system.
(d)(6)(B)(iv)(3)(h)(xi)	The date of the latest continuous monitoring system certification or audit.
(d)(6)(B)(iv)(3)(h)(xii)	A description of any changes in continuous monitoring system, processes, or controls since the last reporting period.
(d)(6)(B)(iv)(4)	For each deviation where you are not using a continuous monitoring system to comply with the associated emission limit or operating limit, report the following items:
(d)(6)(B)(iv)(4)(a)	Company name, physical address, and mailing address.
(d)(6)(B)(iv)(4)(b)	Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.

(d)(6)(B)(iv)(4)(c)	The total operating time of each affected source during the reporting period.
(d)(6)(B)(iv)(4)(d)	The calendar dates and times your unit deviated from the emission limits, emission standards, or operating limits requirements.
(d)(6)(B)(iv)(4)(e)	The averaged and recorded data for those dates.
(d)(6)(B)(iv)(4)(f)	Duration and cause of each deviation from the following:
(d)(6)(B)(iv)(4)(f)(*i*)	Emission limits, emission standards, operating limits, and your corrective actions.
(d)(6)(B)(iv)(4)(f)(*ii*)	Bypass events and your corrective actions.
(d)(6)(B)(iv)(4)(g)	A copy of any performance test report that showed a deviation from the emission limits or standards.
(d)(6)(B)(iv)(4)(h)	A brief description of any malfunction reported in paragraph (d)(6)(B)(iv)(1)(g) of this section, including a description of actions taken during the malfunction to minimize emissions in accordance with 40 CFR 60.11(d) and to correct the malfunction.
(d)(6)(B)(v)	*Qualified operator deviation.*
(d)(6)(B)(v)(1)	If all qualified operators are not accessible for 2 weeks or more, you must take the two actions in paragraphs (d)(6)(B)(v)(1)(a) and (v)(1)(b) of this section.
(d)(6)(B)(v)(1)(a)	Submit a notification of the deviation within 10 days that includes the three items in paragraphs (d)(6)(B)(v)(1)(a)(*i*) through (v)(1)(a)(*iii*) of this section.
(d)(6)(B)(v)(1)(a)(*i*)	A statement of what caused the deviation.

(d)(6)(B)(v)(1)(a)(*ii*)	A description of actions taken to ensure that a qualified operator is accessible.
(d)(6)(B)(v)(1)(a)(*iii*)	The date when you anticipate that a qualified operator will be available.
(d)(6)(B)(v)(1)(b)	Submit a status report to the Administrator every 4 weeks that includes the three items in paragraphs (d)(6)(B)(v)(1)(b)(*i*) through (v)(1)(b)(*iii*) of this section.
(d)(6)(B)(v)(1)(b)(*i*)	A description of actions taken to ensure that a qualified operator is accessible.
(d)(6)(B)(v)(1)(b)(*ii*)	The date when you anticipate that a qualified operator will be accessible.
(d)(6)(B)(v)(1)(b)(*iii*)	Request for approval from the Administrator to continue operation of the SSI unit.
(d)(6)(B)(v)(2)	If your unit was shut down by the Administrator, under the provisions of section (d)(3)(I)(ii)(2)(a), due to a failure to provide an accessible qualified operator, you must notify the Administrator within five days of meeting section (d)(3)(I)(ii)(2)(b) that you are resuming operation.
(d)(6)(B)(vi)	*Notification of a force majeure.* If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure:
(d)(6)(B)(vi)(1)	You must notify the Administrator, in writing as soon as practicable following the date you first knew, or through due diligence, should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline, but the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force

	majeure event delays the notice, and in such cases, the notification must occur as soon as practicable.
(d)(6)(B)(vi)(2)	You must provide to the Administrator a written description of the force majeure event and a rationale for attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure; describe the measures taken or to be taken to minimize the delay; and identify a date by which you propose to conduct the performance test.
(d)(6)(B)(vii)	*Other notifications and reports required.* You must submit other notifications as provided by 40 CFR 60.7 and as follows:
(d)(6)(B)(vii)(1)	You must notify the Administrator 1 month before starting or stopping use of a continuous monitoring system for determining compliance with any emission limit.
(d)(6)(B)(vii)(2)	You must notify the Administrator at least 30 days prior to any performance test conducted to comply with the provisions of this rule, to afford the Administrator the opportunity to have an observer present.
(d)(6)(B)(vii)(3)	As specified in section (d)(5)(A)(i)(8), you must notify the Administrator at least 7 days prior to the date of a rescheduled performance test for which notification was previously made in paragraph (d)(6)(B)(vii)(2) of this section.
(d)(6)(B)(viii)	*Report submission form.*
(d)(6)(B)(viii)(1)	Submit initial, annual, and deviation reports electronically or in paper format, postmarked on or before the submittal due dates.
(d)(6)(B)(viii)(2)	As of January 1, 2012 and within 60 days after the date of completing each performance test, as

defined in 40 CFR 63.2, conducted to demonstrate compliance with this rule, you must submit relative accuracy test audit (*i.e.,* reference method) data and performance test (*i.e.,* compliance test) data, except opacity data, electronically to EPA's Central Data Exchange (CDX) by using the Electronic Reporting Tool (ERT) (*see http://www.epa.gov/ttn/chief/ert/ert_tool.html/*) or other compatible electronic spreadsheet. Only data collected using test methods compatible with ERT are subject to this requirement to be submitted electronically into EPA's Web FIRE database.

(d)(6)(B)(ix) *Changing report dates.* If the Administrator agrees, you may change the semiannual or annual reporting dates. See 40 CFR 60.19(c) for procedures to seek approval to change your reporting date.

TABLE 3: SUMMARY OF REPORTING REQUIREMENTS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS[a]

Report	Due date	Contents	Reference
Increments of progress report	No later than 10 business days after the compliance date for the increment	1. Final control plan including air pollution control device descriptions, process changes, type of waste to be burned, and the maximum design sewage sludge burning capacity 2. Notification of any failure to meet an increment of progress. 3. Notification of any closure.	§60.5235(a).
Initial compliance report	No later than 60 days following the initial performance test	1. Company name and address 2. Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report 3. Date of report 4. Complete test report for the initial performance test 5. Results of CMS[b]performance evaluation 6. The values for the site-specific operating limits and the calculations and methods used to establish each operating limit 7. Documentation of installation of bag leak detection system for fabric filter 8. Results of initial air pollution control device inspection, including a description of repairs 9. The site-specific monitoring plan required under §60.5200 10. The site-specific monitoring plan for your ash handling system required under §60.5200	§60.5235(b).
Annual compliance report	No later than 12 months following the submission of the initial compliance report; subsequent reports are to be submitted no more than 12 months following the previous report	1. Company name and address 2. Statement and signature by responsible official. 3. Date and beginning and ending dates of report. 4. If a performance test was conducted during the reporting period, the results of the test, including any new operating limits	§60.5235(c).

Report	Due date	Contents	Reference
		and associated calculations and the type of activated carbon used, if applicable.	
		5. For each pollutant and operating parameter recorded using a CMS, the highest recorded 3-hour average and the lowest recorded 3-hour average, as applicable	
		6. If no deviations from emission limits, emission standards, or operating limits occurred, a statement that no deviations occurred	
		7. If a fabric filter is used, the date, time, and duration of alarms	
		8. If a performance evaluation of a CMS was conducted, the results, including any new operating limits and their associated calculations	
		9. If you met the requirements of §60.5205(a)(3) and did not conduct a performance test, include the dates of the last three performance tests, a comparison to the 50 percent emission limit threshold of the emission level achieved in the last three performance tests, and a statement as to whether there have been any process changes	
		10. Documentation of periods when all qualified SSI unit operators were unavailable for more than 8 hours but less than 2 weeks	
		11. Results of annual pollutions control device inspections, including description of repairs	
		12. If there were no periods during which your CMSs had malfunctions, a statement that there were no periods during which your CMSs had malfunctions	
		13. If there were no periods during which your CMSs were out of control, a statement	

Report	Due date	Contents	Reference
		that there were no periods during which your CMSs were out of control 14. If there were no operator training deviations, a statement that there were no such deviations 15. Information on monitoring plan revisions, including a copy of any revised monitoring plan	
Deviation report (deviations from emission limits, emission standards, or operating limits, as specified in §60.5235(e)(1))	By August 1 of a calendar year for data collected during the first half of the calendar year; by February 1 of a calendar year for data collected during the second half of the calendar year	*If using a CMS:* 1. Company name and address. 2. Statement by a responsible official. 3. The calendar dates and times your unit deviated from the emission limits or operating limits. 4. The averaged and recorded data for those dates. 5. Duration and cause of each deviation. 6. Dates, times, and causes for monitor downtime incidents	§60.5235(d).

Report	Due date	Contents	Reference
		7. A copy of the operating parameter monitoring data during each deviation and any test report that documents the emission levels 8. For periods of CMS malfunction or when a CMS was out of control, you must include the information specified in §60.5235(d)(3)(viii) *If not using a CMS:* 1. Company name and address 2. Statement by a responsible official 3. The total operating time of each affected SSI 4. The calendar dates and times your unit deviated from the emission limits, emission standard, or operating limits 5. The averaged and recorded data for those dates 6. Duration and cause of each deviation 7. A copy of any performance test report that showed a deviation from the emission limits or standards 8. A brief description of any malfunction, a description of actions taken during the malfunction to minimize emissions, and corrective action taken	
Notification of qualified operator deviation (if all qualified operators are not accessible for 2 weeks or more)	Within 10 days of deviation	1. Statement of cause of deviation 2. Description of actions taken to ensure that a qualified operator will be available. 3. The date when a qualified operator will be accessible.	§60.5235(e).
Notification of status of qualified operator deviation	Every 4 weeks following notification of deviation	1. Description of actions taken to ensure that a qualified operator is accessible 2. The date when you anticipate that a qualified operator will be accessible. 3. Request for approval to continue operation.	§60.5235(e).
Notification of resumed operation following	Within five days of obtaining a qualified	1. Notification that you have obtained a qualified operator and are resuming operation	§60.5235(e).

Report	Due date	Contents	Reference
shutdown (due to qualified operator deviation and as specified in §60.5155(b)(2)(i)	operator and resuming operation		
Notification of a force majeure	As soon as practicable following the date you first knew, or through due diligence should have known that the event may cause or caused a delay in conducting a performance test beyond the regulatory deadline; the notification must occur before the performance test deadline unless the initial force majeure or a subsequent force majeure event delays the notice, and in such cases, the notification must occur as soon as practicable	1. Description of the force majeure event 2. Rationale for attributing the delay in conducting the performance test beyond the regulatory deadline to the force majeure 3. Description of the measures taken or to be taken to minimize the delay. 4. Identification of the date by which you propose to conduct the performance test.	§60.5235(f).
Notification of intent to start or stop use of a CMS	1 month before starting or stopping use of a CMS	1. Intent to start or stop use of a CMS	§60.5235(g).
Notification of intent to conduct a performance test	At least 30 days prior to the performance test	1. Intent to conduct a performance test to comply with this rule	
Notification of intent to conduct a rescheduled performance test	At least 7 days prior to the date of a rescheduled performance test	1. Intent to conduct a rescheduled performance test to comply with this rule	

[a]This table is only a summary, *see* the referenced sections of the rule for the complete requirements.

[b]CMS means continuous monitoring system.

(d)(7) **Increments of Progress**

(d)(7)(A) If you plan to achieve compliance more than 1 year following the effective date of state plan approval, you must meet the two increments of progress specified in paragraphs (d)(7)(A)(i) and (ii) of this section.

(d)(7)(A)(i) Submit a final control plan.

(d)(7)(A)(ii) Achieve final compliance.

(d)(7)(B) Table 4 to this rule specifies compliance dates for each increment of progress.

(d)(7)(C) Your notification of achievement of increments of progress must include the three items specified in paragraphs (d)(7)(C)(i) through (iii) of this section.

(d)(7)(C)(i) Notification that the increment of progress has been achieved.

(d)(7)(C)(ii) Any items required to be submitted with each increment of progress.

(d)(7)(C)(iii) Signature of the owner or operator of the SSI unit.

TABLE 4 : INCREMENTS OF PROGRESS AND COMPLIANCE SCHEDULES FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

Comply with these increments of progress	By these dates[a]
Increment 1—Submit final control plan	September 21, 2014
Increment 2—Final compliance	March 21, 2016[b]

[a]Site-specific schedules can be used at the discretion of the state.

[b]The date can be no later than 3 years after the effective date of state plan approval or March 21, 2016 for SSI units that commenced construction on or before October 14, 2010.

(d)(7)(D)	Notifications for achieving increments of progress must be postmarked no later than 10 business days after the compliance date for the increment.
(d)(7)(E)	If you fail to meet an increment of progress, you must submit a notification to the Administrator postmarked within 10 business days after the date for that increment of progress in Table 4 to this rule. You must inform the Administrator that you did not meet the increment, and you must continue to submit reports each subsequent calendar month until the increment of progress is met.
(d)(7)(F)	For your control plan increment of progress, you must satisfy the two requirements specified in paragraphs (d)(7)(F)(i) and (ii) of this section.
(d)(7)(F)(i)	Submit the final control plan that includes the four items described in paragraphs (d)(7)(F)(i)(1) through (i)(4) of this section.
(d)(7)(F)(i)(1)	A description of the devices for air pollution control and process changes that you will use to comply with the emission limits and standards and other requirements of this rule.
(d)(7)(F)(i)(2)	The type(s) of waste to be burned, if waste other than sewage sludge is burned in the unit.
(d)(7)(F)(i)(3)	The maximum design sewage sludge burning capacity.
(d)(7)(F)(i)(4)	If applicable, the petition for site-specific operating limits under (d)(2)(C).
(d)(7)(F)(ii)	Maintain an onsite copy of the final control plan.
(d)(7)(G)	For the final compliance increment of progress, you must complete all process changes and retrofit construction of control devices, as specified in the final control plan, so that, if the affected SSI unit is brought online, all

necessary process changes and air pollution control devices would operate as designed.

(d)(7)(H) If you close your SSI unit but will restart it prior to the final compliance date in this rule (Rule 405d), you must meet the increments of progress specified in paragraph (d)(7)(A) of this rule.

(d)(7)(I) If you close your SSI unit but will restart it after your final compliance date, you must complete emission control retrofits and meet the emission limits, emission standards, and operating limits on the date your unit restarts operation.

(d)(7)(J) If you plan to close your SSI unit permanently and not restart it, rather than comply with this rule , submit a closure notification, including the date of closure, to the Administrator by the date your final control plan is due.

(d)(8) Initial Compliance Requirements

(d)(8)(A) To demonstrate initial compliance with the emission limits and standards in Table 1 or 2 to this rule, use the procedures specified in paragraph (d)(8)(A)(i) of this section. In lieu of using the procedures specified in paragraph (d)(8)(A)(i) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (d)(8)(A)(ii) of this section for particulate matter, hydrogen chloride, carbon monoxide,

dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead, and fugitive emissions from ash handling. You must meet the requirements of paragraphs (d)(8)(A)(i) and (d)(8)(A)(ii) of this section, as applicable, and paragraphs (d)(8)(A)(iii) through (A)(v) of this section, according to the performance testing, monitoring, and calibration requirements in (d)(5)(A)(i) and (ii).

(d)(8)(A)(i) Demonstrate initial compliance using the performance test required in 40 CFR 60.8. You must demonstrate that your SSI unit meets the emission limits and standards specified in Table 1 or 2 to this rule for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead, and fugitive emissions from ash handling using the performance test. The initial performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 1 or 2 to this rule and according to the testing, monitoring, and calibration requirements specified in (d)(5)(A)(i).

(d)(8)(A)(i)(1) Except as provided in paragraph (d)(8)(A)(v) of this section, you must demonstrate that your SSI unit meets the emission limits and standards specified in Table 1 or 2 to this rule by your final compliance date (see Table 4 to this rule).

(d)(8)(A)(i)(2) You may use the results from a performance test conducted within the 2 previous years that was conducted under the same conditions and demonstrated compliance with the emission limits and standards in Table 1 or 2 to this rule, provided no process changes have been made since you conducted that performance test. However, you must continue to meet the operating limits established during the most recent performance test that demonstrated compliance with the emission limits and standards in Table 1 or 2 to this rule. The performance test must have used the test methods specified in Table 1 or 2 to this rule.

(d)(8)(A)(ii) Demonstrate initial compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium, or lead is published in the Federal Register. The option to use a continuous

automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the Federal Register. Collect data as specified in (d)(5)(A)(ii)(6) and use the following procedures:

(d)(8)(A)(ii)(1) To demonstrate initial compliance with the emission limits specified in Table 1 or 2 to this rule for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the initial performance test required in paragraph (d)(8)(A)(i) of this section, as follows:

(d)(8)(A)(ii)(1)(a) You may substitute the use of a continuous emissions monitoring system for any pollutant specified in paragraph (d)(8)(A)(ii)(1) of this section in lieu of conducting the initial performance test for that pollutant in paragraph (d)(8)(A)(i) of this section. For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7 percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7 percent oxygen) to determine the 24-hour average value.

(d)(8)(A)(ii)(1)(b) You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (d)(8)(A)(i) of this section.

(d)(8)(A)(ii)(2) If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in Table 1 or 2 to this rule, as described in paragraph (d)(8)(A)(ii)(1) of this section, you must use the continuous emissions monitoring system and

follow the requirements specified in (d)(5)(A)(ii). You must measure emissions according to 40 CFR 60.13 to calculate 1-hour arithmetic averages, corrected to 7 percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19–19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A–7.

(d)(8)(A)(ii)(3) If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in Table 1 or 2 to this rule, as described in paragraph (d)(8)(A)(ii)(1) of this section, you must:

(d)(8)(A)(ii)(3)(a) Use the continuous automated sampling system specified in 40 CFR 60.58b(p) and (q), and measure and calculate average emissions corrected to 7 percent oxygen (or carbon dioxide) according to 40 CFR 60.58b(p) and your monitoring plan.

(d)(8)(A)(ii)(3)(a)(1) Use the procedures specified in 40 CFR 60.58b(p) to calculate 24-hour block averages to determine compliance with the mercury emission limit in Table 1 to this rule.

(d)(8)(A)(ii)(3)(a)(2) Use the procedures specified in 40 CFR 60.58b(p) to calculate 2-week block averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit in Table 1 to this rule.

(d)(8)(A)(ii)(3)(b) Comply with the provisions in 40 CFR 60.58b(q) to develop a monitoring plan. For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of 40 CFR part 75 and Procedure 5 of appendix F of 40 CFR part 60.

(d)(8)(A)(ii)(4) Except as provided in paragraph (d)(8)(A)(v) of this section, you must complete your initial performance

	evaluations required under your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems by your final compliance date (see Table 4 to this rule). Your performance evaluation must be conducted using the procedures and acceptance criteria specified in (d)(8)(D)(i)(3).
(d)(8)(A)(iii)	To demonstrate initial compliance with the dioxins/furans toxic equivalency emission limit in Table 1 or 2 to this rule, determine dioxins/furans toxic equivalency as follows:
(d)(8)(A)(iii)(a)	Measure the concentration of each dioxin/furan tetra- through octachlorinated-isomer emitted using EPA Method 23 at 40 CFR part 60, appendix A–7.
(d)(8)(A)(iii)(b)	Multiply the concentration of each dioxin/furan (tetra- through octa-chlorinated) isomer by its corresponding toxic equivalency factor specified in Table 5 to this rule.
(d)(8)(A)(iii)(c)	Sum the products calculated in accordance with paragraph (d)(8)(A)(iii)(b) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.
(d)(8)(A)(iv)	Submit an initial compliance report, as specified in (d)(6)(B)(ii).
(d)(8)(A)(v)	If you demonstrate initial compliance using the performance test specified in paragraph (A)(i) of this section, then the provisions of this paragraph (d)(8)(A)(v) apply. If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in (d)(6)(B)(vii). You must conduct the initial performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to

the initial performance test deadline, and will notify you in writing of approval or disapproval of the request for an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this rule.

TABLE 5: TOXIC EQUIVALENCY FACTORS

Dioxin/furan isomer	Toxic equivalency factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	1
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
octachlorinated dibenzo-p-dioxin	0.0003
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.3
1,2,3,7,8-pentachlorinated dibenzofuran	0.03
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
octachlorinated dibenzofuran	0.0003

(d)(8)(B) Operating limits.

(d)(8)(B)(i) You must establish the site-specific operating limits specified in paragraphs (d)(8)(B)(ii) through (viii) of this section or established in (d)(2)(C), as applicable, during your initial performance tests required in (d)(8)(A). You must meet the requirements in (d)(9)(B) to confirm these operating limits or re-establish new operating limits using operating data recorded during any performance tests or performance evaluations required in (d)(9)(A). You must follow the data measurement and recording frequencies and data averaging times specified in Table 6 to this rule or as established in (d)(2)(C), and you must follow the testing, monitoring, and calibration requirements specified in sections (d)(5)(A) and (d)(5)(B)(i) or established in (d)(2)(C). You are not required to establish operating limits for the operating parameters listed in Table 6 to this rule for a control device if you use a continuous monitoring system to demonstrate compliance with the emission limits in Table 1 or 2 to this rule for the applicable pollutants, as follows:

(d)(8)(B)(i)(1) For a scrubber designed to control emissions of hydrogen chloride or sulfur dioxide, you are not required to establish an operating limit and monitor scrubber liquid flow rate or scrubber liquid pH if you use the continuous monitoring system specified in 40 CFR 60.4865(b) and 60.4885(b) to demonstrate compliance with the emission limit for hydrogen chloride or sulfur dioxide.

(d)(8)(B)(i)(2) For a scrubber designed to control emissions of particulate matter, cadmium, and lead, you are not required to establish an operating limit and monitor pressure drop across the scrubber or scrubber liquid flow rate if you use the continuous monitoring system specified in 40 CFR 60.4865(b) and 60.4885(b) to demonstrate compliance with the emission limit for particulate matter, cadmium, and lead.

(d)(8)(B)(i)(3) For an electrostatic precipitator designed to control emissions of particulate matter, cadmium, and lead, you

are not required to establish an operating limit and monitor secondary voltage of the collection plates, secondary amperage of the collection plates, or effluent water flow rate at the outlet of the electrostatic precipitator if you use the continuous monitoring system specified in 40 CFR 60.4865(b) and 60.4885(b) to demonstrate compliance with the emission limit for particulate matter, lead, and cadmium.

(d)(8)(B)(i)(4) For an activated carbon injection system designed to control emissions of mercury, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in 40 CFR 60.4865(b) and 60.4885(b) to demonstrate compliance with the emission limit for mercury.

(d)(8)(B)(i)(5) For an activated carbon injection system designed to control emissions of dioxins/furans, you are not required to establish an operating limit and monitor sorbent injection rate and carrier gas flow rate (or carrier gas pressure drop) if you use the continuous monitoring system specified in 40 CFR 60.4865(b) and 60.4885(b) to demonstrate compliance with the emission limit for dioxins/furans (total mass basis or toxic equivalency basis).

(d)(8)(B)(ii) Minimum pressure drop across each wet scrubber used to meet the particulate matter, lead, and cadmium emission limits in Table 1 or 2 to this rule, equal to the lowest 4-hour average pressure drop across each such wet scrubber measured during the most recent performance test demonstrating compliance with the particulate matter, lead, and cadmium emission limits.

(d)(8)(B)(iii) Minimum scrubber liquid flow rate (measured at the inlet to each wet scrubber), equal to the lowest 4-hour average liquid flow rate measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(d)(8)(B)(iv) Minimum scrubber liquid pH for each wet scrubber used to meet the sulfur dioxide or hydrogen chloride emission limits in Table 1 or 2 to this rule, equal to the lowest 1-hour average scrubber liquid pH measured during the most recent performance test demonstrating compliance with the sulfur dioxide and hydrogen chloride emission limits.

(d)(8)(B)(v) Minimum combustion chamber operating temperature (or minimum afterburner temperature), equal to the lowest 4-hour average combustion chamber operating temperature (or afterburner temperature) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

(d)(8)(B)(vi) Minimum power input to the electrostatic precipitator collection plates, equal to the lowest 4-hour average secondary electric power measured during the most recent performance test demonstrating compliance with the particulate matter, lead, and cadmium emission limits. Power input must be calculated as the product of the secondary voltage and secondary amperage to the electrostatic precipitator collection plates. Both the secondary voltage and secondary amperage must be recorded during the performance test.

(d)(8)(B)(vii) Minimum effluent water flow rate at the outlet of the electrostatic precipitator, equal to the lowest 4-hour average effluent water flow rate at the outlet of the electrostatic precipitator measured during the most recent performance test demonstrating compliance with the particulate matter, lead, and cadmium emission limits.

(d)(8)(B)(viii) For activated carbon injection, establish the site-specific operating limits specified in paragraphs (d)(9)(B)(viii)(1) through (viii)(3) of this section.

(d)(8)(B)(viii)(1) Minimum mercury sorbent injection rate, equal to the lowest 4-hour average mercury sorbent injection rate measured during the most recent performance test

	demonstrating compliance with the mercury emission limit.
(d)(8)(B)(viii)(2)	Minimum dioxin/furan sorbent injection rate, equal to the lowest 4-hour average dioxin/furan sorbent injection rate measured during the most recent performance test demonstrating compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limit.
(d)(8)(B)(viii)(3)	Minimum carrier gas flow rate or minimum carrier gas pressure drop, as follows:
(d)(8)(B)(viii)(3)(a)	Minimum carrier gas flow rate, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.
(d)(8)(B)(viii)(3)(b)	Minimum carrier gas pressure drop, equal to the lowest 4-hour average carrier gas flow rate measured during the most recent performance test demonstrating compliance with the applicable emission limit.
(d)(8)(C)(i)	You must conduct an air pollution control device inspection according to (d)(5)(A)(iii) by the final compliance date under the approved state plan, Federal plan, or delegation, as applicable. For air pollution control devices installed after the final compliance date, you must conduct the air pollution control device inspection within 60 days after installation of the control device.
(d)(8)(C)(ii)	Within 10 operating days following the air pollution control device inspection under paragraph (d)(8)(C)(i) of this section, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the SSI unit must be completed.

TABLE 6: OPERATING PARAMETERS FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS[a]

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording[b]	Data averaging period for compliance
All sewage sludge incineration units				
Combustion chamber operating temperature (not required if afterburner temperature is monitored)	Minimum combustion chamber operating temperature or afterburner temperature	Continuous	Every 15 minutes	12-hour block.
Fugitive emissions from ash handling	Site-specific operating requirements	Not applicable	No applicable	Not applicable.
Scrubber				
Pressure drop across each wet scrubber	Minimum pressure drop	Continuous	Every 15 minutes	12-hour block.
Scrubber liquid flow rate	Minimum flow rate	Continuous	Every 15 minutes	12-hour block.
Scrubber liquid pH	Minimum pH	Continuous	Every 15 minutes	3-hour block.
Fabric Filter				
Alarm time of the bag leak detection system alarm	Maximum alarm time of the bag leak detection system alarm (this operating limit is provided in §60.4850 and is not established on a site-specific basis)			
Electrostatic precipitator				
Secondary voltage of the electrostatic precipitator collection plates	Minimum power input to the electrostatic precipitator collection plates	Continuous	Hourly	12-hour block.
Secondary amperage of the electrostatic precipitator collection plates				
Effluent water flow rate at the outlet of the electrostatic precipitator	Minimum effluent water flow rate at the outlet of the electrostatic precipitator	Hourly	Hourly	12-hour block.
Activated carbon injection				
Mercury sorbent injection rate	Minimum mercury sorbent injection rate	Hourly	Hourly	12-hour block.

For these operating parameters	You must establish these operating limits	And monitor using these minimum frequencies		
		Data measurement	Data recording[b]	Data averaging period for compliance
Dioxin/furan sorbent injection rate	Minimum dioxin/furan sorbent injection rate			
Carrier gas flow rate or carrier gas pressure drop	Minimum carrier gas flow rate or minimum carrier gas pressure drop	Continuous	Every 15 minutes	12-hour block.
Afterburner				
Temperature of the afterburner combustion chamber	Minimum temperature of the afterburner combustion chamber	Continuous	Every 15 minutes	12-hour block.

[a]As specified in 40 CFR 60.5190, you may use a continuous emissions monitoring system or continuous automated sampling system in lieu of establishing certain operating limits.

[b]This recording time refers to the minimum frequency that the continuous monitor or other measuring device initially records data. For all data recorded every 15 minutes, you must calculate hourly arithmetic averages. For all parameters, you use hourly averages to calculate the 12-hour or 3-hour block average specified in this table for demonstrating compliance. You maintain records of 1-hour averages.

(d)(8)(D) You must develop and submit to the Administrator for approval a site-specific monitoring plan for each continuous monitoring system required under this rule, according to the requirements in paragraphs (d)(8)(D) (i) through (iii) of this section. This requirement also applies to you if you petition the Administrator for alternative monitoring parameters under 40 CFR 60.13(i) and paragraph (d)(8)(D)(v) of this section. If you use a continuous automated sampling system to comply with the mercury or dioxin/furan (total mass basis or toxic equivalency basis) emission limits, you must develop your monitoring plan as specified in 40 CFR 60.58b(q), and you are not required to meet the requirements in paragraphs (d)(8)(D)(i) and (ii) of this section. You must also submit a site-specific monitoring plan for your ash handling system, as specified in paragraph

	(d)(8)(D)(iv) of this section. You must submit and update your monitoring plans as specified in paragraphs (d)(8)(D)(vi) through (viii) of this section.
(d)(8)(D)(i)	For each continuous monitoring system, your monitoring plan must address the elements and requirements specified in paragraphs (d)(8)(D)(i)(1) through (i)(8) of this section. You must operate and maintain the continuous monitoring system in continuous operation according to the site-specific monitoring plan.
(d)(8)(D)(i)(1)	Installation of the continuous monitoring system sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (*e.g.,* on or downstream of the last control device).
(d)(8)(D)(i)(2)	Performance and equipment specifications for the sample interface, the pollutant concentration or parametric signal analyzer and the data collection and reduction systems.
(d)(8)(D)(i)(3)	Performance evaluation procedures and acceptance criteria (*e.g.,* calibrations).
(d)(8)(D)(i)(3)(a)	For continuous emissions monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:
(d)(8)(D)(i)(3)(a)(*i*)	The applicable requirements for continuous emissions monitoring systems specified in 40 CFR 60.13.
(d)(8)(D)(i)(3)(a)(*ii*)	The applicable performance specifications (*e.g.,* relative accuracy tests) in appendix B of 40 CFR part 60.

(d)(8)(D)(i)(3)(a)(*iii*)	The applicable procedures (*e.g.,* quarterly accuracy determinations and daily calibration drift tests) in appendix F of 40 CFR part 60.
(d)(8)(D)(i)(3)(a)(*iv*)	A discussion of how the occurrence and duration of out-of-control periods will affect the suitability of CEMS data, where out-of-control has the meaning given in section (d)(8)(D)(i)(7)(a) of this section.
(d)(8)(D)(i)(3)(b)	For continuous parameter monitoring systems, your performance evaluation and acceptance criteria must include, but is not limited to, the following:
(d)(8)(D)(i)(3)(b)(*i*)	If you have an operating limit that requires the use of a flow monitoring system, you must meet the requirements in paragraphs (d)(8)(D)(i)(3)(b)(*i*)(*1*) through (*4*) of this section.
(d)(8)(D)(i)(3)(b)(*i*)(*1*)	Install the flow sensor and other necessary equipment in a position that provides a representative flow.
(d)(8)(D)(i)(3)(b)(*i*)(*2*)	Use a flow sensor with a measurement sensitivity of no greater than 2 percent of the expected process flow rate.
(d)(8)(D)(i)(3)(b)(*i*)(*3*)	Minimize the effects of swirling flow or abnormal velocity distributions due to upstream and downstream disturbances.
(d)(8)(D)(i)(3)(b)(*i*)(*4*)	Conduct a flow monitoring system performance evaluation in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.
(d)(8)(D)(i)(3)(b)(*ii*)	If you have an operating limit that requires the use of a pressure monitoring system, you must meet the requirements in paragraphs

	(d)(8)(D)(i)(3)(b)(*ii*)(*1*) through (*6*) of this section.
(d)(8)(D)(i)(3)(b)(*ii*)(*1*)	Install the pressure sensor(s) in a position that provides a representative measurement of the pressure (*e.g.*, particulate matter scrubber pressure drop).
(d)(8)(D)(i)(3)(b)(*ii*)(*2*)	Minimize or eliminate pulsating pressure, vibration, and internal and external corrosion.
(d)(8)(D)(i)(3)(b)(*ii*)(*3*)	Use a pressure sensor with a minimum tolerance of 1.27 centimeters of water or a minimum tolerance of 1 percent of the pressure monitoring system operating range, whichever is less.
(d)(8)(D)(i)(3)(b)(*ii*)(*4*)	Perform checks at least once each process operating day to ensure pressure measurements are not obstructed (*e.g.*, check for pressure tap pluggage daily).
(d)(8)(D)(i)(3)(b)(*ii*)(*5*)	Conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.
(d)(8)(D)(i)(3)(b)(*ii*)(*6*)	If at any time the measured pressure exceeds the manufacturer's specified maximum operating pressure range, conduct a performance evaluation of the pressure monitoring system in accordance with your monitoring plan and confirm that the pressure monitoring system continues to meet the performance requirements in your monitoring plan. Alternatively, install and verify the operation of a new pressure sensor.
(d)(8)(D)(i)(3)(b)(*iii*)	If you have an operating limit that requires a pH monitoring system, you must meet the requirements in paragraphs

	d)(8)(D)(i)(3)(b)(*iii*)(*1*) through (*4*) of this section.
(d)(8)(D)(i)(3)(b)(*iii*)(*1*)	Install the pH sensor in a position that provides a representative measurement of scrubber effluent pH.
(d)(8)(D)(i)(3)(b)(*iii*)(*2*)	Ensure the sample is properly mixed and representative of the fluid to be measured.
(d)(8)(D)(i)(3)(b)(*iii*)(*3*)	Conduct a performance evaluation of the pH monitoring system in accordance with your monitoring plan at least once each process operating day.
(d)(8)(D)(i)(3)(b)(*iii*)(*4*)	Conduct a performance evaluation (including a two-point calibration with one of the two buffer solutions having a pH within 1 of the operating limit pH level) of the pH monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than quarterly.
(d)(8)(D)(i)(3)(b)(*iv*)	If you have an operating limit that requires the use of a temperature measurement device, you must meet the requirements in paragraphs (d)(8)(D)(i)(3)(b)(*iv*)(*1*) through (*4*) of this section.
(d)(8)(D)(i)(3)(b)(*iv*)(*1*)	Install the temperature sensor and other necessary equipment in a position that provides a representative temperature.
(d)(8)(D)(i)(3)(b)(*iv*)(*2*)	Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees Fahrenheit), or 1.0 percent of the temperature value, whichever is larger, for a noncryogenic temperature range.
(d)(8)(D)(i)(3)(b)(*iv*)(*3*)	Use a temperature sensor with a minimum tolerance of 2.8 degrees Celsius (5 degrees

	Fahrenheit), or 2.5 percent of the temperature value, whichever is larger, for a cryogenic temperature range.
(d)(8)(D)(i)(3)(b)(*iv*)(*4*)	Conduct a temperature measurement device performance evaluation at the time of each performance test but no less frequently than annually.
(d)(8)(D)(i)(3)(b)(*v*)	If you have an operating limit that requires a secondary electric power monitoring system for an electrostatic precipitator, you must meet the requirements in paragraphs (d)(8)(D)(i)(3)(b)(*v*)(*1*) and (*2*) of this section.
(d)(8)(D)(i)(3)(b)(*v*)(*1*)	Install sensors to measure (secondary) voltage and current to the electrostatic precipitator collection plates.
(d)(8)(D)(i)(3)(b)(*v*)(*2*)	Conduct a performance evaluation of the electric power monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.
(d)(8)(D)(i)(3)(b)(*vi*)	If you have an operating limit that requires the use of a monitoring system to measure sorbent injection rate (*e.g.*, weigh belt, weigh hopper, or hopper flow measurement device), you must meet the requirements in paragraphs (d)(8)(D)(i)(3)(b)(*vi*)(*1*) and (*2*) of this section.
(d)(8)(D)(i)(3)(b)(*vi*)(*1*)	Install the system in a position(s) that provides a representative measurement of the total sorbent injection rate.
(d)(8)(D)(i)(3)(b)(*vi*)(*2*)	Conduct a performance evaluation of the sorbent injection rate monitoring system in accordance with your monitoring plan at the time of each performance test but no less frequently than annually.

(d)(8)(D)(i)(4)	Ongoing operation and maintenance procedures in accordance with the general requirements of 40 CFR 60.11(d).
(d)(8)(D)(i)(5)	Ongoing data quality assurance procedures in accordance with the general requirements of 40 CFR 60.13.
(d)(8)(D)(i)(6)	Ongoing recordkeeping and reporting procedures in accordance with the general requirements of 40 CFR 60.7(b), (c), (c)(1), (c)(4), (d), (e), (f) and (g).
(d)(8)(D)(i)(7)	Provisions for periods when the continuous monitoring system is out of control, as follows:
(d)(8)(D)(i)(7)(a)	A continuous monitoring system is out of control if the conditions of paragraph (d)(8)(D)(i)(7)(a)(*i*) or (i)(7)(a)(*ii*) of this section are met.
(d)(8)(D)(i)(7)(a)(*i*)	The zero (low-level), mid-level (if applicable), or high-level calibration drift exceeds two times the applicable calibration drift specification in the applicable performance specification or in the relevant standard.
(d)(8)(D)(i)(7)(a)(*ii*)	The continuous monitoring system fails a performance test audit (*e.g.,* cylinder gas audit), relative accuracy audit, relative accuracy test audit, or linearity test audit.
(d)(8)(D)(i)(7)(b)	When the continuous monitoring system is out of control as specified in paragraph (d)(8)(D)(i)(7)(a) of this section, you must take the necessary corrective action and must repeat all necessary tests that indicate that the system is out of control. You must take corrective action and conduct retesting until the performance requirements are below the applicable limits. The beginning of the out-of-control period is the

	hour you conduct a performance check (*e.g.*, calibration drift) that indicates an exceedance of the performance requirements established under 40 CFR part 60. The end of the out-of-control period is the hour following the completion of corrective action and successful demonstration that the system is within the allowable limits.
(d)(8)(D)(i)(8)	Schedule for conducting initial and periodic performance evaluations of your continuous monitoring systems.
(d)(8)(D)(ii)	If a bag leak detection system is used, your monitoring plan must include a description of the following items:
(d)(8)(D)(ii)(1)	Installation of the bag leak detection system in accordance with paragraphs (d)(8)(D)(ii)(1)(a) and (ii)(1)(b) of this section.
(d)(8)(D)(ii)(1)(a)	Install the bag leak detection sensor(s) in a position(s) that will be representative of the relative or absolute particulate matter loadings for each exhaust stack, roof vent, or compartment (*e.g.*, for a positive pressure fabric filter) of the fabric filter.
(d)(8)(D)(ii)(1)(b)	Use a bag leak detection system certified by the manufacturer to be capable of detecting particulate matter emissions at concentrations of 10 milligrams per actual cubic meter or less.
(d)(8)(D)(ii)(2)	Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established. Use a bag leak detection system equipped with a system that will sound an alarm when the system detects an increase in relative particulate matter emissions over a preset level. The alarm must be located where it is observed readily and any alert is

	detected and recognized easily by plant operating personnel.
(d)(8)(D)(ii)(3)	Evaluations of the performance of the bag leak detection system, performed in accordance with your monitoring plan and consistent with the guidance provided in Fabric Filter Bag Leak Detection Guidance, EPA–454/R–98–015, September 1997 (incorporated by reference, see 40 CFR 60.17).
(d)(8)(D)(ii)(4)	Operation of the bag leak detection system, including quality assurance procedures.
(d)(8)(D)(ii)(5)	Maintenance of the bag leak detection system, including a routine maintenance schedule and spare parts inventory list.
(d)(8)(D)(ii)(6)	Recordkeeping (including record retention) of the bag leak detection system data. Use a bag leak detection system equipped with a device to continuously record the output signal from the sensor.
(d)(8)(D)(iii)	You must conduct an initial performance evaluation of each continuous monitoring system and bag leak detection system, as applicable, in accordance with your monitoring plan and to 40 CFR 60.13(c). For the purpose of this rule, the provisions of 40 CFR 60.13(c) also apply to the bag leak detection system. You must conduct the initial performance evaluation of each continuous monitoring system within 60 days of installation of the monitoring system
(d)(8)(D)(iv)	You must submit a monitoring plan specifying the ash handling system operating procedures that you will follow to ensure that you meet the fugitive emissions limit specified in Table 1 or 2 to this rule.
(d)(8)(D)(v)	You may submit an application to the Administrator for approval of alternate monitoring requirements to demonstrate compliance with the standards of this

rule, subject to the provisions of paragraphs (d)(8)(D)(v)(1) through (v)(6) of this section.

(d)(8)(D)(v)(1) The Administrator will not approve averaging periods other than those specified in this section, unless you document, using data or information, that the longer averaging period will ensure that emissions do not exceed levels achieved over the duration of three performance test runs.

(d)(8)(D)(v)(2) If the application to use an alternate monitoring requirement is approved, you must continue to use the original monitoring requirement until approval is received to use another monitoring requirement.

(d)(8)(D)(v)(3) You must submit the application for approval of alternate monitoring requirements no later than the notification of performance test. The application must contain the information specified in paragraphs (d)(8)(D)(v)(3)(a) through (v)(3)(c) of this section:

(d)(8)(D)(v)(3)(a) Data or information justifying the request, such as the technical or economic infeasibility, or the impracticality of using the required approach.

(d)(8)(D)(v)(3)(b) A description of the proposed alternative monitoring requirement, including the operating parameter to be monitored, the monitoring approach and technique, the averaging period for the limit, and how the limit is to be calculated.

(d)(8)(D)(v)(3)(c) Data or information documenting that the alternative monitoring requirement would provide equivalent or better assurance of compliance with the relevant emission standard.

(d)(8)(D)(v)(4) The Administrator will notify you of the approval or denial of the application within 90 calendar days after receipt of the original request, or within 60 calendar days of the receipt of any supplementary information, whichever is later. The Administrator will not approve

an alternate monitoring application unless it would provide equivalent or better assurance of compliance with the relevant emission standard. Before disapproving any alternate monitoring application, the Administrator will provide the following:

(d)(8)(D)(v)(4)(a) Notice of the information and findings upon which the intended disapproval is based.

(d)(8)(D)(v)(4)(b) Notice of opportunity for you to present additional supporting information before final action is taken on the application. This notice will specify how much additional time is allowed for you to provide additional supporting information.

(d)(8)(D)(v)(5) You are responsible for submitting any supporting information in a timely manner to enable the Administrator to consider the application prior to the performance test. Neither submittal of an application, nor the Administrator's failure to approve or disapprove the application relieves you of the responsibility to comply with any provision of this rule.

(d)(8)(D)(v)(6) The Administrator may decide at any time, on a case-by-case basis, that additional or alternative operating limits, or alternative approaches to establishing operating limits, are necessary to demonstrate compliance with the emission standards of this rule.

(d)(8)(D)(vi) You must submit your monitoring plans required in paragraphs (d)(8)(D)(i) and (d)(8)(D)(ii) of this section at least 60 days before your initial performance evaluation of your continuous monitoring system(s).

(d)(8)(D)(vii) You must submit your monitoring plan for your ash handling system, as required in paragraph (d)(8)(D)(iv) of this section, at least 60 days before your initial compliance test date.

(d)(8)(D)(viii)	You must update and resubmit your monitoring plan if there are any changes or potential changes in your monitoring procedures or if there is a process change, as defined in 40 CFR 60.5250.
(d)(9)	**Continuous Compliance Requirements**
(d)(9)(A)	To demonstrate continuous compliance with the emission limits and standards specified in Table 1 or 2 to this rule, use the procedures specified in paragraph (d)(9)(A)(i) of this section. In lieu of using the procedures specified in paragraph (d)(9)(A)(i) of this section, you have the option to demonstrate initial compliance using the procedures specified in paragraph (d)(9)(A)(ii) of this section for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead, and fugitive emissions from ash handling. You must meet the requirements of paragraphs (d)(9)(A)(i) and (d)(9)(A)(ii) of this section, as applicable, and paragraphs (d)(9)(A)(iii) through (v) of this section, according to the performance testing, monitoring, and calibration requirements in section (d)(5)(A)(i) and (ii). You may also petition the Administrator for alternative monitoring parameters as specified in paragraph (d)(9)(A)(vi) of this section.
(d)(9)(A)(i)	Demonstrate continuous compliance using a performance test. Except as provided in paragraphs (d)(9)(A)(i)(3) and (d)(9)(A)(v) of this section, following the date that the initial performance test for each pollutant in Table 1 or 2 to this rule is completed, you must conduct a performance test for each such pollutant on an annual basis (between 11 and 13 calendar months following the previous performance test). The performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 1 or

	2 to this rule and according to the testing, monitoring, and calibration requirements specified in (d)(5)(A)(i).
(d)(9)(A)(i)(1)	You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward. The Administrator may request a repeat performance test at any time.
(d)(9)(A)(i)(2)	You must repeat the performance test within 60 days of a process change, as defined in Rule 102 of RCAP.
(d)(9)(A)(i)(3)	Except as specified in paragraphs (d)(9)(A)(i)(1) and (2) of this section, you can conduct performance tests less often for a given pollutant, as specified in paragraphs (d)(9)(A)(i)(3)(a) through (c) of this section.
(d)(9)(A)(i)(3)(a)	You can conduct performance tests less often if your performance tests for the pollutant for at least 2 consecutive years show that your emissions are at or below 75 percent of the emission limit specified in Table 1 or 2 to this rule, and there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions. In this case, you do not have to conduct a performance test for that pollutant for the next 2 years. You must conduct a performance test during the third year and no more than 37 months after the previous performance test.
(d)(9)(A)(i)(3)(b)	If your SSI unit continues to meet the emission limit for the pollutant, you may choose to conduct performance tests for the pollutant every third year if your emissions are at or below 75 percent of the emission limit, and if there are no changes in the operation of the affected source or air pollution control equipment that could increase emissions, but each such performance test must be conducted no more than 37 months after the previous performance test.

(d)(9)(A)(i)(3)(c) If a performance test shows emissions exceeded 75 percent of the emission limit for a pollutant, you must conduct annual performance tests for that pollutant until all performance tests over 2 consecutive years show compliance.

(d)(9)(A)(ii) Demonstrate continuous compliance using a continuous emissions monitoring system or continuous automated sampling system. The option to use a continuous emissions monitoring system for hydrogen chloride, dioxins/furans, cadmium, or lead takes effect on the date a final performance specification applicable to hydrogen chloride, dioxins/furans, cadmium, or lead is published in the Federal Register. The option to use a continuous automated sampling system for dioxins/furans takes effect on the date a final performance specification for such a continuous automated sampling system is published in the Federal Register. Collect data as specified in paragraph (d)(5)(A)(ii)(6) [equivalent to 40 CFR 60.5220(b)(6)] and use the following procedures:

(d)(9)(A)(ii)(1) To demonstrate continuous compliance with the emission limits for particulate matter, hydrogen chloride, carbon monoxide, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, and lead, you may substitute the use of a continuous monitoring system in lieu of conducting the annual performance test required in paragraph (d)(9)(A)(i)of this section, as follows:

(d)(9)(A)(ii)(1)(a) You may substitute the use of a continuous emissions monitoring system for any pollutant specified in paragraph (d)(9)(A)(ii)(1) of this section in lieu of conducting the annual performance test for that pollutant in paragraph (d)(9)(A)(i) of this section. For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7 percent oxygen

	does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7 percent oxygen) to determine the 24-hour average value.
(d)(9)(A)(ii)(1)(b)	You may substitute the use of a continuous automated sampling system for mercury or dioxins/furans in lieu of conducting the annual mercury or dioxin/furan performance test in paragraph (d)(9)(A)(i) of this section.
(d)(9)(A)(ii)(2)	If you use a continuous emissions monitoring system to demonstrate compliance with an applicable emission limit in paragraph (d)(9)(A)(ii)(1) of this section, you must use the continuous emissions monitoring system and follow the requirements specified in (d)(5)(A)(ii). You must measure emissions according to 40 CFR 60.13 to calculate 1-hour arithmetic averages, corrected to 7 percent oxygen (or carbon dioxide). You must demonstrate initial compliance using a 24-hour block average of these 1-hour arithmetic average emission concentrations, calculated using Equation 19–19 in section 12.4.1 of Method 19 of 40 CFR part 60, appendix A–7.
(d)(9)(A)(ii)(3)	If you use a continuous automated sampling system to demonstrate compliance with an applicable emission limit in paragraph (d)(9)(A)(ii)(1) of this section, you must:
(d)(9)(A)(ii)(3)(a)	Use the continuous automated sampling system specified in 40 CFR 60.58b(p) and (q), and measure and calculate average emissions corrected to 7 percent oxygen (or carbon dioxide) according to 40 CFR 60.58b(p) and your monitoring plan.
(d)(9)(A)(ii)(3)(a)(*i*)	Use the procedures specified in 40 CFR 60.58b(p) to calculate 24-hour averages to determine

	compliance with the mercury emission limit in Table 1 to this rule.
(d)(9)(A)(ii)(3)(a)(*ii*)	Use the procedures specified in 40 CFR 60.58b(p) to calculate 2-week averages to determine compliance with the dioxin/furan (total mass basis or toxic equivalency basis) emission limits in Table 1 to this rule.
(d)(9)(A)(ii)(3)(b)	Update your monitoring plan as specified in 40 CFR 60.4880(e). For mercury continuous automated sampling systems, you must use Performance Specification 12B of appendix B of 40 CFR part 75 and Procedure 5 of appendix F of 40 CFR part 60.
(d)(9)(A)(ii)(4)	Except as provided in paragraph (d)(9)(A)(v) of this section, you must complete your periodic performance evaluations required in your monitoring plan for any continuous emissions monitoring systems and continuous automated sampling systems, according to the schedule specified in your monitoring plan. If you were previously determining compliance by conducting an annual performance test (or according to the less frequent testing for a pollutant as provided in paragraph (d)(9)(A)(i)(3) of this section), you must complete the initial performance evaluation required under your monitoring plan in (d)(8)(D) for the continuous monitoring system prior to using the continuous emissions monitoring system to demonstrate compliance or continuous automated sampling system. Your performance evaluation must be conducted using the procedures and acceptance criteria specified in (d)(8)(D)(i)(3).
(d)(9)(A)(iii)	To demonstrate compliance with the dioxins/furans toxic equivalency emission limit in paragraph (d)(9)(A)(i) or (ii) of this section, you must determine dioxins/furans toxic equivalency as follows:

(d)(9)(A)(iii)(1)	Measure the concentration of each dioxin/furan tetra- through octachlorinated-isomer emitted using Method 23 at 40 CFR part 60, appendix A–7.
(d)(9)(A)(iii)(2)	For each dioxin/furan (tetra- through octachlorinated) isomer measured in accordance with paragraph (d)(9)(A)(iii)(1) of this section, multiply the isomer concentration by its corresponding toxic equivalency factor specified in Table 5 to this rule.
(d)(9)(A)(iii)(3)	Sum the products calculated in accordance with paragraph (d)(9)(A)(iii)(2) of this section to obtain the total concentration of dioxins/furans emitted in terms of toxic equivalency.
(d)(9)(A)(iv)	You must submit an annual compliance report as specified in (d)(6)(B)(iii). You must submit a deviation report as specified in (d)(6)(B)(iv) for each instance that you did not meet each emission limit in Table 1 to this rule.
(d)(9)(A)(v)	If you demonstrate continuous compliance using a performance test, as specified in paragraph (d)(9)(A)(i) of this section, then the provisions of this paragraph (d)(9)(A)(v) apply. If a force majeure is about to occur, occurs, or has occurred for which you intend to assert a claim of force majeure, you must notify the Administrator in writing as specified in (d)(6)(B)(vii). You must conduct the performance test as soon as practicable after the force majeure occurs. The Administrator will determine whether or not to grant the extension to the performance test deadline, and will notify you in writing of approval or disapproval of the request for an extension as soon as practicable. Until an extension of the performance test deadline has been approved by the Administrator, you remain strictly subject to the requirements of this rule.

(d)(9)(A)(vi)	After any initial requests in (d)(8)(D) for alternative monitoring requirements for initial compliance, you may subsequently petition the Administrator for alternative monitoring parameters as specified in 40 CFR 60.13(i) and paragraph (d)(8)(D)(v).
(d)(9)(B)	You must continuously monitor your operating parameters as specified in paragraph (d)(9)(B)(i) of this section and meet the requirements of paragraphs (d)(9)(B)(ii) and (iii) of this section, according to the monitoring and calibration requirements in (d)(5)(B). You must confirm and re-establish your operating limits as specified in paragraph (d)(9)(B)(iv) of this section.
(d)(9)(B)(i)	You must continuously monitor the operating parameters specified in paragraphs (d)(9)(B)(i)(1) and (i)(2) of this section using the continuous monitoring equipment and according to the procedures specified in (d)(5)(B) or established in (d)(2)(C). To determine compliance, you must use the data averaging period specified in Table 6 to this rule (except for alarm time of the baghouse leak detection system) unless a different averaging period is established under (d)(2)(C).
(d)(9)(B)(i)(1)	You must demonstrate that the SSI unit meets the operating limits established according to sections (d)(2)(C) and (d)(8)(B)(i) and paragraph (d)(9)(B)(iv) of this section for each applicable operating parameter.
(d)(9)(B)(i)(2)	You must demonstrate that the SSI unit meets the operating limit for bag leak detection systems as follows:
(d)(9)(B)(i)(2)(a)	For a bag leak detection system, you must calculate the alarm time as follows:

(d)(9)(B)(i)(2)(a)(*i*)	If inspection of the fabric filter demonstrates that no corrective action is required, no alarm time is counted.
(d)(9)(B)(i)(2)(a)(*ii*)	If corrective action is required, each alarm time shall be counted as a minimum of 1 hour.
(d)(9)(B)(i)(2)(a)(*iii*)	If you take longer than 1 hour to initiate corrective action, each alarm time (*i.e.,* time that the alarm sounds) is counted as the actual amount of time taken by you to initiate corrective action.
(d)(9)(B)(i)(2)(b)	Your maximum alarm time is equal to 5 percent of the operating time during a 6-month period, as specified in (d)(2)(B)(iii).
(d)(9)(B)(ii)	Operation above the established maximum, below the established minimum, or outside the allowable range of the operating limits specified in paragraph (d)(9)(B)(i) of this section constitutes a deviation from your operating limits established under this rule, except during performance tests conducted to determine compliance with the emission and operating limits or to establish new operating limits. You must submit the deviation report specified in section (d)(6)(B)(iv) for each instance that you did not meet one of your operating limits established under this rule.
(d)(9)(B)(iii)	You must submit the annual compliance report specified in section (d)(6)(B)(iii) to demonstrate continuous compliance.
(d)(9)(B)(iv)	You must confirm your operating limits according to paragraph (d)(9)(B)(iv)(1) of this section or re-establish operating limits according to paragraph (d)(9)(B)(iv)(2) of this section. Your operating limits must be established so as to assure ongoing compliance with the emission limits. These requirements also apply to your operating

	requirements in your fugitive emissions monitoring plan specified in section (d)(2)(B)(iv).
(d)(9)(B)(iv)(1)	Your operating limits must be based on operating data recorded during any performance test required in (d)(9)(A)(i) or any performance evaluation required in section (d)(9)(A)(ii)(4).
(d)(9)(B)(iv)(2)	You may conduct a repeat performance test at any time to establish new values for the operating limits to apply from that point forward.
(d)(9)(C)	Air pollution control device inspections and necessary repairs.
(d)(9)(C)(i)	You must conduct an annual inspection of each air pollution control device used to comply with the emission limits, according to section (d)(5)(A)(iii), no later than 12 months following the previous annual air pollution control device inspection.
(d)(9)(C)(ii)	Within 10 operating days following an air pollution control device inspection, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the affected SSI unit must be completed.

Rule 102 of RCAP

Definitions

Terms used but not defined in this rule are defined in the Clean Air Act and §60.2.

Administrator means (1) for units covered by the Federal plan, the Administrator of the EPA or his/her authorized representative. (2) For units covered by an approved state plan, the director of the Puerto Rico Environmental Quality Board (PREQB) or his/her authorized representative.

Affected source means a sewage sludge incineration unit as defined in 40 CFR 60.5250.

Affirmative defense means, in the context of an enforcement proceeding, a response or defense put forward by a defendant, regarding which the defendant has the burden of proof, and the merits of which are independently and objectively evaluated in a judicial or administrative proceeding.

Bypass stack means a device used for discharging combustion gases to avoid severe damage to the air pollution control device or other equipment.

Continuous automated sampling system means the total equipment and procedures for automated sample collection and sample recovery/analysis to determine a pollutant concentration or emission rate by collecting a single integrated sample(s) or multiple integrated sample(s) of the pollutant (or diluent gas) for subsequent on- or off-site analysis; integrated sample(s) collected are representative of the emissions for the sample time as specified by the applicable requirement.

Continuous emissions monitoring system (CEMS) means a monitoring system for continuously measuring and recording the emissions of a pollutant from an affected facility.

Continuous monitoring system (CMS) means a continuous emissions monitoring system, continuous automated sampling system, continuous parameter monitoring system or other manual or automatic monitoring that is used for demonstrating compliance with an applicable regulation on a continuous basis as defined by this rule. The term refers to the total

equipment used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

Continuous parameter monitoring system means a monitoring system for continuously measuring and recording operating conditions associated with air pollution control device systems (*e.g.,* operating temperature, pressure, and power).

Electrostatic precipitator or wet electrostatic precipitator means an air pollution control device that uses both electrical forces and, if applicable, water to remove pollutants in the exit gas from a sewage sludge incinerator stack.

Existing sewage sludge incineration unit means a sewage sludge incineration unit the construction of which is commenced on or before October 14, 2010.

Fluidized bed incinerator means an enclosed device in which organic matter and inorganic matter in sewage sludge are combusted in a bed of particles suspended in the combustion chamber gas.

Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused, in part, by poor maintenance or careless operation are not malfunctions.

Modification (for the purposes of Rule 405(d)) means a change to an existing SSI unit later than September 21, 2011 and that meets one of two criteria:

(1) The cumulative cost of the changes over the life of the unit exceeds 50 percent of the original cost of building and installing the SSI unit (not including the cost of land) updated to current costs (current dollars). To determine what systems are within the boundary of the SSI unit used to calculate these costs, see the definition of SSI unit.

(2) Any physical change in the SSI unit or change in the method of operating it that increases the amount of any air pollutant emitted for which section 129 or section 111 of the Clean Air Act has established standards.

Modified sewage sludge incineration unit means an existing SSI unit that undergoes a modification, as defined in this section.

Multiple hearth incinerator means a circular steel furnace that contains a number of solid refractory hearths and a central rotating shaft; rabble arms that are designed to slowly rake the sludge on the hearth are attached to the rotating shaft. Dewatered sludge enters at the top and proceeds downward through the furnace from hearth to hearth, pushed along by the rabble arms.

Operating day means a 24-hour period between 12:00 midnight and the following midnight during which any amount of sewage sludge is combusted at any time in the SSI unit.

Particulate matter (for the purposes of Rule 405(d)) means filterable particulate matter emitted from SSI units as measured by Method 5 at 40 CFR part 60, appendix A–3 or Methods 26A or 29 at 40 CFR part 60, appendix A–8.

Power input to the electrostatic precipitator means the product of the test-run average secondary voltage and the test-run average secondary amperage to the electrostatic precipitator collection plates.

Process change means a significant permit revision, but only with respect to those pollutant-specific emission units for which the proposed permit revision is applicable, including but not limited to:

(1) A change in the process employed at the wastewater treatment facility associated with the affected SSI unit (*e.g.,* the addition of tertiary treatment at the facility, which changes the method used for disposing of process solids and processing of the sludge prior to incineration).

(2) A change in the air pollution control devices used to comply with the emission limits for the affected SSI unit (*e.g.,* change in the sorbent used for activated carbon injection).

Sewage sludge means solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incineration unit or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

Sewage sludge feed rate means the rate at which sewage sludge is fed into the incinerator unit.

Sewage sludge incineration (SSI) unit means an incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.

Shutdown (for the purposes of Rule 405(d)) means the period of time after all sewage sludge has been combusted in the primary chamber.

Startup (for the purposes of Rule 405(d)) means the period of time between the activation, including the firing of fuels (*e.g.,* natural gas or distillate oil), of the system and the first feed to the unit.

Solid waste means any garbage, refuse, sewage sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1342), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2014).

Toxic equivalency means the product of the concentration of an individual dioxin isomer in an environmental mixture and the corresponding estimate of the compound-specific toxicity relative to tetrachlorinated dibenzo-p-dioxin, referred to as the toxic equivalency factor for that compound. Table 5 to this rule lists the toxic equivalency factors.

You (for the purposes of Rule 405(d)) means the owner or operator of an affected SSI unit.

VI. SOURCE AND EMISSION INVENTORY

SLUDGE, HMIWI AND CISWI INCINERATORS EMISSION INVENTORY

Emission Inventory

This emission inventory is an actualization of the Puerto Rico Incineration Units Inventory from July 2006. The 40 CFR Part 60 established the Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources for Sewage Sludge Incineration Units (Sludge), Hospital/Medical/Infectious Waste Incinerators (HMIWI) and Commercial and Industrial Solid Waste Incineration Units (CISWI).

All the incinerator permits for major and minor sources were revised. The incinerators were classified as residential, pathological, hazardous, non-hazardous and sludge. Three of them have to comply with the standards presented in the 40 CFR Part 60, two CISWI incinerators and one Sludge. The facilities are Puerto Rico Aqueduct for Sewer Authority (PRASA), Commercial Incineration and Safetech Corporation. There is not HMIWI incinerators.

The following table presents a summary of the sources inventoried:

Incinerators	
Residential	10
Hazardous	6
Non-Hazardous	2
Pathological	11
Sludge	1

RESIDENTIAL INCINERATORS:

Facility Name	Permit Number	Status	Waste	Comments
Casa Castañer	LC-42-0596-0598	Expired (2001)	Residential	No renovation at this moment.
Condominio El Cordovéz	LC-71-0696-0655,	Expired (2001)	Residential	No renovation at this moment.
Condominio San Mateo	LC-50-0196-0091	Renovated (2006)	Residential	LC-50-1006-1886-ll-O
Condominio Toro Mayaguez			Residential	Do not appear in the permit system.
Condominio Villa Caparra Executive	LC-32-1096-1058	Renovated (2002) 2007	Residential	LC-32-0902-1555 ll PG-GE 3212070574 RC
Egida del Policía Sur	LC-58-0296-0165	Expired (2001)	Residential	
Hogar Santa Rosa	LC-30-0296-0148		Residential	Do not appear in the permit system.
San Fernando Apartments	LC-16-0993-1308		Residential	Do not appear in the permit system.
Rio Grande Housing for Elderly	LC-61-0895-1060 LC-16-0993-1307		Residential	Do not appear in the permit system.
Condominio Garden Hills Tower	00-32-05-06-0802-ll-lll		Residential	Approved 05/16/2006

STATUS OF HAZARDOUS AND NON-HAZARDOUS INCINERATORS:

Facility Name	Permit Number	Type	Waste	Comments
Bristol Myers Squibb Mfg. Company,	TV-2834-36-0397-0023	Caloric I Incinerator	Hazardous	Closed, certification submitted (May, 2006)
Humacao		Caloric II Incinerator		Stop on September 29, 2007. Certification (May 23, 2008)
		Trane Incinerator		Stop on December 31, 2007. Certification (August, 2008)
Merck Sharp & Dohme, Barceloneta	TV-2834-09-0105-0038	Incinerator EU-RKI (Rotary Kiln Incinerator Unit)	Hazardous	**Emission Point ID:** EP-RK 11 , EP-RK 12 **Control Device ID no:** CD-RKI-01, CD-RKI-02
		EU- Solvent Incinerator		**Emission Point ID:** EP-Solv 1 **Control Device ID no:** CD-SI 1 00-01
PRASA Puerto Nuevo	PFE-65-1075-0335-III-C	Incinerator MHF #1 and MHF #2	Non-Hazardous	Permit request withdrew on April 16, 2003
				Not operating.
	PFE-65-1075-0335-III-C	Incinerator MHF #1		Replaced by Fluidized Bed Combustor (FBC) Incinerator PFE-65- -III-O
		Incinerator MHF #2		Out of service on October 30, 2000. Consent Decree, Civil Action No. 00-1942 between EPA y PRASA
		Sludge Incinerator PFE-65- -III-O	Sludge	Exempt from requirements for non-hazardous solid waste incinerators.
TAPI Puerto Rico, Inc. Guayama	TV-2834-30-0900-1832	Inc. #1 EU-1 Trane: operation limit of 8,400 hrs/yr Inc. 2 EU-2:operation limit of 16,800 hrs/yr	Hazardous	Control equipment: cooling tank and venture scrubber: Both with a capacity of 11 MMBtu/hr. PFE-378-0259-I-II-III-O PFE-1278-0969-I-II-III-O

STATUS OF HAZARDOUS AND NON-HAZARDOUS WASTE INCINERATORS:

Facility Name	Permit Number	Type	Waste	Comments
Bristol-Myers Squibb Barceloneta	TV-2834-09-0696-0002		Hazardous	The facility stops manufacturing operations during 2008. Reports on 2009 showed the intention to close the Title V permit. The facility was sold, effective on October 31, 2009.
Heritage Environmental Services PR, LLC Mayaguez (Formerly, Lilly Caribe)-	PFE-50-0601-1435-III-C	Callidus Incinerator, use kerosene at 112 gals/hr with a packed column scrubber of control equipment	Hazardous	On November 23, 2009 they put all units on permit TV-2833-50-0900-1824 and inform the closing of the application for the synthetic minor permit renovation, PFE-SM-02-50-2833-0102-0009. They were granted until December 18, 2009 to submit the amendments to the initial TV application to include the emission sources under the synthetic minor permit application.
US Naval Station Roosevelt Roads en Ceiba	TV-9711-19-0397-0012		Hazardous	Stop operations on March, 31 2004. On April 1, 2004 the Naval Activity PR (NAPR) was established as the responsible for the final disposition of the facilities, equipment and the occupied land by the formerly RR Naval Base. The permit transfer was requested on March 24, 2004.

STATUS OF HAZARDOUS AND NON-HAZARDOUS WASTE INCINERATORS:

Facility Name	Permit Number	Type	Waste	Comments
Commercial Incineration	PFE-TV-4953-16-1103-1884	Two chambers, Atlas Incinerator. Use propane at 120 gals/hr. Post-burner for control equipment.	Non-Hazardous	
Safetech Corporation	TV- 4953-07-1003-0001	Two chambers,Ducon Incinerator. Use propane at 21 gals/hr. Wet scrubber for control equipment.	Non-Hazardous	Actually operating under TV permit, issued on November 30, 2010.

OTHER INCINERATORS WITH VALID OPERATION PERMITS:

Facility Name	Permit Number	Type	Waste	Comments
Crematorio del Caribe	02-03-06-05-0876-II-III		Pathological	Approved on 10/24/2005
Facilidades St. Jude Medical PR	01-07-06-09-0216-I-II-III		Pathological	Approved on 08/21/2009
Heavens Gates at Celestium	00-16-04-07-0540-III		Pathological	Approved on 07/17/2007
Ehret Inc.	00-16-06-07-0702-I-II-III		Pathological	Approved on 10/03/2007
Big Blue Corp. (Redondo Waste System) (Celsius) Caguas	TV-7261-13-0397-0018	EU-1 Incinerator for non-hazardous solid waste, biomedical waste and pathological	Pathological	TV permit expired on August 20, 2005. Redondo Waste System turned to the Chapter 11 of the Bankruptcy Code in March 30, 2007. EQB ordered that stop receiving regulated biomedical wastes.
PORTA COELI CREMATION PLUS	02-03-11-05-2011-I-II-III		Pathological	Approved on 09/07/2007
HOSPITAL HNOS. MELÉNDEZ INC	00-11-12-06-2349-II-III		Pathological	Approved on 12/12/2007
SUIZA DAIRY CORP	05-40-03-09-0092-II-III			Approved on 04/21/2009

OTHER INCINERATORS WITH VALID OPERATION PERMITS:

Facility Name	Permit Number	Type	Waste	Comments
CREMATORIO DEL CARIBE INC	02-03-11-05-2011-I-II-III		Pathological	Approved on 12/08/05
EHRET INC.:	00-16-02-08-0070-I-II-III		Pathological	Approved on 06/11/2008
Costco Plaza Escorial	00-65-04-08-0210-II-III			Approved on 04/30/08
Caribe Pallets & Packaging	00-71-03-09-0093-I-III			Approved on 10/05/09
El Comandante Management Co	PFE-15-1010-0562-II-C		Pathological	Permit expires on 4/26/10. On June 20, 2010, they changed the name to: Camarero Racetrack Co On 13/10/10. NOV was sent for the permit renovation and is under revision in the Minor Sources Division.
PR Memorial Crematorio Pavillion			Pathological	No information available.

NON-HAZARDOUS, SLUDGE AND CISWI WASTE INCINERATORS:

Facility Name	Address	Permit Number	Type	Waste	Comments
PRASA Puerto Nuevo	PO Box 7066 San Juan, PR 00916	PFE-65-1208-0633-III-O	Sludge Incinerator – Fluidized Bed Combustor	Sludge	Sludge
Commercial Incineration	PR-3 Km. 13.5 Carolina, PR PO Box 9086 Carolina, PR 00988	PFE-TV-4953-16-1103-1884	Two chambers, Atlas Incinerator. Use propane at 120 gals/hr. Post-burner for control equipment.	Non-Hazardous	CISWI
Safetech Corporation	Santana Industrial Park, Lot 30 PO Box 140909 Arecibo, PR 00614	TV- 4953-07-1003-0001	Two chambers,Ducon Incinerator. Use propane at 21 gals/hr. Wet scrubber for control equipment.	Non-Hazardous	CISWI Actually operating under TV permit issued on November 30, 2010.

Unit	Fluidized Bed Combustor (FBC)
Size	127,800 lb/day
Permitted Operation	8760 hrs/yr

Operating Permit Data

Stack Diameter	36"
Exhaust Temperature	120 °F
Flow Rate	20.36 ft/s
Stack Height	73'

Pollutant	Potential Emissions (ton/yr)	2009 Actual Emissions[1] (ton/yr)
PM	3.85	-
SO2	5.60	-
NOX	38.48	-
Pb	0.0.15	-
VOC	0.35	-
CO	24.49	-
HAP's	0.048	-

[1]No actual emissions for this year.

Unit	Atlas Incinerator 2500AR
Size	1250 lb/hr (5,720,000 lb/yr)
	2860 ton/yr
Permitted Operation	4576 hrs/yr

Operating Permit Data

Stack Diameter	35"
Exhaust Temperature	1800 °F
Flow Rate	30 ft/s
Stack Height	35'

Pollutant	Potential Emissions (ton/yr)	2009 Actual Emissions (ton/yr)
PM	10.01	0.91
SO2	3.575	0.35
NOX	4.290	0.62
Pb	0.109	0.01
CDD/CDF TEQ	2.6E-6	-
CO	14.30	14.70
Hg	0.106	-
HCL	64.06	-
Cd	0.012	-

Unit	Ducon Incinerator HC96-10P
Size	1000 lb/hr
	4032 ton/yr
Permitted Operation	8064 hrs/yr

Operating Permit Data

Stack Diameter	"
Exhaust Temperature	1837 °F
Flow Rate	97.2 ft/s
Stack Height	'

Pollutant	Potential Emissions (ton/yr)	2009 Actual Emissions (ton/yr)
PM	0.476	0.25
SO2	0.605	0.25
NOX	20.160	1.18
Pb	0.013	0.0
VOC	0.000	1.18
CO	0.000	-
Hg	5.282E-3	-
HCL	0.140	-
Cd	1.855E-3	-
CDD/CDF TEQ	4.072E-8	-

PRASA Puerto Nuevo											
Emission Unit	Address Physical/Postal	NEI PREQB ID	NEI UNIT ID	SCC	Point Id	Coordinates				Capacity Hp	
						Lambert		UTM		Maximum	Normal
						Este	Norte	Este	Norte		
Fluidizied Sludge Incinerator	J. F. Kennedy Ave, Road 2, Km 2/ PO Box 7066 San Juan, PR 00916-7066	EQB94	1	50100506		188900	66000	807644	2040039	-	-

Operation Rate			Control Equipment	Efficiency %	Fuel Oil	Heat Content Btu/gal	%S		Fuel Usage/Raw Material ton/hr		Stack Height (m)	Stack Diameter (m)	Stack Exit Velocity (m/s)	Stack Temperature (K)
Hrs/ day	Days/ Wk	Wks/ yr					Allowable	Actual	Actual	Allowable				
24	7	52	Venturi Scrubber	92.5	Diesel		0.5			2.66	22.2504	0.9144	6.205	322.0389

Contaminantes	Emisiones potenciales 2013
PM_{10}	3.84
$PM_{2.5}$	4.19
SO_2	5.59
NO_2	38.4
VOC	0.34
CO	24.4
Pb	0.014

VII. DEMOSTRATION OF LEGAL AUTHORITY

COMMONWEALTH OF PUERTO RICO
Departament of Justice
PO Box 9020192, SAN JUAN, PR 00902-0192

Guillermo A. Somoza Colombani
Secretary of Justice

Tel. (787) 723-4983
(787) 721-7771

C. Ellis Burns via email

December 19, 2011

Ms. Judith Enck
Regional Administrator
United States Environmental Protection Agency
Region II
290 Broadway, 25th Floor
New York, N.Y. 10007-1866

Dear Ms. Enck:

The Puerto Rico Environmental Quality Board ("EQB") has requested our opinion regarding its authority to carry out the State Plan for the implementation and enforcement of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units ("SSI"), which was established pursuant to Sections 111 (d) and 129 of the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended.[1] The aforementioned law states that Puerto Rico, represented in this case by the EQB, must submit to the United States Environmental Protection Agency ("EPA"), no later than one year after the Administrator promulgates guidelines for a category of solid waste incineration units, a State Plan for Designated Facilities for the implementation and enforcement of the standards of performance for new and existing SSI sources. The State Plan must show that the State has legal authority to carry out the plan.

We have examined Act No. 416 of September 22, 2004, as amended, known as the "Environmental Public Policy Act", 12 P.R. Laws Ann. §§ 8001 et seq., ("EPP Act") and Regulation No. 5300 of August 28, 1995, as amended.

[1] 42 U.S.C. §§ 7411 (d) and 7429.

31178

Based upon our examination of the statutes mentioned above, we render the following opinion:

(i) The EPP Act and Regulation No. 5300 authorize the EQB to adopt emission standards and compliance schedules to the designated facilities.

(ii) The EPP Act and Regulation No. 5300 authorize the EQB to enforce applicable laws, regulations, standards, and compliance schedules and seek injunctive relief.

(iii) The EPP Act and Regulation No. 5300 authorize the EQB to obtain the information necessary to determine whether designated facilities are in compliance with applicable laws, regulations, standards and compliance schedules, including authority to require recordkeeping and to make inspections and conduct tests of designated facilities.

(iv) The EPP Act and Regulation No. 5300 empower the EQB with the authority to require owners or operators of designated facilities to install, maintain and use emission-monitoring devices and to make periodic reports to the State on the nature and amount of emissions from such facilities. They also confer the authority for the State to make such data available to the public as reported and as correlated with the applicable emission standards.

In conclusion, we hereby certify that the EPP Act and Regulation No. 5300 conferring the powers described above to the EQB are consistent with Puerto Rico's statutes and in full force and effect. In addition, the EPP Act authorizes the EQB to carry out the State Plan.

Cordially,

por: Edda Quiñones Blasini

Guillermo A. Somoza Colombani

c. Pedro J. Nieves Miranda, Esq.
Executive Director
Puerto Rico Environmental Quality Board

Government of Puerto Rico
Governor's Office
Environmental Quality Board

Office of the Executive Director

PUERTO RICO VERDE

November 29, 2011

Guillermo A. Somoza Colombani
Attorney General
Puerto Rico Department of Justice
PO BOX 9020192
SAN JUAN, PR 00902-0192

Recibido
MMO
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RECIBIDO
DEPTO. DE JUSTICIA
DIV. DE OPINIONES
2011 DEC -2 AM 10: 49

Attn: Deputy Attorney General

The United States Environmental Protection Agency (USEPA) has requested the Puerto Rico Environmental Quality Board (PREQB) to certify that the laws and regulations of the Commonwealth of Puerto Rico provide adequate legal authority to carry out the State Plan for the implementation and enforcement of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

Attached, you will find the legal memorandum that outlines the legal authority of the PREQB and our position regarding this federal requirement.

Such certification must be addressed and send to USEPA Regional Administrator, as follows:

Ms. Judith Enck
Regional Administrator
Unites States Environmental Protection Agency
Region II
290 Broadway, 25th Floor
New York, NY 10007-1866

Please, also send a copy of the certification to PREQB.

If you need additional information do not hesitate to contact Mr. Aníbal Hernández Vega, Director of our Legal Affairs Office at (787) 767-8115 or (787) 767-8074.

Cordially,

Pedro J. Nieves Miranda, *Esq.*
Executive Director

Attachment

C: Luis Sierra, PREQB

Edificio Agencias Ambientales Cruz A. Matos / Ave. Ponce de León 1375, San Juan, PR 00926-2604
Apartado 11488, Santurce, PR 00910 / Tel. 787-767-8056 • Fax 787-766-4861

GOVERNMENT OF PUERTO RICO
GOVERNOR'S OFFICE
ENVIRONMENTAL QUALITY BOARD

LEGAL AFFAIRS OFFICE

PUERTO RICO VERDE

LEGAL MEMORADUM

The Unites States Environmental Protection Agency (USEPA) has promulgated the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incinerator (SSI) Units under Sections 111 and 129 of the Clean Air Act, 42 USC §§ 7401 *et seq*. Under the sections 111(d)/ 129, 42 USC §§7411 (d) and 7429, Puerto Rico must submit to USEPA, no later than (one) 1 year after the Administrator promulgates guidelines for a category of solid waste incineration units, a State Plan for Designated Facilities for the implementation and enforcement of the standards of performance for new and existing SSI sources. The State Plan must show that the State has legal authority to carry out the Plan. The five (5) major legal authority areas that must be effective by the time the State Plan is approved are the following:

- Adopt emission standards and compliance schedules applicable to designated facilities.
- Enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.
- Obtain necessary information to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct test of designated facilities.
- Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the State on the nature and amounts of emissions from such facilities, in addition to the authority of the State to make such data available to the public as reported and as correlated with applicable emission standards.

Legal Question:

Does the Puerto Rico Environmental Quality Board (PREQB) have the necessary legal authority to carry out the State Plan for the implementation and enforcement of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units?

APPLICABLE STATUTE AND REGULATION

The Environmental Public Policy Act, Law No. 416 of September 22, 2004, as amended, 12 LPRA §8001 *et seq* establishes in its section 8002g that the PREQB has been designated as the government agency of the Commonwealth of Puerto Rico with the authority to exercise, execute, receive and administer delegation, establish regulations, and implement a permit system in connection with, but not limited to, the Clean Air Act (CAA). According to this authority, the PREQB promulgated in August 28, 1995, the Regulation No. 5300, also known as the Regulation for the Control of Atmospheric Pollution of the Commonwealth of Puerto Rico (RCAP), as amended.

I. <u>Authority to adopt emission standards and compliance schedules applicable to designated facilities</u>

The PREQB has adequate authority to adopt emission standards and compliance schedules applicable to designated facilities within the jurisdiction of Puerto Rico, as described below:

Law No. 416 Section:

- §8002 c(b)(3)(E) allows the PREQB to adopt rules and regulations to establish a permit-awarding and licensing mechanism that regulates the control of the pollution in the air.
- §8002 c(b)(5) allows PREQB to establish, in its judgment through regulations, such necessary requirements to control emissions into the atmosphere.
- §8002 c(b)(13) allows PREQB to adopt regulations in order to establish the Air Operation Permit Program (herein after, the Program) under Title V (TV) of the CAA to require and grant air operation permits to owner or operators of regulated atmospheric pollutant sources which require permits under TV as well as hazardous air pollutant and solid waste incinerators.
- §8002 c(b)(3)(D) allows PREQB to determine through studies and sampling, the degree of purity of waters and the air, and to establish, in coordination with the concerned agencies, the corresponding rules.
- §8002c(b)(13)(A)(xix) allows PREQB to require that the owners or operators of sources under the Program submit compliance plans and establish compliance plans for sources that submit inadequate plans.

RCAP Rule 205(A)(1):

- This Rule requires from any owner or operator of an existing source which is not in compliance with the applicable rules and regulations, on the date of their effectiveness, to 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. This period starts at the effective date of the RCAP and/or when a new requirement is applicable.

II. Authority to enforce applicable laws, regulations, standards, and compliance schedules, and seek injunctive relief.

The PREQB has sufficient authority to enforce applicable laws, regulations, standards, and compliance schedules and to seek injunctive relief.

Law No. 416:

- §8002c(a)(7) empowers PREQB to order those persons causing or contributing to a condition which harms the environment and natural resources, or which poses an imminent danger for the public health and safety, to immediately diminish or discontinue their actions.
- §8002c(a)(9) empowers the PREQB to issue provisional orders, with previous notice to the Planning Board and the Regulations and Permits Administration (now, Office of Permits Management), to prohibit the construction of facilities whose plans and specifications show to be in violation of the provisions Act No. 416 or its regulations.
- §8002c(a)(11) empowers the PREQB to institute, represented by the Secretary of Justice, the attorneys of the Board, or by a private attorney contracted for such purpose, civil actions for damages in any court of Puerto Rico or the United States of America to recover the total value of the damages inflicted on the environment and/or natural resources by the commission of any violation of the provisions of Act No. 416 or its regulations.
- §8002c(a)(12) empowers the PREQB to resort to the courts of Puerto Rico or of the United States of America, represented by the Secretary of Justice, the attorneys of the Board or a private attorney contracted for such purpose, in order to request the enforcement of any resolution or decision issued by the Governing Board of the PREQB, any order issued by the PREQB

requiring immediate action to respond to an environmental emergency and any remedy requested by the Board, through any civil action.

- §8002j(b) allows for the PREQB, represented by the Secretary of Justice or his/her attorneys, to resort to any court with competent jurisdiction to recover the total value for damages to the environment and/or the natural resources of Puerto Rico caused by such violation.
- §8002j(c) empowers the PREQB to impose administrative fines and sanctions for infractions of the Act No. 416, or of the orders, rules, and regulations issued and approved by the Board under this Act. Administrative fines shall not exceed twenty-five thousand dollars ($25,000) for each infraction, being understood that each day the infractions persist shall be deemed to be a separate violation.
- §8002j(d) empowers PREQB that in the event that the Board should make a finding of contempt in the commission or continuance of acts for which an administrative fine have already been imposed or in the commission or continuance of acts in violation of the Act and the regulations thereunder, or a finding of contempt in the noncompliance with any order or resolution issued by the Board, the latter, in exercising its discretion, may impose an additional administrative fine up to fifty thousand dollars ($50,000).
- §8002j(e) establishes that any person who knowingly makes any false representation, certification or statement under the Act No. 416, the regulations approved thereunder; or who knowingly makes any false representation in any report required by the Board under this Act or the regulations thereunder; or who knowingly and so as to produce inaccurate results , alters any tracking facility or method that has been required by the PREQB, shall be guilty of misdemeanor, and upon conviction, punished by fine not lesser than one hundred dollars ($100) and not greater than five hundred dollars ($500).
- §8002j(g) empowers the PREQB to impose administrative fines and sanctions against any person who violated any provision established in the Air Operation Permit Program under TV of the CAA, as amended, or any permit condition.
- §8002j(h) empowers the PREQB represented by its attorneys or by any other attorney it may designate, or by the Secretary of Justice or his/her attorney to resort to any court of competent jurisdiction in order for civil penalties to be imposed or recovered, which penalties shall not exceed twenty-five thousand dollars ($25,000) for each violation, against any person who

violates any provision, term or condition of any permit issued under Air Operation Permits Program, Title V, or any order issued under such Program.

- §8002j(i) establishes that any person who knowingly violates any provision established in the Air Operation Permit Program under TV of the CAA or any condition of the permit, and any person who knowingly makes any material statement, representation or certification or certification that is in any way false on any notices or reports required by any operation permit under TV of the CAA or who knowingly renders inoperative any sampling equipment or method required pursuant to the Program, shall be guilty of a felony, and upon conviction, sanctioned by a fine not lesser than one-thousand dollars ($1,000) no greater more than twenty-five thousand dollars ($25,000) for each violation, being understood that each day the infraction persists shall be deemed to be a separate violation, with punishment by imprisonment for the fix term of one (1) year to a maximum of eighteen (18) months, should there be mitigating circumstances, the term may be reduced down to a minimum of six (6) months.

RCAP Rules:

- **Rule 113(A)** empowers the PREQB to order the closure or compel the shutdown of a source which has been found not in compliance with the applicable rules and regulations.
- **Rule 115** empowers the PREQB that in case of infraction of any of the applicable rules and regulation, suspend, modify or revoke any relevant permit approval, variance or other authorization issued under this Regulation.

III. <u>Obtain necessary information to determine whether designated facilities are in compliance with applicable laws, regulations, standards, and compliance schedules, including authority to require recordkeeping and to make inspections and conduct test of designated facilities</u>.

Law No. 416 provides the PREQB the authority to require from any person or entity subject to its jurisdiction the filing of the required reports for the implementation of Law No. 416 and its regulations. It also provides the authority to examine premises, equipment, facilities and documents of any individual, entity, firm, agency or government instrumentality subject to the jurisdiction of PREQB. In addition, Law No.

416 allows the PREQB to conduct studies and sampling, and provides authority to request and to incorporate monitoring, record keeping, reporting and compliance certification requirements into operation permits.

Law No. 416 Section:

- §8002c(b)(3)(C) provides authority to the PREQB to classify through regulations, the sources that in its judgment are adversely affecting the environment and the natural resources, and to require reports on each of this sources.
- §8002c(b)(1)(g) empowers PREQB to request to all persons or entities under its jurisdiction to file before the Board such reports as required for the implementation of the provisions of the Act No. 416.
- §8002c(a)(10) allows the PREQB, represented by its members, consultants, contractors, agents or employees to enter and examine the establishment, equipment, facilities and documents of any person, entity, firm or government agency or instrumentality under its jurisdiction to investigate and/or to inspect the environmental conditions. It also provides the legal procedure before any judge of first instance in the event that the owner, holders or their representatives, or official or office refuse to allow the entry and/or examination.
- §8002c(b)(13)(A)(xx) empowers PREQB to require from sources under the Program to submit compliance timetables and certifications, when applicable.
- §8002c(b)(3)(D), *supra*

RCAP Rules:

- Rules 103(B) and 603 (c)(2) establishes that representatives of the PREQB, upon presentation of their credentials: (1)shall have the right to entry to, upon or through any premises, where a source is located or where any record is located; records which are required to be maintained under the RCAP or under the CAA; (2) upon request, shall have access to and copy pertinent records, inspect and examine any monitoring equipment or method to determine its accuracy, and sample emissions of air quality and fuels.

<u>IV. Require owners or operators of designated facilities to install, maintain, and use emission monitoring devices and to make periodic reports to the</u>

State on the nature and amounts of emissions from such facilities; also, authority for the State to make such data available to the public as reported and as correlated with applicable emission standards.

PREQB is empowered to require facilities to install and operate emission monitoring devices.

Law No. 416 Section:

- §8002c(b)(13)(i) empowers PRQEB to require that atmospheric pollutant sources under the Program comply with requirements such as monitoring, record keeping, reporting and other compliant certification requisites.
- §8002c(b)(1)(G) *supra*
- §8002c(b)(3)(C) *supra*

RCAP Rules:

- 103 (A) allows the PREQB to 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 periodic reports as PREQB deem necessary.
- 112 (B) requires that all owner or operators of a major source subject to the RCAP submit a compliance certification on, at least, an annual basis.
- 204(I) empowers PREQB to impose any reasonable conditions upon a permit to operate, including conditions imposed with the permit to construct which, due to its nature and extent, must become part of the permit to operate.
- 211(E) establishes the record keeping, certification and reporting requirements for synthetic minor sources.
- 603(a)(3) establishes monitoring requirements for TV sources
- 603(a)(4) establishes recordkeeping requirements for TV sources
- 603(a)(5) establishes reporting requirements for TV sources

V. Make emission data available to the public

State law requires PREQB to make available to the public any emission data, permit application, compliance plan, permit, and monitoring and compliance certification reports, except for information entitled to confidential treatment.

Law No. 416 Section:

- §8002c(b)(13)(A)(xxii) requires from PREQB to provide public notice and the opportunity for comments and public hearings concerning permit and permit renewal application form emission sources established under the Program consistent with §2101 *et seq.* of Title 3, known as the " Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico" and with USEPA.
- §8002c(b)(13)(A)(xxiii) requires from PREQB to make available to the public the air operation permit applications, compliance plans, sampling or compliance reports and permits, subject to the confidentiality provisions in §2101 *et seq.* of Title 3 and in Section 114(c) of the CAA, as amended. It should also be subject to the confidentiality provisions in §8002k.

RCAP Rules:

- **Rule 104** establishes (a) that all emission data obtained by or submitted to the Board, including data reported pursuant to Rule 103 of the RCAP 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 emission and the emission allowable under applicable rules and regulations or enforceable permit condition.

Conclusion:

The previous analysis demonstrates that this agency has the authority to adopt the emission standards and compliance schedules, to enforce the applicable statutes and regulations and to obtain injunctive relief. Also, it has been demonstrated that the PREQB has the authority to obtain information through various means like inspection, recordkeeping and testing. The PREQB is also empowered by Act No. 416 and the regulations to require regulated sources to install and maintain emission monitoring devices and request periodic reports of emissions. Law No. 416 and the RCAP compel PREQB to make the emission data available to the public. After reviewing the applicable statute and regulations it is forceful to conclude that the PREQB has the legal authority for the implementation and enforcement

of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

Puerto Rico "Environmental Public Policy Act"

Act No. 416 of September 22, 2004, as amended

Note: This compilation was prepared by the Puerto Rico Office of Management and Budget staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.

"Environmental Public Policy Act"

Act No. 416 of September 22, 2004, as amended

(Contains amendments incorporated by:
Act No. 95 of August 26, 2005
Act No. 215 of September 28, 2006
Act No. 259 of December 5, 2006
Act No. 68 of July 13, 2007
Act No. 161 of December 1, 2009)

(Amendments non-incorporated
Act No. 117 of July 30, 2010
Reorganization Plan No. 1 of July 26, 2010, Sec. 38
Act No. 62 of March 30, 2012)

To repeal and replace Act No. 9 of June 18, 1970, as amended, known as the "Environmental Public Policy Act"; Act No. 13 of July 7, 1973, the provisions of which were included under Title IV of the new law known as the "Spillage of Harmful Substances Act"; Act No. 81 of July 2, 1987, as amended, known as the "Puerto Rico Environmental Emergency Fund Act"; Act No. 297 of August 21, 1999, known as the "Environmental Research Laboratory of Puerto Rico Act"; Act No. 257 of August 31, 2000, known as the "Environmental Trust Fund for Puerto Rico and the Caribbean Act"; Act No. 310 of September 2, 2000, known as the "Pollution Prevention Act"; Act No. 25 of April 24, 2001, known as the "Noise Prohibition Act"; Act No. 234 of September 27, 2002, known as the "National Environmental Awareness and Reflection Day in Puerto Rico Act"; and Act No. 160 of July 3, 2003, known as the "Noise Awareness Day in the Commonwealth of Puerto Rico Act." The purposes of this Act are to update the provisions of the Environmental Public Policy Act of the Commonwealth of Puerto Rico; to promote a stronger and more efficient environmental protection; to create an environmental databank and digital information system; to ensure that environmental issues are included and considered in the government's efforts to address the social and economic needs of our population, among others; to promote the evaluation of other government policies, programs and efforts which may conflict with or hinder the achievement of the objectives of this Act; to create the Environmental Emergencies Response Planning Committee, attached to the Environmental Quality Board, which exists since 1987, as provided by Executive Order to comply with federal requirements and to establish its duties and responsibilities.

STATEMENT OF MOTIVES

At a time when Act No. 9 of June 18, 1970, as amended, better known as the "Environmental Public Policy Act of the Commonwealth of Puerto Rico," is nearing thirty-four years as of its effective date, it becomes ever more evident that we need to update its provisions, so that they may conform to the needs and realities of our times, to strive to achieve a stronger and more efficient environmental protection, and to ensure that environmental issues are included and taken into account in all government efforts directed to meeting the social, the economic, and other needs of the present and the future generations of Puerto Ricans.

As we have stated before, in 1970, the Commonwealth of Puerto Rico took a major step to further the protection of the true foundation of its future development. The approval of the "Environmental Public Policy Act" served the purpose of setting forth the Commonwealth's public policy, which calls for the use of "all practical means and measures with the purpose of encourage and promote the general welfare, in order to create and maintain conditions under which human beings and nature are able to coexist in productive harmony and to meet the social, the economic, and any other needs that may arise for the present and the future generations of Puerto Ricans." Not only did this legislation predate the first major world summit on environmental affairs, held in Stockholm in 1972, as well as constitute the first and main statutory framework adopted in Puerto Rico to address in an integrative manner the Island's concrete issues as pertains to environmental management and protection such legislation also appointed the Environmental Quality Board as the first regulatory agency in America to see to the control of pollution and environmental degradation.

The Legislature of Puerto Rico entrusted the Environmental Quality Board with the mission to protect the environmental quality by exercising control over the air, water, and soil pollution, as well as noise pollution, and to use all practical means and measures to create and maintain conditions under which man and nature are able to coexist in productive harmony and to meet the needs that may arise for the present and the future generations of Puerto Ricans.

The statement of motives of Bill No. 879, considered by the House of Representatives in 1970, set forth the need to "recognize that both the government programs and the legislation in effect on the matter of the management and administration of our natural resources, to wit, land, water, the air we breathe, as well as the disposal of the sum total, the ever-increasing volume of which is alarming, are insufficient and inadequate to handle the magnitude and complexity of such issues." [Unofficial translation] The Committees on the Judiciary-Civil and on Health and Welfare, on their part, in their Joint Report to the Senate of Puerto Rico on substitute bill for S. B. 258 and S. B. 703, stated that:

"We must maintain an environment that accords us and our surroundings the greatest purity and cleanliness of air and water, the conservation of our natural resources, such as our forests, rivers, beaches, as well as our fauna, our flora, and all kinds of marine and aquatic species. Cars, industrialization, the population growth, the growth of urban zones are—together with the destruction and the waste they generate—the worst enemies of our environment and our full enjoyment of healthy living in our planet." Diario de Sesiones del Senado de Puerto Rico [lit.: the Journal of Sessions of the Senate of Puerto Rico], April 21,

1970, [original Spanish text] at page 780. With a clear vision of the future, which attests to the thorough understanding of the importance of striking harmony between the human endeavor and the environment, these legislative committees advised that "There could come a time, if the necessary controls and measures are not established, when the very life of humankind on Earth might be in jeopardy." Idem [original Spanish text], at pages 780-781.

In light of the foregoing, when creating the Environmental Quality Board, the Legislature noted that "the delicate functions hereby commissioned hold the utmost importance as pertains to the welfare and the health of the present and the future generations of Puerto Ricans." Idem [original Spanish text], at page 781. Furthermore, the Legislature deemed that, in order to implement the public policy of Puerto Rico and to achieve its legislative intent, it was necessary for the institution to be created to hold "the highest standing, so that it may be able to promote, coordinate, and direct the efforts of all agencies and sectors involved" or to be "a policy-making body invested with the highest standing within the government structure." Idem [original Spanish text], at pages 780-781.

The increasingly growing interest of citizens in Puerto Rico and all over the world in this subject has raised the levels of awareness concerning the environmental aspects of development, which awareness has been little or even nonexistent, throughout the history of our region. However, there are problems to overcome, such as the mindset of certain sectors which believe that principles such as environmental protection and sustainable development are tantamount to restrictions on or hindrances to economic and social development. These errant misconceptions have constrained our ability—as well as that of all other countries—to refrain the ever-increasing environmental deterioration of critical ecosystems and to control pollution.

Both in general terms and in comparison to many other countries, Puerto Rico enjoys good environmental conditions; however, if we do not pursue new strategies and actions, we shall stand witness to the gradual depletion of our natural resources and the degradation of environmental quality. If we should fail to institute preventive measures, we shall well be on our way to creating and bequeathing a markedly deteriorated quality of life to our future generations.

This bill of law takes into account the fact that, in addition to the oversight and rule-making authority conferred onto the Environmental Quality Board, such Board is empowered to establish, among other things, the proper requirements to ensure compliance by the whole of the Government of the Commonwealth of Puerto Rico with the provisions of the Environmental Public Policy Act, and most particularly, to adopt regulations as necessary for the application of provisions governing environmental impact statements. Equally or more important is the fact that the Environmental Public Policy Act requires that the Chair of the Environmental Quality Board submit an annual report on the environmental status.

The authority and the mission conferred onto the Environmental Quality Board were broadened with the assignment of conducting the review and assessment of Government programs and activities, in light of the public policy established in the Environmental Public Policy Act "[...] with the purpose of determining the extent to which such programs and activities do contribute to the achievement of such policy," and presenting recommendations to the Governor on said matter. Furthermore, such public instrumentality was entrusted with "developing and presenting recommendations before the Governor on a public policy to encourage and promote the improvement of environmental quality and to manage

conservation, social, economic, and health issues, as well as other requirements and goals of the Commonwealth." Lastly, but not less important, we are bearing in mind that the Environmental Quality Board has been entrusted with the task to coordinate the yearly observance of the National Environmental Awareness and Reflection Day in Puerto Rico on July 1. The motif of the day to be observed shall stress on, but not be limited to promoting lifestyles and consumer habits which have a low impact on the environment; modifying negative environmental behavior; assessing, monitoring, and minimizing our ecological footprint; observing the sustainable development philosophy pursuant to points established under Agenda 21; preventing pollution and environmental degradation; and developing sustainable communities, as provided for in said Act.

The establishment of the National Digitized Environmental Information System, together with its Advisory Council and its Access Center, shall provide the Environmental Quality Board with, and enable such Board to render available to all other government agencies, the private business sector, and the general public, the data and information which are vital for compliance with the provisions of the Environmental Public Policy Act. Moreover, this Act shall enable and complement other powers and duties conferred onto that agency, such as: (1) adequate environmental emergency response and planning; (2) gathering apposite and authoritative information on current and projected environmental conditions and trends to analyze and interpret such information, in order to determine whether such conditions and trends are interfering or might interfere with the achievement of the environmental public policy of Puerto Rico, as well as compiling and submitting to the Governor studies on such conditions and trends; (3) documenting and defining changes in the natural environment, including plant and animal systems, and gather the necessary information and other information as necessary and convenient to conduct an ongoing analysis of these changes or trends and to interpret their foundational causes; and (4) adopting, promulgating, amending, and repealing regulations to establish a mechanism to control the quality of the data generated by the sampling and analysis of parametric indicators of environmental quality, whether current or created by a pollutant source, which are to be made compliant with the norms and requirements set forth in the applicable environmental regulations, including, but not limited to: (a) establishing a procedure conducive to the certification and accreditation of public or private institutions, corporations or individuals that generate data on environmental quality in compliance with environmental regulations, and (b) keep a register of public or private institutions, corporations or individuals that generate data on environmental quality and waste generated by pollutant sources, in order to assure the reliability of such data with the purpose of expediting the validation process concerning data before the consideration of the Environmental Quality Board.

In order to achieve the objectives set forth herein, it is necessary: (1) to make changes in the current organizational structure of the Environmental Quality Board, (2) to create a digitized environmental databank and to institute the best technology available for the validation and management of such data, (3) to reassert its authority to evaluate government actions and programs which might be in conflict with the powers and responsibilities delegated thereto or which may delay or hinder compliance with the public policies of the Commonwealth of Puerto Rico on the environment and on sustained development, (4) to reassert the powers and responsibilities conferred onto the Environmental Quality Board, and

(5) to require the establishment of interagency agreements for the implementation of the Environmental Public Policy Act and the various special laws applicable to natural resource conservation and management, hazardous and non-hazardous waste management, treatment and disposal, and environmental emergency response and planning.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Title. — (12 L.P.R.A. § 8001 note)

This Act shall be known and may be cited as the "Environmental Public Policy Act."

Section 2. — Purposes. — (12 L.P.R.A. § 8001 note)

The following are the purposes of this Act:

1. Establishing a public policy that fosters a desirable and convenient harmony between humankind and its environment;
2. Promoting efforts that would prevent or eliminate environmental and biospheric harm and foster health and wellness in humankind;
3. Broadening the understanding of major ecological systems and natural sources in Puerto Rico; and
4. Establishing an Environmental Quality Board.

TITLE I. — STATEMENT OF ENVIRONMENTAL PUBLIC POLICY. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 1]

Section 3. — Statement of Environmental Public Policy. — (12 L.P.R.A. § 8001)

A. — The Commonwealth of Puerto Rico, in full awareness of the profound impact of human activity on the interrelations of all components of the natural environment, especially the far-reaching influence of population growth, high urban density, industrial expansionism, exploitable resources,and the new and widespread technological advancements, and in full and further awareness of the critical importance of restoring and maintaining environmental quality for the total wellness and full development of humankind, hereby states that it is the ongoing policy of the Government of the Commonwealth, including its municipalities, in cooperation with all public and private organizations so interested, to use all practical means and measures, including technical and financial assistance, with the purpose of encouraging and promoting general wellness and ensuring that all natural systems are healthy and able to sustain life in all its forms, as well as social and economic activity, within the framework of a culture of sustainability, in order to create and maintain conditions under which humankind and nature can coexist in productive harmony and to meet the social, the economic, and any other needs that may arise for the present and the future generations of Puerto Ricans.
B. — The Commonwealth recognizes that all persons are entitled and should enjoy a healthy environment and that all persons are responsible for making their contribution to the

conservation and improvement of the environment. Likewise, all persons responsible for polluting our soils, waters, and atmosphere shall be accountable for decontamination- and restoration-related costs, and when applicable, for compensating the people of Puerto Rico for harm inflicted.

C. — In harmony with the foregoing and in full awareness of the importance and the relation among social, economic and environmental factors, the Commonwealth of Puerto Rico shall procure its sustainable development based on the following four comprehensive objectives: (1) the most effective protection of the environment and natural resources; (2) the most prudent and efficient use for the benefit of all citizens; (3) social progress that acknowledges everybody's needs; and (4) reaching and maintaining high and stable economic growth and employment rates.

Section 4. — Duties and Responsibilities of the Government of the Commonwealth of Puerto Rico. — (12 L.P.R.A. § 8001a)

A. — In order to carry out the policy established under Section 3 of this Act, it shall be the ongoing responsibility of the Commonwealth to use all practical means, tempered with other essential public policy considerations, to improve and coordinate the plans, functions, programs, and resources of the Commonwealth so that Puerto Rico may be able to:

1. Fulfill the responsibilities of each generation as the custodian of the environment for the benefit of subsequent generations, as provided in the Constitution of Puerto Rico;
2. Secure safe, healthy, productive, and aesthetically and culturally pleasing landscapes for all Puerto Ricans;
3. Procure the fullest enjoyment of the beneficial uses of an environment free from degradation, health or safety risks or other undesirable consequences;
4. Preserve major historical, architectural, archeological, cultural and natural aspects of our patrimony and maintain, whenever possible, an environment that affords diversity and variety for individual selection for present and future generations alike;
5. Strike a balance between population and use of resources so as to allow for high standards of living and wide participation in life's amenities; and
6. Improve the quality of renewable resources and see to the wise use of those resources liable to become depleted.

B. — All departments, agencies, municipalities, public corporations, and instrumentalities of the Government of Puerto Rico and its political subdivisions shall, to the broadest extent possible, interpret, apply, and administer all current laws and regulatory bodies, as well as those instituted in the future in strict conformance with the public policy set forth in Section 3 of this Act. Likewise, the departments, agencies, municipalities, public corporations and instrumentalities of the Government of Puerto Rico and its political subdivisions are hereby directed to observe the following norms in implementing the public policy stated in this Act:

1. To use a systematic interdisciplinary approach to assure the integrated employment of natural and social sciences and the art of natural landscaping when making plans and decisions that might have an impact in the human environment.
2. To identify and develop methods and procedures, in consultation and coordination with the Environmental Quality Board established in this Act, in order to assure not only the

consideration of economic and technical factors, but likewise, established value and amenity factors, even if these have not been economically assessed and evaluated.

3. To enclose with all recommendations or reports on proposed legislation, and to issue, before taking any government action or promulgating any government decision which significantly affects environmental quality, a written and detailed statement on:

a. The environmental impact of the legislation thus proposed, the action to be taken or the decision to be promulgated;

b. Any adverse effects on the environment that can not be prevented if such proposed legislation is approved and applied, if such government action is taken or if such government decision is promulgated;

c. Alternatives for such proposed legislation, government action or government decision;

d. The relation between the short-term local uses of the environment and the long-term conservation and improvement of productivity; and

e. Any irrevocable or irreparable compromise of the natural resources that would be involved in the legislation proposed, if the same were to be implemented; in the government action, if it were to be taken; or in the government decision, if it were to be promulgated.

This provision shall not apply to findings or decisions issued by the Courts and the Governing Board of the Environmental Quality Board, in adjudicative cases. Neither shall the same apply to rule-making proceedings conducted by the Governing Board of the Environmental Quality Board by virtue of the powers and responsibilities conferred thereto by this or other Acts.

Before the Proponent Agency makes the final decision on the proposed action, it shall comply with the environmental planning process and issue an environmental impact statement, whereby such body finds that the action in question shall either have a significant impact or have no such impact, the official responsible therefor shall consult with and obtain from any other government body with jurisdiction or participative interest its opinion concerning the legislation proposed, the government action to be taken or the government decision to be promulgated.

A copy of such environmental document shall be remitted to the Environmental Compliance Evaluation Division of the Permit Management Office. Such Division shall be the one in charge of obtaining recommendations from the units and issuing its recommendations to the Executive Director of the Permit Management Office. Furthermore, these shall be made available to the public and shall be enclosed with the proposed legislation, action or decision, in order for government bodies to conduct the corresponding inspection and study.

The official responsible for issuing the environmental impact statement shall submit a copy thereof in electronic media, in the format to be established by the Environmental Quality Board. The Permit Management Office and the Environmental Quality Board shall publish in electronic media such environmental impact statement on readily accessible media, free of charge, such as the Internet. The electronic publication of the environmental impact statement and its availability to the public shall coincide with the date on which such document shall be available to the public in hard copy.

4. To study, develop, and describe the alternatives proper to the courses of action recommended in any proposal involving unresolved conflicts relative to alternate uses of available resources.
5. To apply the precautionary principle, in the awareness that whenever and wherever there are threats of inflicting severe or irreversible harm, lack of full scientific certainty shall not constitute grounds for postponing cost-effective measures in order to prevent environmental degradation. Such application shall be predicated on the following premises: (1) natural and juridical persons are under the obligation to take action in advance to prevent harm or hazards; (2) the burden of proof concerning the absence of hazards that might be posed by a new technology, process, activity or chemical substance, shall fall on its proponent, not on the citizenry; (3) prior to using a new technology, process or chemical substance or before engaging in a new activity, persons are under the obligation to evaluate a wide array of alternatives, including the non-action alternative; and (4) decisions whereupon this principle is applied shall be made public, informed, and democratic, and include the parties affected thereby.
6. To recognize the far-reaching, world-embracing nature of environmental issues, and whenever in harmony with the foreign policy of the United States, lend proper support to initiatives, resolutions, and programs designed to maximize international cooperation in forestalling and preventing deterioration in the world's environment wherein humankind thrives.
7. Furnish useful advice and information to municipalities, institutions, and individuals concerning environmental quality restoration, conservation, and improvement.
8. Initiate and use ecological information in resource-oriented project plans and developments.
9. Assist the Environmental Quality Board, established under Title II of this Act, in all projects or efforts directed to achieving the objectives of this Act, including, but not limited to being specially attentive and meeting all requirements in terms of compiling and periodically providing the Environmental Quality Board with authoritative information and data that enables the latter to assess and report on the status of the environment and natural resources.

C. — The Permit Management Office shall act as the proponent agency and as the body with competence over or acknowledged expertise in relation to any action which requires compliance with the provisions of this Section. In such cases, the Environmental Compliance Evaluation Division of the Permit Management Office shall evaluate the environmental document submitted for its consideration by the proponent of the action or by the pertinent department, agency, municipality or public corporation or instrumentality of the Government of Puerto Rico and the political subdivisions thereof, and shall determine compliance with the provisions of this Section. Any recommendation required from a government body in relation to the environmental document shall be issued by the Permit Managers of the Management Office and by the Director of the Environmental Compliance Division, except for recommendations required from the municipalities, the Environmental Quality Board, and the Planning Board, as the case may be, pursuant to the applicable legal and regulatory provisions. For the purposes of this Section, the Environmental Quality Board shall establish through regulations, the

procedure that shall govern the preparation, evaluation, and processing of environmental documents. The above described regulations shall be drafted, approved, and adopted by the Environmental Quality Board upon considering the comments from the Planning Board. The assessments by the Management Office on whether a proposed action is compliant with the provisions of this Section shall be reviewable once the Permit Management Office has made a final decision on the permit applied for and the review thereof shall be conducted pursuant to the terms established in the Act whereby the Permit Management Office was created. In such cases in which the environmental compliance assessment requested from the Permit Management Office is not related to the permits issued by the same pursuant to its provisions or any other action under the law, the assessment by the Permit Management Office on this particular matter shall not be deemed to be final in nature and the same shall be a component of the final determination of the department, agency, municipality, public corporation or instrumentality of the Government of Puerto Rico or political subdivision, as the case may be, on the proposed action, and reviewable together with such final determination.

In the event that the Environmental Quality Board is the only agency with jurisdiction over the proposed action, there shall be no need to obtain an assessment from the Environmental Compliance Evaluation Division of the Permit Management Office for the purposes of this Section.

D. — All departments, agencies, municipalities or public corporations or instrumentalities of the Commonwealth of Puerto Rico and its political subdivisions shall have the ongoing responsibility of revising their statutory authority, their administrative regulations, and their policies and procedures, in order to determine whether there are any shortcomings or inconsistencies therein which might impede full compliance with the purposes and provisions of this Act, and propose to the Governor, after having complied with the requirements set forth in subsection (B) and having notified the Governing Board of the Environmental Quality Board, those measures which are necessary in order to temper their authority and their policies with the intent, purposes, and procedures established in this Act.

Section 5. — Savings Clause and Complementary Nature. — (12 L.P.R.A. § 8001b)

None of the provisions of Section 4 shall by any means impair any of the specific statutory obligations of any agency regarding (1) compliance with environmental quality criteria or norms, (2) coordination or consultation with any other agency or (3) taking action or abstaining from taking action, contingent upon the recommendations or certifications issued by any other agency.

The policies and objectives outlined in this Act are complementary to those established in the already existing authorizations for agencies.

TITLE II. — ON THE ENVIRONMENTAL QUALITY BOARD. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 2]

Section 6. — Yearly Report on Environmental Status. — (12 L.P.R.A. § 8002)

The Chair of the Environmental Quality Board shall render before the Legislature and the Governor, a yearly report on environmental quality (hereinafter, the "Report"), stating: (1)

the status and condition of Puerto Rico's environment, including, but not limited to: air quality, water quality (including freshwater, saltwater or lake water; sources and nature of agents discharged into bodies of water; drinking water sources; and management plans for watersheds, and the progress attained in their application) and the soil environment (including, but not limited to solid waste management and disposal; woodlands, dry lands, wetlands, croplands; and urban, suburban and rural environments); (2) the current trends as to environmental quality, management and utilization and the effects of such trends on Puerto Rico's requirements of a social, economic or other order; (3) the sufficiency of available natural resources to meet Puerto Rico's human and economic requirements in light of the pressures from the expected population; (4) the reviewing of programs and activities (including regulatory activities) of the Federal Government, the Commonwealth of Puerto Rico, and its agencies and municipalities, as well as non-government organizations or persons, especially in connection with their effect on the environment and on natural resource conservation, development and employment; and (5) a program to remedy the shortcomings of existing programs and activities, together with recommendations for legislation.

The Report shall be submitted before the Legislature and the Governor on or before July 1 of each year; the same shall cover the environmental status at the closing of the preceding calendar year. The Environmental Quality Board shall be empowered to adopt, promulgate, amend and repeal regulations as it may deem necessary in order to meet the requirements established in this Section.

Section 7. — Creation of the Board; Members; Terms. — (12 L.P.R.A. § 8002a)

A. — The Environmental Quality Board is hereby created, to be attached to the Office of the Governor of Puerto Rico. The Board shall be constituted by three (3) associate members, to be appointed by the Governor of Puerto Rico with the advice and consent of the Senate of Puerto Rico. Associate members shall devote all their working hours to serving on the Board. The term for each associate member shall be four years; provided, that the first appointments to be made under this Act are to be staggered, for a term of two (2), three (3), and four (4) years, respectively. Each member shall hold office until his/her successor is appointed and takes office. Any vacancy arising before the corresponding term is lapsed, shall be covered by appointing a new member for the part of the term yet to be lapsed. All agreements or decisions of the Governing Board shall be made official by the affirmative vote of the majority of its members.

B. — The Governor shall designate one Board member to serve as the Chair, who shall hold office at the will of the Governor. The Chair, in turn, may designate one of the associate members of the Board to serve as the Vice Chair, who, during temporary absences of the Chair, may serve as Chair Pro Term until the Chair returns to office or the vacancy is filled. In the event that vacancies or temporary absences arise in both offices simultaneously, the other associate member shall serve as Chair Pro Term. The Chair and the associate members of the Environmental Quality Board shall earn the salary provided for under the law.

C. — The Governor of Puerto Rico shall also appoint an alternate member for a four (4)-year term, to substitute associate members in cases such as vacancy, illness, leave with or without pay, vacation leave, temporary absences or inability of any such members, so that the latter discharge the functions or perform the tasks entrusted by the Chair as he/she may deem

necessary in order to accomplish the purposes of this Act or that such member discharge any other functions entrusted to him/her under this or other laws.
Such alternate member shall earn, on account of per diems, the amount of seventy-five (75) dollars for each day he/she is discharging functions as an active member of the Board; provided, that when the appointment falls on an official or employee of the Government of Puerto Rico, such member shall earn no per diems whatsoever.
D. — The Chair, as well as the other two Associate Members and the Alternate Member of the Board shall, as a result of their training and experience, be persons of renowned capability in environmental protection and conservation matters and shall have no conflicts of interests that might interfere with the discharge of their offices.
E. The present members of the Governing Board shall remain in office until the lapsing of their term as assigned pursuant to Act No. 9 of June 18, 1970, as amended, known as the "Environmental Public Policy Act."

Section 8. — Duties of the Chair and the Governing Board. — (12 L.P.R.A. § 8002b)

A. — The Chair of the Governing Board of the Environmental Quality Board shall have, among other duties conferred by law, the following duties and powers:

1. Presiding over meetings of the Governing Board and enforcing the decisions approved by such Board.
2. Directing and supervising all Governing Board activities, and being able to delegate onto other associate members or onto the alternate member any functions or tasks as he/she may deem pertinent.
3. Being the Executive Director of the organization, and in such a capacity, he/she shall direct and supervise all administrative and technical activities of the Environmental Quality Board, and be able to delegate administrative functions provided for in this Act onto his/her subordinates and other associate members. Furthermore, in his/her capacity as Executive Director, he/she shall have the functions and duties provided for in Section 9(A) of this Act and any other functions and duties that the Governing Board may delegate or entrust onto him/her.
4. Creating the internal organization necessary for discharging the functions entrusted onto the Environmental Quality Board to serve the purposes of this Act and being able to appoint the officials and employees thereof, pursuant to Act No. 5 of October 14, 1975, as amended, known as the "Puerto Rico Public Service Personnel Act." He/She shall adopt rules for the organization and the internal procedures of the Environmental Quality Board. It is hereby expressly provided that the Chair shall create the Internal Audit Office of the Environmental Quality Board, which shall, at the very least, be attached to the Governing Board and be provided with full autonomy and authority to commence internal audits as it may deem necessary or convenient.
5. Acting as the official charged with administering any federal environmental program which, due its nature, purpose and scope, is related with the functions being entrusted onto the Board by law. In this capacity, he/she may enter into and handle any covenants or agreements as necessary to carry out the pertinent programs and efforts within the bounds of his/her functions and the laws of Puerto Rico.

6. Reporting, at least once a year, to the Legislature and the Governor on environmental status and conditions, pursuant to the provisions of Section 6 above.
7. Making and furnishing any studies and reports thereon, as well as recommendations on matters of policy and legislation as required by the Governor.
8. Charging the corresponding fees for copies of its publications or studies in order to recover the expenditures incurred on account of their printing and reproduction. The revenues thus obtained shall be covered into the Special Account Set For The Environmental Quality Board. However, in his/her discretion, he/she may distribute free copies of such publications to persons or entities as he/she may deem convenient.
9. Appointing examining officers to preside over public hearings, for whom he/she shall fix, if these are not employees of the Environmental Quality Board, the corresponding compensation.
10. Hiring the professional services of attorneys-at-law and experts so that they may advise or represent him/her in their respective concerns or legal affairs within their professional expertise, for whom he/she shall fix the corresponding compensation.
11. Hiring the services of highly specialized persons, including professional and counseling services, when necessary to accomplish the purposes of this Act.
12. Establishing and awarding, in coordination with the Commonwealth Personnel Office, scholarships to private individuals to pay for studies relative to natural resources and environmental conservation and solid waste disposal, which scholarships may cover any expenses as deemed necessary in the judgment of the Environmental Quality Board.
13. Requesting, accepting and obtaining the cooperation and the technical and financial assistance of Federal, Commonwealth or municipal agencies or private industries or entities, as provided for in the applicable legislation and regulations, in order to accomplish the purposes of this Act.
14. Requiring that any government body and the officials and employees thereof provide the necessary assistance to comply with the provisions of this Act and/or the regulations approved thereunder.
15. Being able to accept donations and to provide that fines and royalties are to be spent in conducting special studies pursuant to the provisions of this Act, and to use the assistance made available by other public and private agencies.
16. Being able to accept, receive, and administer donations or funds from public, semi-public or private entities or entities of the United States Government or any of its instrumentalities, and from the Puerto Rico Conservation Trust, with the objective of accomplishing the purposes of this Act.
17. Entering into covenants with any political subdivision, department, agency, authority, public corporation, educational institution or instrumentality of the Government of the Commonwealth of Puerto Rico or the United States of America or any private corporation or entity, with the purpose of obtaining or providing professional or any other services and of obtaining or providing facilities to accomplish the purposes of this Act. The covenants shall specify the services and facilities that are to be obtained or provided and the refund or payment for such services or facilities or whether such services are to be rendered gratis. Refunds or payments received on account of services or facilities thus provided shall be covered into the General Fund of the Commonwealth Treasury, except that in the case of public corporations, authorities or instrumentalities whose funds are

not under the custody of the Secretary of the Treasury, such refunds or payments shall be covered into the funds of the entity that has provided such services or facilities. As to the Environmental Quality Board, such refunds or payments shall be covered into the Special Account Set For The Environmental Quality Board.

18. Preparing and developing projects and programs for the benefit of the environment, for the conservation of our environment and our natural resources, for addressing noise pollution, and for the proper disposal of solid waste pursuant to the provisions of Act No. 70 of June 23, 1978, known as the "Puerto Rico Solid Waste Authority Act," and Act No. 81 of August 30, 1991, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991."

19. Discharging any other functions and responsibilities delegated or entrusted onto the Chair by the Governor or by special laws.

B. — Associate Members assembled into the Governing Board shall be responsible for discharging the following duties, powers, and functions:

1. Adopting rules for the internal proceedings and organization of the Governing Board.

2. Discharging the adjudicative functions delegated onto the Environmental Quality Board, and in such a capacity, they shall consider and resolve all cases or controversies relative to the application of this and any other laws and regulations administered by the Environmental Quality Board. The Board shall be empowered to adjudicate cases and controversies presented before such Board by private citizens or by officials of other agencies, departments, municipalities, public instrumentalities or corporations, concerning alleged violations of the laws and regulations administered thereby, on the grounds of evidence presented and admitted in the corresponding adjudicative hearing, and to impose fines as pertinent pursuant to the provisions of Section 16 of this Act.

3. Being able to designate administrative judges and delegating onto the latter their adjudicative powers; provided, that all requests for reconsideration of final determinations made by the latter shall be presented before the whole of the Governing Board and considered pursuant to the provisions of the Uniform Administrative Procedures and the regulations approved thereunder by the Board.

4. Discharging the rulemaking functions delegated onto the Environmental Quality Board.

5. Assisting and advising the Chair in the preparation of the report on environmental quality required under Section 6 of this Act.

6. Issuing, by request or motu proprio, official interpretations as to the scope and applicability of the laws administered by the Environmental Quality Board and the regulations adopted thereunder by the Board.

7. Discharging any additional powers and responsibilities delegated onto the Environmental Quality Board under Section 9(B) of this Act.

Section 9. — Powers and Duties. — (12 L.P.R.A. § 8002c)

A. — The Environmental Quality Board, under the authority conferred onto its Executive Director, shall have the following duties, powers, and functions:

1. — Issuing administrative orders to require remuneration for the Environmental Quality Board or to bring any civil or administrative action against any person with the purpose

of covering any expenditure incurred by the Environmental Quality Board or any other instrumentality of the Government of the Commonwealth of Puerto Rico for the removal, correction or termination of any adverse effect on the quality of the environment as a result of unauthorized pollutants being discharged, whether accidentally or not. Such orders shall apprise persons to whom these are addressed of their right to pay the amount of money claimed or to request the holding of an adjudicative hearing under the Uniform Administrative Procedures Act and the regulations approved thereunder by the Board.

2. — Charging and collecting from owners or operators of atmospheric emission sources under the Air Operation Permit Program, to be established by regulation, the annual fees to be charged when applying for permits or at any time as determined by the Environmental Quality Board, to cover the direct and indirect costs necessary for the development, oversight, and administration of the Program, including the sustenance of the Small Business Technical Assistance and Environmental Compliance Program developed by the Environmental Quality Board as required under Section 507 of Title V of the Clean Air Act, as amended. If the Board should not determine otherwise, such fees shall be raised each year, by using the Consumer Price Index (base year 1989) published by the U. S. Department of Labor pursuant to the procedures established by the U. S. Clean Air Act, as amended. The moneys thus received by the Environmental Quality Board shall be deposited into a special account denominated the Special Account Set For The Air Operation Permit Program, to be constituted as an account independent and separate from any other account, fund or resources of the Environmental Quality Board and the Commonwealth of Puerto Rico. Such funds may only be used for the Air Quality Program.

3. — Requiring notice before commencing any construction, installation or establishment of sources which are potentially detrimental to the environment and the natural resources, as per the indications in the regulations issued under the provisions of this Act, and requiring within thirty days from having received such notice and as a condition prior to construction, the presentation of plans, specifications or any other information as it may deem necessary in order to determine whether the proposed construction, installation or establishment conforms to the provisions of this Act and the regulations thereunder. If it should so deem pertinent, the Environmental Quality Board may require that an environmental impact statement be prepared and issued pursuant to the provisions of Section 4(B)(3) of this Act, or require that studies or research be conducted as may, in its judgment, be necessary, and that the corresponding reports and any other documents be presented.

4. — Conducting research, studies, inspections, and analyses to verify compliance with the provisions of this Act and the regulations approved thereunder by the Governing Board of the Environmental Quality Board. These actions may be carried out by employees and programs of the Environmental Quality Board itself, or by any consultants and contractors of said public instrumentality, pursuant to the terms in their contracts, or by other employees or programs of any agencies, departments, municipalities, corporations or public instrumentalities, pursuant to the current interagency agreements between them and the Board on this matter.

5. — Instituting and processing to their final resolution, any administrative or judicial actions against any natural or juridical person, whether public or private, for which such

Board shall be represented by the attorneys of the Department of Justice, its own attorneys or such other attorneys it may contract for such purposes, in order to enforce the provisions of this Act and the regulations approved thereunder by the Board.

6. — Establishing a program to conduct investigations against any natural or juridical person who violates the provisions of this Act and referring such cases, if deemed pertinent, to the Department of Justice. The Board may employ to such ends part of the funds covered into the Special Account Set For The Environmental Quality Board on account of criminal sanctions imposed by the courts under the provisions of this Act, with the purpose of supplementing or complementing the efforts and resources of the Department of Justice.

7. — Ordering persons causing or contributing to a condition which harms the environment and natural resources or which poses an imminent danger for the public health and safety, to immediately diminish or discontinue their actions. Such orders shall apprise the person so ordered of his/her right to request that an adjudicative hearing be held pursuant to the Uniform Administrative Procedures Act and the regulations approved thereunder by the Board.

8. — Issuing orders to do or forbear or to cease and desist so as to take the preventive or control measures that, in its judgment, are necessary to achieve the purposes of this Act and the regulations promulgated thereunder. The natural or juridical person against whom such order is issued may request an administrative hearing to state the reasons for having such order modified or revoked and the reasons for which such order should not be put into effect. The final resolution or decision of the Governing Board of the Environmental Quality Board may be reconsidered and reviewed in the manner provided for in the Puerto Rico Uniform Administrative Procedures Act. The effects of such resolution or decision of the Board shall not be stayed, unless so ordered by the Circuit Court of Appeals of Puerto Rico or by the Governing Board itself, pursuant to the procedure prescribed in Section 21 of this Act and to the provisions of the "Puerto Rico Uniform Administrative Procedures Act."

9. Issuing provisional orders, with previous notice to the Planning Board and the Regulations and Permits Administration, to prohibit the construction of facilities whose plans and specifications show to be in violation of the provisions of this Act or its regulations.

10. — The Environmental Quality Board, represented by its members, consultants, contractors, agents or employees, may enter and examine the establishment, equipment, facilities and documents of any person, entity, firm, or government agency or instrumentality under its jurisdiction with the purpose of investigating and/or inspecting environmental conditions.

If the owners, holders or their representatives, or official or office refuse to allow such entry and/or examination, the representative of the Board shall tender a sworn statement before any judge of first instance witnessing the intention of the Board and requesting permission to enter such land, body of water or property.

The Judge shall issue an order to authorize any Board representative to enter the lands, bodies of water or property described in the sworn statement and to direct that the original documents be field with the Clerk of the Court, which documents shall be deemed to be public.

The Board representative shall show a copy of the sworn statement and the Order to the persons, if any, in front of the property.

11. — Instituting, represented by the Secretary of Justice, the attorneys of the Board, or a private attorney contracted for that purpose, civil actions for damages in any court of Puerto Rico or the United States of America to recover the total value of the damages inflicted on the environment and/or the natural resources by the commission of any violation of the provisions of this Act or its regulations. The sum of the sentence collected on such grounds shall be deposited into the Special Account Set For The Environmental Quality Board.

12. Resorting to the courts of Puerto Rico or the United States of America, represented by the Secretary of Justice, the attorneys of the Board or a private attorney contracted for such purpose, in order to request the enforcement of any resolution or decision issued by the Governing Board of the Environmental Quality Board or any order issued by the Environmental Quality Board requiring immediate action to respond to an environmental emergency, and any remedy requested by the Board, through any civil action.

B. — Under the authority conferred onto its Governing Board and pursuant to the requisites, guidelines, norms and instructions thereof and the provisions of Section 8(B) of this Act, the Environmental Quality Board shall have the following additional duties, authorities, and functions:

1. — *Environmental Planning and Development of Public Policy.—*

a) To develop and recommend to the Governor that public policy which encourages and promotes the betterment of environmental quality in order to meet the conservation, social, economic, health, and other requirements and goals of the Commonwealth.

b) To review and assess the various programs and activities of the Government in light of the policy established under Title I of this Act, with the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the Governor on such matter.

c) To establish an administrative mechanism whereby the Environmental Quality Board coordinates with the Department of Health, the Solid Waste Authority, the Department of Natural and Environmental Resources, the Commonwealth Emergency Management Agency, and all other agencies concerned, for the implementation of the provisions of this Act and its regulations and in order to resolve any conflicts as to jurisdiction or competence resulting from the transfer of authorities and powers to the Board by this Act, as well as any others whose resolution is necessary to achieve the objectives of this Act and to prevent the duplication of government efforts and improve efficiency in services rendered to citizens and the protection of the environment.

d) To compile timely and authoritative information on the conditions and trends in the quality of the environment, both current and prospective, to analyze and interpret such information in order to determine whether such conditions and trends are interfering or could possibly interfere with the accomplishment of the policy set forth in Title I of this Act, and to compile and submit to the Governor such studies relative to such conditions and trends.

e) To conduct research, studies, inspections and analyses relative to the ecological system and the quality of the environment.

f) The Board may direct the persons and entities under its jurisdiction to pay expenses and fees for professional and consultatory services incurred on account of research or any other procedure carried out in relation to such persons or entities. The Board shall determine the manner and the time in which such payments are to be made, with the previous approval of the invoices presented by the persons rendering their services, and these amounts paid shall be covered into the Special Account Set For The Board. The Board may charge and direct that any person and/or public or private institution compensate the Board for costs incurred regarding any research, action or tracking or monitoring, issue or remission of permits, and mathematical modeling required by Commonwealth or Federal environmental regulations.

g) The Board may require all persons or entities under its jurisdiction to file before the Board such reports as required for the implementation of the provisions of this Act.

h) To document and define changes in the natural environment, including plant and animal systems, and garner the necessary information as well as any other information necessary or convenient for an ongoing analysis of these changes or trends and an interpretation of its root causes.

i) To take all proper measures to prevent any harm to the environment and the natural resources considered by the Board to constitute irreparable damages or which contravenes the public interest.

j) To discharge necessary and reasonable functions as to the planning and development of the public policy concerning the problems posed by solid waste in Puerto Rico.

k) To determine and classify through regulations such natural resources or areas that, in its judgment, warrant special protection, and to establish and fix through regulations promulgated to that effect, the protections, conditions and requirements that guarantee the protection of such natural resources or areas.

2. — *Environmental Education and Public Involvement.*—

a) To develop an environmental education and public involvement program to promote the achievement of the objectives of the environmental public policy of Puerto Rico and which inures to the benefit of the citizens at large. The involvement of the Department of Education, universities and academic institutions, and any other pertinent public and private organizations in these efforts shall be promoted.

3. — *Regulations and Permit System.*—

a) To adopt, promulgate, amend, and repeal regulations to implement the provisions of subsections (B)(2) and (B)(3) of Section 4 of this Act. Such regulations shall include, among others, such provisions to recover from the proposing party, the costs actually incurred in the process of electronically posting the disclosure of environmental impact statements, and to prevent unnecessary delays or conflicts between agencies, in order to determine which agencies shall act as proponents or consultants and which agencies shall act as advisors or commentators on a case-by-case basis. Any conflict or controversy between agencies regarding the application of

Section 4 of this Act shall be resolved or adjudicated on a case-by-case basis by the Governing Board of the Environmental Quality Board.

b) To adopt, promulgate, amend, and repeal regulations to establish a mechanism destined for the quality control of the data generated during the sampling and analysis of standards indicative of the existing quality of the environment or generated by a pollutant source that should be subjected to compliance with the norms and requirements of the applicable environmental regulations, including, but not limited to:

1) Establishing a procedure geared toward the certification and accreditation of such individuals, corporations or public or private institutions that generate data on the quality of the environment in compliance with environmental regulations.

2) Keeping a register of individuals, corporations or public or private institutions that generate data on the quality of the environment and the waste generated by pollutant sources, in order to guarantee the reliability of such data so as to expedite the data validation procedure before the consideration of the Board.

c) To classify through regulations, the sources that in its judgment are adversely affecting the environment and the natural resources, and to require reports on each of these sources.

d) To determine, through studies and samplings, the degree of purity of waters and the air, and to establish the corresponding norms in coordination with the agencies concerned.

e) To adopt rules and regulations to establish a permit-awarding and licensing mechanism that regulates the control of the pollution in the air and water and by solid waste and noise. In each case in which the issue or renewal of a permit, certification, license or similar authorization is applied for, the Board shall take into account the history of compliance of the applicant, from five years preceding the date of such application, in order to exercise its administrative discretion to deny, suspend, modify or revoke a permit with the purpose of protecting the environment and conserving the natural resources as the circumstances may require. The Board shall also take into account any other relevant factors and any evidence presented by the applicant or holder of a permit or a similar authorization to support such application, and the importance or relevance that such compliance history shall be accorded.

4. — *Solid Waste Management, Transportation and Disposal.*—

a) To adopt, promulgate, amend and repeal rules and regulations for solid waste disposal and establish the sites and methods to dispose of such solid waste.

5. — *Control of Emissions into Atmosphere.*—

a) Establish through regulations such requirements as necessary in its judgment to control emissions into the atmosphere and to prevent, diminish or control global warming and damages to the environment and the natural resources.

6. — *Noise Control.*—

a) To establish environmental quality and purity standards, as deemed convenient, and to adopt rules and regulations as necessary and reasonable for the control, diminution or elimination of noise harmful to the public health and welfare. Provided, that when adopting rules and regulations on noise and the determination of their harmfulness to the public health and welfare, it shall take into account the exercise of

constitutional rights, such as: freedom to worship, freedom of expression, freedom of association, and the right to privacy. The best balance of interests as per the cultural traditions, values and patterns of the People of Puerto Rico is thus guaranteed.

b) The Environmental Quality Board shall have exclusive first-instance jurisdiction to elucidate all matters relative to cases involving noise generated by churches, temples, preaching sites, missions and other places devoted to public worship, excluding any other administrative or judicial forum. Any lawsuit filed with a court of justice in the civil or the criminal venue involving a case of noise generated at the institutions listed above shall be transferred to the Environmental Quality Board for the elucidation and adjudication thereof, without impairment of the use of other recourses established by law.

c) Elimination of Noise Propagated Within Waters.—

1) The Environmental Quality Board shall comply with the following:

a – Requiring the elimination of noise propagated within the waters of Puerto Rico which under this subsection (B)(6)(c) are deemed to be potentially harmful to the public health or the public welfare or to both;

b – Preserving the waters of Puerto Rico for fishing, tourism and recreational and commercial activities, all of which are important for the welfare of the residents of the Commonwealth of Puerto Rico;

c – Eliminating noise pollution determined under this clause to be harmful to the health and welfare of the residents of the Commonwealth of Puerto Rico, while striving to preserve fishing, tourism, and recreational and commercial activities that are important for the welfare of the residents of the Commonwealth of Puerto Rico;

d – Issuing stringent prohibitions on all sources of activity that produce a maximum sound pressure level equal to or greater than 190 dB re 1μ –Pa in the water, measured at any point within the waters of Puerto Rico, except in "excluded commercial navigation routes," as these are defined in subsection (B)(6)(c)(2) of this Section, pursuant to the terms of this subsection (B)(6)(c);

e – Providing the terms for measuring the levels of sound pressure in the waters of Puerto Rico; and

f – Providing the means to guarantee compliance with and implementation of the provisions of this clause.

2) For purposes of the provisions of this subsection (B)(6)(c), the terms set forth below shall have the following meaning:

a – Decibel (dB).—A unit used to measure the magnitude of sound, equal to ten times the base-10 logarithm of the ratio between the square of the acoustic pressure divided by the square of the reference pressure, which is 1μ –Pa in the water.

b – Department.—The Department of Justice of the Commonwealth of Puerto Rico.

c – Emission.—Propagation of noise into the atmosphere or the sea from any source.

d – Emission Source.—Any object, device or other sources that generate sound waves.

e – Frequency.—Number of repetitions per time unit of a complete wave, expressed in Hertz (Hz), whereby 1 Hz equals one cycle per second.
f – Marine League.—A unit equal to three (3) nautical miles, whereby one nautical mile equals 1,852 meters, or approximately 6,076 feet.
g – Noise.—Any sound that disturbs or causes a physical or psychological disorder to human beings and marine wildlife.
h – Noise Pollution.—Any sound emission that propagates at a maximum sound pressure level equal to or greater than 190 dB re 1μ –Pa in the water, at any point within such waters of Puerto Rico.
i – Noise Prohibition Pursuant to this Subsection (B)(6)(c).—The prohibition established in subsections (B)(6)(c)(1) and (B)(6)(c)(3) of this Section, and any prohibition or requirement set forth by any other statute, including, but not limited to, the United States Noise Control Act of 1972 (42 U.S.C. 4901 et seq.), inasmuch as a violation of subsections (B)(6)(c)(1) and (B)(6)(c)(3) also constitutes a violation of such prohibition or requirement in another statute.
j – Person.—Any natural or juridical person or group of persons, whether private or public, including, but not limited to, any department, instrumentality or public corporation of the Commonwealth of Puerto Rico and its municipalities, and any department, agency or public corporation of the government of the United States.
k – Sound.—An oscillatory phenomenon whereby matter is made to vibrate so that its pressure and all other characteristics are altered. The description of this phenomenon includes features such as period, amplitude, frequency, maximum pressure level, and particle speed.
l – Sound Deflecting Material, Instrument or Method.—Any object or process, other than environmental air or the natural environment, which might interfere with or alter or mitigate the sound pressure level generated by an emission source.
m – Maximum Sound Pressure Level.—The maximum sound pressure level equals 10 Log (Ppeak)2/(Pref)2.
n – Sound Generation Site.—Facility, place, site or grounds where an acoustic wave is originated. The sound generation site comprises all individual sources of sound, such as the fixed, mobile or portable kind, located within the bounds of such property.
o – Waters of Puerto Rico.—All navigable bodies of water and the land lying thereunder within and around the Island of Puerto Rico and adjacent islands, as well as the waters that have been placed under the control of the Commonwealth of Puerto Rico that extend from the coast of the islands of Puerto Rico and adjacent islands to the seaward as per past or present modifications, be it due to accumulation, erosion or water drawback, up to a distance of three marine leagues.
p – Excluded Commercial Navigation Routes.—Any portion of the waters of Puerto Rico, when such portion is used by a container ship, a tanker, or other commercial cargo vessel, or a tourist ship, or a ship of the Navy of the United States of America, or any other vessel in transit through the waters of Puerto

Rico, with the sole purpose of faring such waters of Puerto Rico, and not for any other additional purpose or purposes, such as engaging in war games, weapon testing or seismic explorations and research, which result in the emission of sound, whether by air or by water, that at one point, for any duration and in any frequency or frequency scale, becomes propagated to the waters of Puerto Rico at a maximum sound pressure level equal to or greater than 190 dB re 1μ –Pa, measured at any point within such waters of Puerto Rico.

3) No person shall cause or allow the emission of a sound into the air or the water which, at any point, for any duration and in any frequency or frequency scale becomes propagated to the waters of Puerto Rico, if other than by virtue of the "excluded commercial navigation routes," as defined in subsection (B)(6)(c)(2) of this Section, at a maximum sound pressure level equal to or over 190 dB re 1μ – Pa, as measured at any point within such waters of Puerto Rico.

4) The Department is hereby authorized to institute judicial proceedings in any court of the Commonwealth of Puerto Rico or in any Federal court to seek remedy against a person who violates or is about to violate the noise prohibition established pursuant to this subsection (B)(6)(c). The Department is not bound to await any action by the Board before instituting any judicial proceeding against any person.

5) Upon showing that it is likely for any person to violate the noise prohibition under this subsection (B)(6)(c), the court shall order an preliminary injunction to prohibit any violation of such noise prohibition.

6) Upon proving that any person has violated or will violate the noise prohibition under this subsection (B)(6)(c), the court shall order a permanent injunction to prohibit any violation of any noise prohibition under this subsection (B)(6)(c).

7) Any person may apply for an exemption from the prohibition under this subsection (B)(6)(c) to the Board. The Environmental Quality Board may grant an exemption only if it should determine that, at the time of presenting an application, such applicant: (1) is complying with the provisions of this Act and continues to comply therewith while the exemption application procedure is pending; and (2) the applicant has shown through valid, convincing and clear scientific evidence that the exemption on the prohibition shall not cause any harm whatsoever to human or animal life. The determination of the Board concerning exemption applications shall be made after holding an evidentiary hearing of the whole that provides the applicant and any other parties interested with the opportunity to present proof. No exemption shall be granted to any person who violates the noise prohibition under this subsection (B)(6)(c) while applying for such exemption to the Board.

8) When applying to the Board for an exemption on the provisions of this subsection (B)(6)(c), the Board shall personally notify the Secretary of Natural and Environmental Resources, the Secretary of Justice, the Mayors and the Municipal Assemblies of the Municipality where the sound generation sites or the emission sources are located and where any of the effects caused by such sources are present. A notice shall be published in two newspapers of general circulation

in the Island for a period of three days. All these officers, as well as any parties interested who so request, shall be entitled to participate in the evidentiary hearings as parties to the process.

9) Any person entitled to apply for an exemption to the Board may also apply to the Board for a emergency suspension of the prohibition that this subsection (B)(6)(c) imposes during the exemption application procedures. The Board shall resolve said application within thirty (30) days. The applicant and all persons interested shall be entitled to appear and to present evidence and arguments. The Board may grant an emergency suspension only if the applicant: (1) shows by valid, clear and convincing scientific evidence that the suspension of the prohibition shall not inflict any harm on human or animal life during the entire exemption application procedure, and (2) establishes that the applicant shall be caused irreparable damage if the prohibition is kept in effect while the exemption application procedure is pending.

10) In the event that the Board receives an application for exemption or emergency suspension before the Board promulgates regulations to implement the provisions of this subsection, the Board shall hear and decide the application pursuant to the standards set forth in this subsection (B)(6)(c), as reasonably interpreted by the Board.

11) Authorized Board representatives may request a court order authorizing them to enter and investigate any sound generating site or emission source under the jurisdiction of the Board with the purpose of: (1) investigating and verifying compliance with the provisions of this subsection (B)(6)(c); (2) taking any measurements of the maximum sound pressure level as the Board may deem necessary to enforce compliance with this subsection (B)(6)(c); or (3) having access to the Title Deeds or documents relative to any issue under investigation.

12) The Board shall be entitled to require that the owner, custodian or operator, or any other party with control over any sound generating site or sound emission source that propagates sound within the waters of Puerto Rico, establish and keep any records and prepare any reports as the Board may demand in the reasonable discharge of its responsibility of enforcing this subsection (B)(6)(c).

13) The Board may require that the owner, custodian, operator or any other party with control over a sound generating site or sound emission source measure the maximum pressure level of the sound being propagated by the sound generating site or the sound emission sources toward the navigable waters within and around the island of Puerto Rico and adjacent islands.

14) Any measurement under the provisions of this subsection (B)(6)(c) shall be taken: (1) directly under and in front of the sound emission source, but in no case shall the maximum sound pressure level be measured at a distance greater than six (6) meters in front of the source, and in no case shall the maximum sound pressure level be measured at any distance beside or behind such source; (2) by a single hydrophone (reference 1μ –Pa) on the water surface or just below the sea surface, but in no case shall the measurement be taken at a depth greater than one meter below the sea surface.

15) This Act strictly prohibits the use or presence of any sound deflecting material, instrument or method in or around the sound generating site or emission sources or between the sound generating site or the emission source and the gauging instrument, that is not present at the time the sound pressure level is measured in each instance in which any sound is generated at such site or source.
16) The Board may require that any sound generating site or any sound emission source install, operate and maintain accurately calibrated monitoring equipment in proper working order, and prepare and remit to the Board periodical reports on the maximum sound pressure level measurements taken and on such equipment accuracy tests as the Board may determine to be appropriate and satisfactory.
17) No permit whatsoever shall be required under this subsection (B)(6)(c) for sound emissions not in violation of the noise prohibition established thereunder.
18) The Board is hereby authorized to adopt regulations to implement the provisions of this subsection (B)(6)(c) pursuant to Act No. 170 of August 8 12[sic], 1988, as amended, known as the "Uniform Administrative Procedures Act."
19) Any final determination of the Board under this subsection (B)(6)(c) or any rule or regulation issued thereunder may be subject to reconsideration and review pursuant to the provisions of Act No. 170 of August 8, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico."
20) By request of the Department, the Board shall provide the Department with any information compiled by the Board pursuant to this subsection (B)(6)(c). The Board shall promptly inform the Department if the Board should be apprised of any violation of the noise prohibition under this subsection (B)(6)(c) or if any person should refuse to allow an inspection or to furnish the information requested by the Board pursuant to this subsection (B)(6)(c).
21) The Board may issue an infringement notice or a summons and a cease and desist order insofar as it determines that any person is not complying with some of the requirements of this subsection (B)(6)(c) or with any regulation adopted by the Board to implement the requirements of this Section. The Board shall establish by regulation the procedure to be followed to issue infringement notices, summonses and cease and desist orders.
22) The Board is hereby authorized to impose monetary sanctions against any person who does not obey any cease and desist order issued by the Board under this subsection (B)(6)(c). For the first offense, the board may impose a sanction in the amount of two hundred fifty thousand (250,000) up to twenty-five million (25,000,000) dollars. For the second or subsequent offenses, the Board shall be authorized to impose a sanction in the amount of two hundred fifty thousand (250,000) up to fifty million (50,000,000) dollars. The Board shall establish by regulation the procedure to be followed when imposing such sanctions.
23) The Board may institute a judicial proceeding in any court of the Commonwealth of Puerto Rico or any Federal court to: (1) obtain a court order to compel any person to comply with any of the requirements of this Section or any

of the regulations adopted by the Board pursuant to this Section, and (2) collect any monetary sanction imposed by the Board pursuant to this subsection.

24) If the owners, custodians or operators, or any other parties with control over any sound generating site or any sound emission source, or their representatives or officers in charge should refuse to allow the inspection or to furnish the information requested by the Board under this subsection (B)(6)(c), the Department and the Board shall be entitled to presume that such sound generating site or sound emission source violates the noise prohibition under this subsection (B)(6)(c) in any court proceeding instituted by the Department. Such presumption shall be rebuttable only with clear and convincing evidence as to the fact that the sound generating site or sound emission source does not generate noise in violation of the noise prohibition under this subsection (B)(6)(c).

d) Noise Awareness Day.—

1) It is hereby provided that the last Wednesday of the month of April of each year shall be observed throughout the Commonwealth of Puerto Rico as the "Noise Awareness Day in the Commonwealth of Puerto Rico."

2) The Governor of the Commonwealth of Puerto Rico shall enforce compliance with the purposes of the day thus observed. Likewise, through a proclamation to that effect, he/she shall urge all Puerto Rican people to conduct activities on such date that are conducive to the celebration and the education of citizens about the purpose and importance of the works carried out on such date.

7. — *Controlling Pollutant Discharges Into Bodies of Water.*—

a) To adopt regulations, issue permits and pronounce orders restricting the contents of any waste material(s) or pollutant(s) discharged or intended for discharge into the waters of Puerto Rico and to establish and implement regulations for the pre-treatment of sewage waters and for the control of dispersed pollution sources. To that effect, the Board shall be empowered to exercise, among others, such powers and authorities as may be delegated thereto and as may be necessary:

1) Including, but not limited to, the implementation of the National Pollutant Discharge Elimination System, while observing the provisions of the Federal Clean Water Act, as amended.

b) To prohibit any discharge of pollutants by any natural or juridical persons, groups organized under a corporate name, public corporations, including municipalities, agencies, instrumentalities of the Government of Puerto Rico and the Government of the United States of America, that do not have the corresponding permit issued by the Board.

c) The permit system shall include, but not be limited to, the following points:

1) Establishing limitations and standards for effluents;

2) Establishing efficiency standards for new sources;

3) Establishing prohibitions and standards for effluents;

4) Pre-treatment standards;

5) Toxic substance standards;

6) General procedures and conditions for the issue, review, modification, revocation and suspension of the corresponding permit.

8. — *Underground Injection Control.—*

a) To adopt, promulgate, amend and repeal regulations for a program intended for the control of the underground injection of fluids, including, but not limited to:

1) Prohibiting any underground injection by any natural or juridical persons, groups organized under a corporate name, public corporations, including Municipalities, Agencies, Instrumentalities of the Government of the Commonwealth of Puerto Rico and the United States of America, that do not have the corresponding permit issued by the Board, except when so authorized by regulation. These permits shall require the previous endorsement of the Department of Natural Resources in those cases thus provided through the Regulation for Subsoil Injection Control.

2) Underground injection carried out by Federal or Commonwealth agencies or by any person into Federal Government property or facilities in Puerto Rico.

3) Requiring that the applicant for such permit show to the satisfaction of the Board that underground injection shall not jeopardize water sources, regardless of whether injection is authorized by permit or regulation.

4) Requirements for the inspection, monitoring, record keeping and reports.

5) General procedures and conditions for the issue, review, modification, revocation and suspension of the corresponding permit.

9. — *Hazardous Solid Waste Management, Transportation and Disposal.—*

a) To adopt rules and regulations and pronounce orders establishing the appropriate norms for recovery, use, storage, recollection, separation, compacting, and processing, and to establish the adequate management for the final and safe disposal of hazardous waste, including, but not limited to:

1) Requiring that owners and operators of any hazardous waste treatment, storage, transportation and/or disposal facilities obtain the corresponding permit issued by the Board, pursuant to the purposes of this Act and the regulations promulgated thereunder.

2) Standards for hazardous waste generators and transporters and for owners and operators of facilities wherein hazardous waste is treated, stored, disposed of or managed, so as to protect human health and the environment, including standards for a manifest system to track hazardous waste and claim financial liability.

3) General procedures and conditions for the issue, review, modification, revocation and suspension of the corresponding permit.

b) To adopt rules and regulations to establish a register, permit and licensing mechanism for the installation and operation of plants or systems for solid waste recovery, processing and final disposal. The plans to build these plants or systems shall be submitted to the Board for its approval, without impairing the obligation of applicants to comply with the provisions of all other applicable laws. The Environmental Quality Board may issue orders as it may deem necessary to ensure that the operation of these plants or systems does not inflict any harm upon the environment.

10. — *Lead Paint Removal Control and Management Program.*—

a) To adopt, promulgate, amend and repeal regulations as necessary to establish a mechanism conducive to the certification and licensing of individuals involved in lead paint removal, including, but not limited to individuals who:

1) Inspect and determine the presence of lead in paint;
2) Assess the risk that lead paint poses for those inhabiting the structure;
3) Plan and prepare designs for lead paint removal projects;
4) Carry out or supervise lead paint removal works.

b) To adopt, promulgate, amend and repeal regulations to establish a mechanism for the accreditation of public or private institutions that intend to train personnel involved in lead paint removal through courses or any other educational activity of a similar nature. These institutions shall also be authorized by the Commonwealth agencies and bodies responsible for the accreditation of academic programs.

c) To adopt, promulgate, amend and repeal regulations as necessary to issue the permits to be obtained before starting any lead paint removal activity.

d) To adopt, promulgate, amend and repeal regulations as necessary for the disposal of waste generated by lead paint removal activities.

11. — *Property Redevelopment and Voluntary Cleanup Program.*—

a) To establish the Property Redevelopment and Voluntary Cleanup Program with the purpose of promoting and incentivizing the redevelopment and cleanup of abandoned, vacant and/or underused or idled properties that pose or could pose environmental pollution risks, in order to promptly restore them to productive and beneficial use.

b) The Board may adopt, promulgate, amend and/or repeal rules, regulations, procedures, guidelines, provisions, and standards to effectively administer, promote and implement the Program. The Board shall have the authority and discretion to set and issue the scope, terms, criteria, prohibitions, procedures, limits and/or parameters as reasonable and practical for the eligibility of properties under the Program, the preparation of environmental assessments for properties, the voluntary cleanup standards, environmental liability releases, and any other agreement(s), letter(s), order(s), certificate(s) or special document(s) whose issue it may, in its discretion, deem pertinent, depending on the case or project before its consideration.

c) The Board shall have the authority to enter into any kind of agreement(s), covenant(s) and/or memorandum(s) of understanding as it may deem pertinent with the United States Environmental Protection Agency with the purpose of obtaining additional authorities, clarifying responsibilities, offering greater incentives and protections, and clarifying any other terms and conditions germane to the Program.

d) The Board shall have the authority to conduct internally or to outsource for the preparation of studies and evaluations as necessary to determine the viability and progress of the Program and to identify new strategies in order for the Program to keep abreast of national programmatic changes that might occur in the future. The Board may establish and direct a Steering Committee composed, as it may deem pertinent, of representatives from agencies, departments and/or public corporations of the Commonwealth of Puerto Rico, municipalities, the industrial sector, the business sector, and the community, with the purpose of identifying additional incentives, initiatives and needs, creating a potential property inventory for the Program, and

implementing any other initiative as it may deem pertinent for the benefit of the Program.

e) To establish, charge and/or collect such fee(s) as the Board may deem reasonable, to all petitioners who wish to inquire into their eligibility for the Program and/or apply for coverage under the Program, to cover the direct and indirect costs necessary to develop, administer, and oversee such Program. The Board shall have the authority and the discretion to establish how frequently the fee(s) are to be increased and the amount of the increase. The moneys thus received by the Board shall be deposited into an account denominated Special Account Set For The Property Redevelopment and Voluntary Cleanup Program, which is to be constituted as an account independent and separate from any other account, fund or resource of the Environmental Quality Board and the Commonwealth of Puerto Rico. Such funds may be used solely on the Property Redevelopment and Voluntary Cleanup Program.

f) The creation or establishment of this Program by no means limits or curtails any authorities, powers and duties conferred to the Board under the provisions of this Act.

12. — *Opacity Reader Certification Program.*—

a) To adopt, promulgate, amend and repeal regulations as necessary to establish a mechanism conducive to the certification for individuals who visually determine the opacity of emissions generated by stationary sources, which results are to be submitted or used in compliance with environmental regulations, its norms, requirements and permits issued thereunder, including, but not limited to:

1) Adopting by regulation, the methods to be used to visually determine the opacity of emissions generated by stationary sources;

2) Establishing a register for individuals certified to conduct the visual determination of the opacity of emissions generated by stationary sources which are to be used or submitted in compliance with environmental regulations and the permits issued thereunder;

3) Adopting regulations to accept by reciprocity, individuals certified by other jurisdictions or Federal agencies who use methods similar to those used in Puerto Rico, so that they may be certified without the training requirements;

4) Establishing the minimal requirements necessary to be able to be certified as an opacity reader, including training and tests;

5) Establishing technical requirements for the recognition of opacity reader schools, one of which may be attached to the Environmental Quality Board, which shall be in charge of the technical training necessary to be able to opt for the opacity reader certification, the regulations of which shall conform to the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico";

6) Charging for services rendered in training individuals who aspire to become certified Opacity Readers and in certifying such individuals;

7) Using the resources and facilities of the Environmental Quality Board to carry out the purposes of this Program; and

8) Any provisions to be approved must conform to the "Federal Clean Air Act of 1990" (Public Law No. 101-549 of November 15, 1990. 42 U.S.C. §§7401 et seq.).

13. — *Air Operation Permit Program under Title V of the "Federal Clean Air Act".*—
a) The Board may adopt regulations in order to establish the Air Operation Permit Program under Title V of the "Federal Clean Air Act," as amended, hereinafter denominated the "Program," to require and grant air operation permits to owners or operators of regulated atmospheric pollutant sources which require permits under Title V of the "Federal Clean Air Act of 1990," as amended, as well as hazardous atmospheric pollutant sources and solid waste incinerators. Likewise, the Board may issue orders against the owners or operators of affected sources to enforce compliance with such permits. To that effect, the Board shall be empowered to and must:

1) Require that atmospheric pollutant sources under the Program comply with requirements such as monitoring, record keeping, reporting and other compliant certification requisites.

2) Establish effectible requirements as to periodical sampling or testing and incorporate these into permits.

3) Include in permits, any applicable Commonwealth or Federal provision in addition to the provisions set forth under the Commonwealth Implementation Plan and those of the Federal Implementation Plan, if applicable.

4) Include a severability clause in permits.

5) Include in permits, alternate operating scenarios.

6) Allow changes within a source authorized to operate under the Program with no need for said changes to require a permit review, if such changes are not modifications under Title I of the "Clean Air Act," are not in contravention of Title V of such Federal Act and do not exceed the emissions allowed under the permit, and the facility gives written notice to the Administrator of the United States Environmental Protection Agency and the Environmental Quality Board seven (7) days before implementing such changes. The Environmental Quality Board may require that said notice be given within a shorter term in emergency cases.

7) Allow the exchange of emission increases and decreases between units within the same permit-holding facility, as well as other similar changes or programs without these requiring either a permit review or an environmental impact statement under the applicable regulatory provisions and the emission exchange policy authorized by the "Federal Clean Air Act," as amended, and the Environmental Quality Board, insofar as such change is contemplated under the facility's permit and does not represent a net emission increase. Implement market incentive programs directed to having the net effect of reducing the atmospheric pollution produced by each regulated pollutant, pursuant to the provisions of the "Federal Clean Air Act," as amended, and the regulations thereunder.

8) Coordinate operation permit applications with pre-construction permits, pursuant to any timetable authorized in the Federal regulations.

9) Grant general permits pursuant to the requirements and regulations of both the "Federal Clean Air Act," as amended, and those imposed by the Environmental Quality Board.

10) Exempt emission units that represent insignificant activities or emissions pursuant to the requirements and regulations of both the "Federal Clean Air Act," as amended, and those imposed by the Environmental Quality Board.
11) Establish procedures in order for permit applications to comply with the Federal provisions codified in Part 70 of Title 40 of the Code of Federal Regulations and the regulations of the Environmental Quality Board.
12) Establish administrative procedures and deadlines for granting initial operation permits and permit renewals, modifications and reopenings. The Environmental Quality Board shall make a final decision each year concerning each third of all completed initial applications filed within a period not to exceed three (3) years after the program has entered into effect.

a – After issuing a final decision regarding all completed initial applications, the Environmental Quality Board shall have eighteen (18) months from the date the completed application was filed, to issue its final decision, and in the case of minor modifications, the Board shall have ninety (90) days to issue its final decision regarding the permit.

b – If the Environmental Quality Board were not to act within the aforementioned terms, such inaction shall be deemed to be a denial, subject to the applicable judicial review and reconsideration procedures.

13) Adopt adequate procedures to evaluate permit reviews and modifications.
14) Require that the owners or operators of atmospheric pollutant sources under the Program submit permit applications within twelve (12) months following the date the affected source was included in the Program, if the Board certifies that a permit application is complete and has been filed on time, such permit shall provide the owners or operators of emission sources with protection against possible legal actions for noncompliance with the Federal and Commonwealth provisions that require a permit to be obtained before operating an emission source. The protection accorded by the application shall not extend to the protection set forth in paragraph 15.
15) By petition of the applicant and in the discretion of the Board, operation permits shall include a protective clause, which shall establish that compliance with the permit's terms and conditions—except those for which the protective clause is expressly prohibited under Title V of the "Federal Clean Air Act," as amended—constitutes compliance with the applicable requirements identified and included in the permit and those which the Board may determine not to apply to the source.
16) Require that the owners or operators of sources under the Program file an application for permit renewal. A renewal application that is complete and filed on time shall provide the owners or operators of permit-holding sources with protection against possible legal actions for noncompliance with the Federal and Commonwealth provisions that require a permit to be obtained before operating an emission source.
17) Issue operation permits to emission sources covered under the Program for a period not to exceed five (5) years, except for solid waste incinerators that burn municipal waste, for which the permit shall be issued for a period not to exceed

twelve (12) years, and the same shall be reviewed every five (5) years as of their date of initial issue or subsequent issue.

18) Reopen and review to incorporate any applicable Federal and Commonwealth requirement, permits approved after the adoption of such Federal and Commonwealth requirement for sources under Title V of the "Federal Clean Air Act," as amended, holding permits with a remaining effective term of three (3) years or more.

19) Require that the owners or operators of sources under the Program submit compliance plans and establish compliance plans for sources that submit inadequate plans.

20) Require that the owners or operators of sources under the Program submit compliance timetables and certifications, when applicable.

21) Terminate, modify, revoke and issue operation permits, when there is cause.

22) Provide public notice and the opportunity for comments and public hearings concerning permit and permit renewal applications from emission sources established under the Program consistent with Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico" and with United States Environmental Protection Agency regulations.

23) Make available to the public, the air operation permit applications, the compliance plans, sampling or compliance reports and permits, subject to the confidentiality provisions in Act No. 170 of August 12, 1988, as amended, and in Section 114(c) of the "Federal Clean Air Act," as amended.

24) Have available the Board reconsideration and judicial review procedures form any party legitimized to request the review of a final decision by the Board, in connection with an air operation permit under Title V of the "Federal Clean Air Act," as amended, as the former are set forth in this Act and in Act No. 170 of August 12, 1988, as amended. Judicial review after a final action by the Board and the exhaustion of all administrative remedies shall be the only legal means whereby to contest the validity of an operation permit under Title V of the "Federal Clean Air Act," as amended. Only those questions of fact or of law raised during the opportunity for comments or the public hearings may be contestable in Court. No collateral contention concerning a final operation permit shall be allowed unless such request for reconsideration or judicial review is based on new facts or changes in the legal and/or administrative system that may arise after the review period.

25) Abstain from issuing a permit if the United States Environmental Protection Agency objects the issue thereof in writing within the period established therefor. The Board may revoke a permit previously granted under the Program if the United States Environmental Protection Agency presents its objection in writing within the period established therefor.

26) Inspect sources with operation permits in order to ensure compliance with any requirement established under the Program.

27) Compel compliance with the conditions of a permit after its term has lapsed or after its expiration.

14. — *The Environmental Research Laboratory of Puerto Rico.*—

a) The Puerto Rico Environmental Research Laboratory is hereby created, to be attached to the Environmental Quality Board. The Laboratory may be located in any municipality of Puerto Rico and have one or more research centers within the jurisdiction of the Commonwealth of Puerto Rico or in other jurisdictions within the Caribbean Region if convenient for the purposes for which the Laboratory is created.

For purposes of the provisions of this clause, these terms shall have the following meaning:

1) Refrigerants mean any chemical compound used in refrigeration or air conditioning systems as a thermal transfer medium. This includes, but is not limited to, any compound containing chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), halogens, tetrachlorocarbons, dichlorodifluoromethane, trichlorofluoromethane, monochloropentafluoromethane and any other substance, organic or non-organic, of any nature or

brand which has the effect of reducing the ozone layer, as well as those substitute compounds used to accomplish the same purposes therein or in similar equipment.

2) Refrigeration and air condition equipment means machines or systems designed to reduce the temperature in a space by means of thermal transfer based upon the compression and expansion of refrigerants."

3) Certified Engineer means a person who is a member of the college and duly qualified and licensed to practice the engineering profession in Puerto Rico and who has approved the examination administered by the Federal Environmental Protection Agency pursuant to Sections 608 and 609 of the Federal Clean Air Act.

4) Refrigeration and air conditioning technician means any person authorized to practice the profession of refrigeration and air conditioning technician in the Commonwealth of Puerto Rico, pursuant to Act No. 35 of May 20, 1970, as amended, who is a member of the association and is up to date in the payment of dues.

b) The Laboratory shall have, without it being construed as a limitation, the following objectives:

1) To offer scientific and laboratory support to the Environmental Quality Board, the Department of Natural and Environmental Resources, and other government agencies, for the discharge of their duties and functions;

2) To conduct all such tests and analyses as necessary to determine soil status and the quality of water, air and of biological, chemical or physical components of any natural resource or system as may be required as part of the procedures for granting, modifying, suspending, revoking or overseeing any permit, license or any other kind of authorization from the Environmental Quality Board;

3) To conduct tests and analyses as necessary to oversee compliance with the laws, regulations and orders that regulate the quality of water, air and land resources in Puerto Rico;

4) To conduct scientific research in connection with the natural and environmental resources present in Puerto Rico, and to disclose the findings thereof;

5) To render to government agencies of the Government of Puerto Rico and the Government of the United States of America, as well as to private institutions, laboratory services in connection with projects to conduct research and analyses on natural and environmental resources, insofar as rendering such services does not create a possible conflict of interests with the duty of the Department of Natural and Environmental Resources and the Environmental Quality Board of enforcing their laws and regulations;

6) To conduct research and analytical works following the highest standards and the best accepted practices in the field of natural sciences. The Laboratory must also comply fully with the laws that regulate the practice of chemistry, biology, physics, engineering, medical technology, and any other discipline of the natural sciences, as required by the Laboratory;

7) To obtain all certifications required by specific Commonwealth and Federal agencies in order to discharge its functions pursuant to the pertinent laws and regulations. The Laboratory shall also adopt the quality control norms generally adopted in the field of natural sciences; and

8) To enter into consortia and covenants with public and private universities, as well as with other Commonwealth and Federal government agencies to conduct joint environmental research projects.

c) The conclusions drawn by the Laboratory as a result of its tests and analyses regarding water and air quality, soil pollution and biological, physical or chemical components in natural and environmental resources and systems, or any other test or analysis conducted as part of their ministerial functions, shall be presumed to be true and correct for the Environmental Quality Board, the Department of Natural and Environmental Resources, and the agencies concerned. The Environmental Quality Board, as well as the Department of Natural and Environmental Resources and agencies concerned, shall be under the obligation to take such actions or measures that, in light of the Laboratory's conclusions, are necessary to ensure the protection of the health and the welfare of citizens and the conservation of natural and environmental resources. Such actions or measures shall include, but not be limited to, the granting, denial, suspension, modification or revocation of permits, licenses, franchises or any other kind of authorization, and the issue of orders to take corrective measures and of orders to cease and desist.

d) The income generated by the services and operations developed by the Laboratory, as well as any other income received from the Government of Puerto Rico and the Government of the United States of America, on account of private donations and from other sources of income received by virtue of the duties and authorities conferred under this Act, shall be covered into the Special Account Set For The Environmental Quality Board, created by Title II of this Act, and used to make improvements to Laboratory facilities; to buy equipment and supplies and equipment maintenance, calibration and repair contracts; to provide training to the personnel; to plan and develop special research studies in coordination with the other programs of the Environmental Quality Board; to observe the activities and obligations established in covenants and consortia with public and private universities or other government agencies to conduct joint environmental research projects.

e) The Environmental Quality Board and the universities, campuses and public agencies that are parties to consortia or covenants to conduct joint environmental research projects, may delegate the administration of the funds appropriated for the projects and activities contemplated therein, as well as the purchase and leasing of supplies and equipment, onto the persons designated by these to supervise and develop the same; provided, that such persons shall manage these funds and acquire, use, keep and dispose of materials and equipment in strict compliance with accounting and administration norms and the external audits that are to be observed by the Environmental Quality Board. The Internal Auditing Office of the Environmental Quality Board shall be empowered to audit the operations and the use of funds under such covenants and consortia.

f) The funds necessary for the operating expenses of the Laboratory shall be appropriated annually to the budget of the Environmental Quality Board pursuant to the Joint Resolution on the General Budget of the Government of Puerto Rico.

g) Regulation on Refrigerant Sale and Management.—

The sale of any substance used as a refrigerant in any refrigeration equipment, air conditioners, mobile equipment and others, shall be restricted to:

1) Refrigeration Technicians with a license who are College members and certified by the EPA.

2) Engineers with a license who are College members and certified by the EPA.

h) To dispose of equipment that normally contains any refrigerants, a certification must be issued by a refrigeration technician indicating that such refrigerants have been removed from the equipment to be dispensed with and that such refrigerants have been disposed of adequately.

Such certifying technician shall keep a log of the amount of refrigerant removed which shall include the name, address, and telephone number of the owner of the equipment, as well as the date of removal and number of the affixed stamp.

As a requirement for the payment of invoices by the government and its agencies to companies, contractors and individuals, proof shall be submitted as to the fact that the works in connection with the installation, servicing, maintenance, repair, and removal of equipment with refrigerants have been conducted by skilled personnel as proven by their certification through the use of stamps from the College of Refrigeration and Air Conditioning Technicians.

i) It is hereby provided that a fine of five hundred (500) dollars shall be imposed on natural or juridical persons who consent or agree to the installation, repair, maintenance or any other kind of servicing on any refrigeration or air conditioning or analogous equipment without there being proof that the providers of such services comply with licensing and certification requirements at the time they render such work. The illegal purchase or sale of refrigerants shall be penalized with a fine of not less than one thousand (1,000) dollars if the amount purchased does not exceed one hundred (100) pounds; if the amount were to exceed one hundred (100) pounds, the fine shall be of not less than five thousand (5,000) dollars nor greater than ten thousand (10,000) dollars.

j) All Sick Building evaluations in connection with the operating order of an air conditioner or any refrigeration equipment shall include a Certification regarding the

operating conditions of such equipment by a Refrigeration and Air Conditioning Technician who holds a license and is a College member. Persons authorized under this Act to buy refrigerants may authorize third parties to collect and transfer the various refrigerants to warehouses or workplaces, under the responsibility of the authorized person. These third parties are not legally entitled to make use of the refrigerant.

k) The College membership card and the EPA certification shall be the documents required to identify persons authorized to manage refrigerants.

Section 10. — Transfer of Authorities. — (12 L.P.R.A. § 8002d)

The Board is hereby transferred the following powers and authorities which are by law vested in other agencies or instrumentalities of the Commonwealth of Puerto Rico, to wit:

1. All powers and authorities that the provisions of the "Air Contamination Control Act" and the Regulations thereunder confer onto the Consulting Board created therein and onto the Department of Health of Puerto Rico and the Secretary of Health of Puerto Rico.
2. All powers and authorities that the "Water Pollution Control Act," the Regulations thereunder, and Reorganization Plan No. 5 of February 17, 1950, confer onto the Department and the Secretary of Health of Puerto Rico, respectively.
3. The authority of the Secretary of Transportation and Public Works, who is in charge of the custody of public land, to issue the authorization to sink regular wells or install watermills in public lands as granted under Section 21 of the Law of Waters of March, 1903.
4. The Environmental Laboratory of the Department of Natural and Environmental Resources is hereby transferred to and merged with the Laboratory of the Environmental Quality Board. The new entity shall be known as the "Puerto Rico Environmental Research Laboratory."

The Department of Natural and Environmental Resources and the Environmental Quality Board hereby transfer to the Puerto Rico Environmental Research Laboratory the functions, programs, services, and staff of their respective environmental laboratories; provided, that, by mutual agreement, the Department of Natural and Environmental Resources and the Environmental Quality Board shall determine which files, documents, laboratory equipment, and any other personal property of the Department of Natural and Environmental Resources and the Environmental Quality Board that they shall transfer to the Puerto Rico Environmental Research Laboratory.

The staff of the Department of Natural and Environmental Resources transferred to the Environmental Quality Board by virtue of this Act shall conserve without impairment all rights vested under personnel laws and regulations, as well as the rights, privileges, obligations, and status in connection with any existing pension, retirement or savings and loan fund system or systems to which they may be affiliated at the time of approval of this Act.

The creation of the Puerto Rico Environmental Research Laboratory and the transfer of functions, personal property, budget, and staff mentioned above shall neither affect nor interrupt research projects being conducted by the Department of Natural and Environmental Resources and the Environmental Quality Board at the time of transfer.

Funds, appropriations, and budget surpluses in the possession of the Department of Natural and Environmental Resources, as well as the unencumbered balance from other funds previously destined to functions discharged by the laboratory attached to the Environmental Quality Board prior to the date of effectiveness of this Act.

Section 11. — Consultations and Use of Facilities. — (12 L.P.R.A. § 8002e)

In discharging its powers, function s, and duties under this Act, the Board shall:
1. Consult with such representatives of the scientific community, industry, agriculture, labor, conservation organizations, municipal governments, and other groups, as the Board may deem necessary; and
2. Make the fullest use of the services, facilities, and information (including statistics) from public and private agencies and organizations and from persons, so as to prevent duplication in terms of efforts and expenses, thus ensuring that Board activities shall not be in repetition of or in conflict with similar activities authorized by law and carried out by established agencies.

Section 12. — Hearings, Orders, and Judicial Proceedings. — (12 L.P.R.A. § 8002f)

A. — The Governing Board of the Environmental Quality Board shall hold public hearings, either motu proprio or by request of an interested party, in connection with matters relative to the implementation of this Act. In carrying out these efforts, it may compel the appearance of witnesses and the presentation of documents, and allow or disallow evidence and take oaths from witnesses, which authorities it may delegate onto examining officials or administrative judges.

1. Hearings held by the Governing Board shall be presided by one or more examining officials or administrative judges, who shall be designated by the Chair or by the Governing Board, respectively, and who shall be attorneys-at-law, officials or employees of the Environmental Quality Board or members of the Governing Board or legal consultants or experts on the matter under discussion who have been contracted for hearing purposes. Such hearings may also be presided by attorneys, officials or employees of the Environmental Quality Board or by members of the Governing Board or legal consultants or experts on the matter under discussion who have been contracted for hearing purposes, onto whom the Governing Board has delegated the authority to adjudge and who shall be designated by the latter as administrative judges.
2. The Board shall set the date, time, and place for holding the hearing and notify the interested parties, which may appear pro se or represented by an attorney.
3. The Board shall issue either a resolution as pertinent or its decision within a reasonable term after the hearing has been held, not to be greater than sixty (60) days, and notify each of the parties interested with a copy thereof. Notice of the resolution or decision of the Board shall be given by certified mail and enclose a certification from the Secretary of the Board.
4. Any person adversely affected by a resolution, order or decision of the Governing Board may request the latter to reconsider its determination or request a review by the

Court of Appeals of Puerto Rico, pursuant to the provisions of the "Puerto Rico Uniform Administrative Procedures Act."

5. Filing a request for administrative reconsideration or for judicial review shall not exempt any person from complying with or obeying any decision or order of the Governing Board, nor shall such action operate under any circumstance as a suspension or postponement of the effectiveness thereof, unless there is a special order of the Governing Board or the Court of Appeals of Puerto Rico.

6. Judicial reviews shall be conducted based on the administrative record of proceedings before the Governing Board, as such record has been certified by the Secretary of the Board. Determinations of the Governing Board in connection with facts shall be conclusive if sustained by substantial evidence.

7. The Governing Board shall hold public hearings prior to authorizing and promulgating any rules or regulations that the same may submit under this Act. Hearings shall be held pursuant to the norms established for such purposes by the Governing Board, in compliance with the provisions of the "Puerto Rico Uniform Administrative Procedures Act." Regulations, guidelines, and orders to establish internal norms and directives, may be adopted without submission to this norm.

Section 13. — Nature of the Board for Federal Purposes. — (12 L.P.R.A. § 8002g)

The Environmental Quality Board is hereby designated as the agency of the Commonwealth of Puerto Rico with the authority to exercise, execute, receive and administer delegation, establish regulations, and implement a permit system in connection with, but not limited to, the Clean Water Act, the Clean Air Act, the Solid Waste Disposal Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation and Liability Act, as these have been amended, and for purposes of any other Federal legislation that may be approved in the future by the United States Congress as pertains to environmental conservation, natural resources, solid waste, and other matters relative to the purposes of this Act.

Section 14. — Administration of the Puerto Rico Water Pollution Control Revolving Fund. — (12 L.P.R.A. § 8002h)

The Board is hereby authorized to administer the Puerto Rico Water Pollution Control Revolving Fund created by virtue of Section 14 of Act No. 44 of June 21, 1988, as amended, as required under Title VI of the Clean Water Act. The Board shall also have the power to solicit, accept, and receive on behalf of the Revolving Fund, capitalization donations under such Act, as well as to enter into capitalization donation agreements with the United States Environmental Protection Agency, receive matched funds from the Commonwealth of Puerto Rico as required under Title VI of the Clean Water Act, and deposit such donations and matched funds into the Revolving Fund. The Board shall oversee the use of the moneys of the Revolving Fund by recipients thereof, evaluate environmental studies as dictated under Title VI of the Clean Water Act, and take any other actions as required by such Act in connection with the Administration of the Revolving Fund. Furthermore, the Board is hereby authorized to assist the Puerto Rico Infrastructure Financing Authority in lending funds

deposited into the Revolving Fund to borrowers that qualify under Title VI of the Clean Water Act, in structuring any financing program, and in issuing bonds to finance such programs. The Board may contract any individual to discharge any of the responsibilities established under this Section.

Section 15. — Administration of the Puerto Rico Commonwealth Drinking Water Revolving Fund. — (12 L.P.R.A. § 8002i)

The Environmental Quality Board is hereby authorized to participate and assist the Department of Health in the administration of the Puerto Rico Commonwealth Drinking Water Revolving Fund created by virtue of Act No. 44 of June 21, 1988, as amended, and as required under the Title of the Safe Drinking Water Act, P. L. 104-182, as amended.

The Environmental Quality Board may receive from the Department, capitalization donations under such Act, as well as receive matched funds from the Commonwealth of Puerto Rico as required under the Title of the Safe Drinking Water Act, in order to use them in any manner allowed under such Act, to conduct and/or evaluate environmental studies as dictated under the Safe Drinking Water Act and subsection B(3) of Section 4 of this Act, and to take any other actions required under the Safe Drinking Water Act in connection with the administration of the Puerto Rico Commonwealth Drinking Water Revolving Fund, as per the terms of any agreement executed by the Authority, the Department of Health, and the Environmental Quality Board.

The Board may contract any person to discharge its responsibilities as established under this Section.

Section 16. — Penalties. — (12 L.P.R.A. § 8002j)

A. — Any person who infringes any provision of this Act or the rules and regulations adopted thereunder, or who fails to comply with any resolution, order or agreement dictated by the Board, shall be guilty of a misdemeanor, and upon conviction, punished by a fine not lesser than two hundred (200) dollars and not greater than five hundred (500) dollars. In the discretion of the Court, an additional fine of five hundred (500) may be imposed for each day the violation persisted.

In those cases in which such infractions relate to the Hazardous Waste, Water Quality, Underground Injection Control, and Lead Paint Removal Permit and Certification Programs, the person shall be guilty of a felony and sanctioned with imprisonment for a fixed term of nine (9) months. Should there be aggravating circumstances, the established fixed penalty may be increased up to a maximum of one (1) year; should there be mitigating circumstances, the penalty may be reduced down to a minimum of six (6) months and one (1) day. Furthermore, the Court shall impose a fine not lesser than ten thousand (10,000) dollars a day and not greater than twenty-five thousand (25,000) dollars for each day such violation persisted.

B. — In addition to the fine minimum specified in this Act, the Board, represented by the Secretary of Justice or his/her attorneys, is hereby authorized to resort to any Court with competent jurisdiction to recover the total value for damages to the environment and/or the natural resources of Puerto Rico caused by such violation.

The amounts collected on account of sentences shall be covered into the special account set for the Board, to be used by the latter.

C. — The Environmental Quality Board is hereby empowered to impose administrative fines and sanctions for infractions of this Act, or of the orders, rules, and regulations issued and approved by the Board under this Act. Administrative fines shall not exceed twenty-five thousand (25,000) dollars for each infraction, being it understood that each day the infraction persists shall be deemed to be a separate violation.

D. — In the event that the Board should make a finding of contempt in the commission or continuance of acts for which an administrative fine ha already been imposed or in the commission or continuance of acts in violation of this Act and the regulations thereunder, or a finding of contempt in the noncompliance with any order or resolution issued by the Board, the latter, in exercising its discretion, may impose an additional administrative fine up to a maximum of fifty thousand (50,000) dollars for any of the acts indicated herein.

E. — Any person who knowingly makes any false representation, certification or statement under this Act, the regulations approved thereunder, who knowingly makes any false representation in any report required by the Board under this Act or the regulations thereunder; or who knowingly and so as to produce inaccurate results, alters any tracking facility or method that has been required by the Board, shall be guilty of a misdemeanor, and upon conviction, punished by a fine not lesser than one hundred (100) dollars and not greater than five hundred (500) dollars.

In those cases in which such infractions relate to the Hazardous Waste, Water Quality, and Underground Injection Control Programs, the person shall be guilty of a felony and sanctioned with imprisonment for a fixed term of nine (9) months. Should there be aggravating circumstances, the established fixed penalty may be increased up to a maximum of one (1) year; should there be mitigating circumstances, the penalty may be reduced down to a minimum of six (6) months and one (1) day. Furthermore, the Court shall impose a fine not lesser than ten thousand (10,000) dollars a day and not greater than twenty-five thousand (25,000) dollars a day for each violation, being it understood that each day the infraction persists shall be deemed to be a separate violation.

F. — The amounts collected on account of administrative fines imposed by the Board and all civil and criminal fines imposed by the Courts under the provisions of this Act shall be covered into the Special Account Set For the Environmental Quality Board.

G. — The Environmental Quality Board is hereby empowered to impose administrative fines and sanctions against any person who violates any provision established in the Air Operation Permit Program under Title V of the Clean Air Act, as amended, or any permit condition or any application charges or fees imposed pursuant to such Program. The administrative fine thus imposed shall not exceed twenty-five thousand (25,000) dollars for each infraction, being it understood that each day the infraction persists shall be deemed to be a separate violation.

H. — The Board, represented by its attorneys or by any other attorney it may designate, or by the Secretary of Justice or his/her attorneys, is hereby authorized to resort to any Court with competent jurisdiction in order for civil penalties to be imposed or recovered, which penalties shall not exceed twenty-five thousand (25,000) dollars for each violation, against any person who violates any provision established under the Air Operation Permit Program, Title V of the Clean Air Act, as amended, any term or condition of any permit issued under such

Program, any order issued by such Program, or any application charges or fees imposed by such Program, being it understood that each day the infraction persists shall be deemed to be a separate violation.

I. — Any person who knowingly violates any provision established in the Air Operation Permit Program under Title V of the Clean Air Act, as amended, or any condition of the permit or any permit application charges or fees imposed by such Program, and any person who knowingly makes any material statement, representation or certification that is in any way false on any notices or reports required by any operation permit under Title V of the Clean Air Act, as amended, or who knowingly renders inoperative any sampling equipment or method required pursuant to the Program, shall be guilty of a felony, and upon conviction, sanctioned by a fine not lesser than one thousand (1,000) dollars and not greater than twenty-five thousand (25,000) dollars for each violation, being it understood that each day the infraction persists shall be deemed to be a separate violation, with punishment by imprisonment for the fixed term of one (1) year. Should there be aggravating circumstances, the fixed imprisonment term may be increased up to a maximum of eighteen (18) months; should there be mitigating circumstances, the term may be reduced down to a minimum of six (6) months.

J. — Any person affected by violations of the Operation Permit Program under Title V of the Clean Air Act, as amended, is hereby empowered to appear before the Courts to enforce compliance by the owner or operator with the provisions of the Program and/or the permit, as the case may be, after the person thus affected has notified the Board about the violation and the latter has not taken any administrative action on the matter within sixty (60) days as of the date of notice. Should the Court determine that a violation has been committed, the latter may order an adequate remedy and/or impose the civil penalties established in subsection (H) of this Section.

K. — The amounts collected on all administrative fines imposed by the Board and the amounts collected on civil and criminal fines imposed by the Courts shall be covered into the Special Account Set For the Environmental Quality Board. The amounts collected on civil and criminal fines imposed by the Courts under subsections (H), (I) or (J) or which are attributable to violations of permits under Title V of the Clean Air Act, as amended, shall be destined to environmental research projects.

L. — Any person who violates the provisions of this Act or the regulations adopted thereunder shall be subject to the additional penalty of attending courses or workshops promulgated, adopted or approved by the Environmental Quality Board for the purpose of creating awareness about the damages to the environment as well as for stimulating the health and wellbeing of human beings in harmony with the natural resources of Puerto Rico.

Section 17. — Confidential Documents. — (12 L.P.R.A. § 8002k)

A. — Any information furnished to the Board by owners or operators of potential sources of pollution for the environment and natural resources:

1. Relative to production or to production procedures;
2. Relative to the volume of sales;
3. Which may adversely affect the competitive position of the person furnishing the information, shall be of a confidential nature both for the Board and for the United States

Environmental Protection Agency (E.P.A.), subject to Federal confidentiality requirements, unless the authorized person furnishing the information expressly authorizes such information to be disclosed and made available to the public.

B. — Data about effluents, discharge permit applications, discharge permits, and information relative to the level of pollutants in bodies of water, shall continue to be documents of a public nature.

C. — The general requirement for the Board to classify certain information as confidential shall not be construed as a limitation on its use:

1. By an officer, an employee or an authorized representative of the Board, the E.P.A. or the Commonwealth of Puerto Rico in implementing this Act;
2. For analyses or summaries relative to the general condition of the environment, insofar as the information does not identify the person furnishing the same.
3. In legal proceedings initiated under Section 19 of this Act, or any other legal action in which the Court shall determine the importance of said documents for those from whom the same are requested.

Section 18. — Effectiveness of Previous Documents. — (12 L.P.R.A. § 8002*l*)

All quality norms, orders, determinations, rules, permits, contracts, licenses, and authorizations issued, made, granted or enforced by any official or agency of the Commonwealth in exercising the authorities transferred by virtue of this Act, shall remain in full force, but these may be amended, modified, invalidated or revoked by the Board created under Title II of this Act.

Section 19. — Civil Actions. — (12 L.P.R.A. § 8002m)

Any natural or juridical person may institute actions for damages in the Courts of Justice against any natural or juridical person on the grounds of damages sustained on account of violations of this Act. Such civil action shall be independent and different from administrative procedures conducted by the Board. Likewise, any natural or juridical person affected for the non-implementation of this Act may resort to the Court of First Instance to request that a mandamus be issued to enforce compliance with the provisions of this Act; provided, however, that such recourse shall not be admissible to question a decision whereby the Environmental Quality Board has determined that the requirements of subsection Act have been met upon considering an environmental document, which action shall be conducted exclusively under the provisions of the Uniform Administrative Procedures Act. None of the provisions of this Act may be construed so as to allow any natural or juridical person to institute actions against the Environmental Quality Board or its officials or employees for the non-implementation of this Act or the regulations adopted thereunder.

Section 20. — Limitations. — (12 L.P.R.A. § 8002n)

None of the provisions of this Act shall be construed so as to:

1. Limit or interfere with the powers and authorities that other laws, executive orders, and regulations have conferred onto the Department of Health and the Secretary of Health of Puerto Rico.
2. Confer authority onto the Board in connection with atmospheric conditions that may exist exclusively within a commercial or industrial plant.
3. Revoke or limit the application of any law, municipal ordinance or regulation in effect on the matter of sanitation or industrial health and safety.
4. Limit any power of the Governor or any other official to declare a state of emergency and to act as dictated by such declaration.

Section 21. — Advisory Council, Creation; Advocate. — (12 L.P.R.A. § 8002o)

A. — The Environmental Quality Board shall assist and advise the Governor of Puerto Rico and the Legislature in the creation of the Small Business Advisory Council (the "Council") and in the designation of an Advocate (the "Advocate") for matters relative to the Program required under Section 501 of the Clean Air Act. The Board shall serve as the Secretariat of the Advisory Council, with the purpose of preparing and disclosing reports and consultative opinions.

B. — The Council shall be constituted by the following persons:

1. Two (2) persons, other than owners or persons representing owners of small businesses that operate pollutant emission sources, to be selected by the Governor to represent the public interest.
2. Two (2) persons who own or who represent owners of small businesses that operate atmospheric pollutant emission sources, each of whom shall be selected by the Majority and the Minority Floor Leaders of the House of Representatives.
3. Two (2) persons who own or who represent owners of emission sources of small businesses that operate atmospheric pollutant emission sources, each of whom shall be selected by the Majority and the Minority Floor Leaders of the Senate of Puerto Rico.
4. One (1) member selected by the Chair to represent the Environmental Quality Board.

C. — The Council shall at the very least:

1. Render consultative opinions concerning the effectiveness of the Small Business Technical Assistance and Environmental Compliance Program of the Government of Puerto Rico (the "Small Business Program"), including any difficulties encountered and the degree and severity of the oversight actions taken.
2. Prepare periodical reports for the consideration of the Chair of the Environmental Quality Board and the Administrator of the United States Environmental Protection Agency regarding compliance of the Small Business Program with the requirements of the Paperwork Reduction Act (44 U.S.C. §§ 3501 et seq.), the Regulatory Flexibility Act (5 U.S.C. §§ 601 et seq.), and the Equal Access to Justice Act (5 U.S.C. § 504), and
3. Review the information to be made public by the Small Business Program to ensure that such information is readily understandable.

D. — Council members shall serve for a term of three (3) years and continue to hold office until their corresponding successors are designated. Traveling expenses, mileage, toll fees and per diems expended in the discharge of their duties shall be reimbursed by the Small Business Program.

E. — The Advocate for Small Businesses shall be designated by the Governor with the advice and consent of the Legislative Branch. One of the main functions of the Advocate shall b to represent small businesses before government agencies. This office shall also be entrusted with the following functions:

1. To conduct independent evaluations on all aspects of the Small Business Program (SBP).
2. To review and issue comments and recommendations to the E.P.A. and local authorities in connection with the development and implementation of regulations that may have an impact on small businesses.
3. To facilitate and encourage the participation of small businesses in the development of new regulations that may affect the latter.
4. To provide assistance in the preparation of reports to higher authorities and the public in connection with the applicability to small businesses of the requirements set forth under the Clean Air Act.
5. To assist in the disclosure of information (i.e. regulations proposed, control technology, etc.) to small businesses and other interested groups.
6. To sponsor and participate in meetings and conferences with officials from local oversight agencies, industrial groups, and small business representatives.
7. To assist in the investigation and resolution of complaints and disputes of small businesses against local regulatory authorities.
8. To periodically review the works and the services provided by the Small Business Program (SBP) to small businesses.
9. To refer small businesses to the proper SBAP specialist, so that they may obtain information and assistance concerning viable alternate technologies, changes in processes, products, and operational methods to reduce atmospheric pollution and accidental leakages.
10. To assist in or arrange for the preparation of guideline documents for the SBAP so as to ensure that the language can be readily understood by non-technical personnel.
11. To work with manufacturer and small business associations on matters relative to voluntary acts of compliance with regulations.
12. To act as a liaison among the Small Business Administration, the Department of Commerce, and Federal Agencies that may have financial assistance programs for small businesses to comply with environmental regulations.
13. To act as a liaison with financial institutions to assist small businesses in locating financial assistance sources as necessary to comply with local requirements of atmospheric pollution control; and
14. To conduct evaluation studies about the impact of the law on the economy of Puerto Rico and on small businesses.

F. — The Air Quality Area shall act as a liaison within the Environmental Quality Board to furnish all documents relative to technology and control procedures so as to assist the Office of the Advocate in the discharge of its responsibilities. The Office of the Advocate may operate a hotline (may be a toll-free number) to provide confidential assistance to sources in order to address their individual problems and complaints.

Section 22. — Appropriation of Funds. — (12 L.P.R.A. § 8002p)

A. — The amounts necessary to meet the purposes of this Act for the current fiscal year and for subsequent fiscal years shall be annually consigned in the General Expenses Budget Act of the Commonwealth of Puerto Rico.
B. — All moneys received by the Environmental Quality Board in the discharge of its duty to implement this Act, from sources specified therein and from any other sources, as well as all civil and criminal fines imposed by the General Court of Justice of Puerto Rico under the provisions of this Act, shall be covered into a special account, to be denominated "Special Account Set For the Environmental Quality Board"; except for moneys that are to be covered into the Special Account Set For the Voluntary Property Cleanup and Redevelopment Program, the Special Account Set for the Air Operation Permit Program or the Environmental Emergency Fund.
C. — The Secretary of the Treasury shall make available to the Board the moneys covered into the Special Account Set For the Environmental Quality Board by means of disbursements authorized or signed by the Chair of the Board. These funds may be used by the Board for any necessary actions, to develop projects for the benefit of the environment, to make contributions to the Puerto Rico and the Caribbean Environmental Trust Fund created under Title V of this Act or to the Environmental Emergency Fund created under Title IV of this Act or to other funds administered by the Board, ton carry out any activities to discharge its duties and responsibilities, to defray any nonrecurring operating expenses, training, acquisition of equipment and supplies, contracting of experts and attorneys, and for any other purposes that promote the accomplishment of the objectives of this Act.
D. — The Secretary of the Treasury shall make available to the Environmental Quality Board the moneys deposited in the Special Account Set For the Air Operation Permit Program by means of disbursements authorized or signed by the Chair of the Environmental Quality Board.
E. — The Secretary of the Treasury shall make available to the Board the moneys deposited into the Special Account Set For the Voluntary Property Cleanup and Redevelopment Program by means of disbursements authorized or signed by the Chair of the Board.
F. — The Secretary of the Treasury shall make available to the Board the moneys deposited into the Environmental Emergency Fund by means of disbursements authorized or signed by the Chair of the Board.
G. — The Secretary of the Treasury is hereby authorized to advance to the Environmental Quality Board the amounts for reimbursements to be made by the United States Government in the proportion provided for by law, after presenting the documents that attest to the approval of each project by the corresponding authorities of said Government.

TITLE III. — ON THE NATIONAL DIGITIZED ENVIRONMENTAL INFORMATION SYSTEM. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 3]

Section 23. — National Digitized Environmental Information System. — (12 L.P.R.A. § 8003)

A. The National Digitized Environmental Information System is hereby established, to be under the responsibility and direction of the Environmental Quality Board. Then objective of this System is to gather, organize, and make available to the public, through electronic media, technical, educational, and scientific information, in existence or to be generated, about subjects relative to the environment and the natural resources, of both renewable and nonrenewable resources.
B. The information contained in the National Digitized Environmental Information System shall be freely consulted and accessible. Such System shall keep a constantly updated bibliography of the information contained therein, which shall be available to System users.

Section 24. — Advisory Council for the National Digitized Environmental Information System . — (12 L.P.R.A. § 8003a)

A. The Advisory Council for the National Digitized Environmental Information System is hereby established, to be attached to the Environmental Quality Board.
B. The Council shall be presided by the Chair of the Environmental Quality Board and be composed, furthermore, by one representative from each of the following government and non-government bodies entirely or partially engaged in generating or receiving technical, educational, and scientific information about subjects relative to the environment and the natural resources: the Department of Natural and Environmental Resources, the Planning Board, the Department of Agriculture, the University of Puerto Rico, and one representative from non-government environmental groups. The latter representative shall be appointed by the Chair of the Environmental Quality Board, which appointment shall have a term of two years.

Representatives from each of private university systems accredited by the Council on Higher Education, which offer degrees in natural and environmental sciences, shall also be a part of the Advisory Council. The Chair of the Environmental Quality Board shall request that each of these institutions designate a member and an alternate member to represent them in the Advisory Council.
C. None of the members of the Council shall receive salaries, per diems or similar compensations on account of their Council membership; except for the representative of environmental groups, who shall earn o account of per diems the amount of seventy-five (75) dollars for each day he/she discharges his/her functions as an active member. However, the time devoted to the works of the Council may be considered as part of the tasks and tour of duty of its members.

Section 25. — Duties and Responsibilities of the Advisory Council. — (12 L.P.R.A. § 8003b)

The Advisory Council for the National Digitized Environmental Information System shall have the following duties:
1. To establish the criteria, in addition to those set forth in this Act, to determine which information shall be incorporated into and be a part of the system.
2. To determine priorities in the works to digitize that information which is not available through electronic media.
3. To establish the organization of the System's library.
4. To recommend the sources that shall provide information to the System.
5. To advise the Chair of the Environmental Quality Board in the drafting of regulations necessary for the effective operation of the System and the Council proper.

Section 26. — Duties of the Agencies, Municipalities, Public Corporations and Instrumentalities, and Universities. — (12 L.P.R.A. § 8003c)

A. Any agency, office, instrumentality, public corporation or municipality of the Commonwealth of Puerto Rico that receives or conducts research, studies or works of a scientific nature on the environment and the natural resources, shall remit a copy of such research, studies or works to the Environmental Quality Board.
B. Students conducting works, studies or research on subjects relative to the environment and the natural resources that are a part of the requisites to obtain a degree (theses or thesis papers), shall be requested by the pertinent university authority to voluntarily furnish a copy of such thesis or thesis paper so that the same may be incorporated into the System.
C. As for natural or juridical persons conducting research, studies or works of a scientific nature on the environment or the natural resources not destined to a public record or purpose, who are System users, System operators shall maintain a request addressed to such persons so that they may voluntarily submit a copy of such research, studies or works for the System.
D. All copies shall be submitted in such format as the Chair of the Environmental Quality Board may define as adequate for the configuration of the National Digitized Environmental Information System, in an adequate electronic reproduction medium, so as to render the same accessible to all persons interested through electronic networks in existence or to be created.
E. The various public institutions that, as part of their ministerial duty, are engaged in generating or receiving technical, educational, and scientific information about the environment and the natural resources, shall remit to the Environmental Quality Board a copy of studies, research and works of a scientific nature on such subjects as they have on file up to the present in electronic format, or establish with the latter agency such agreements as necessary in order for such information to be made accessible through the System by means of the necessary electronic links.
F. As for Federal agencies and instrumentalities operating in Puerto Rico which generate or receive information of a scientific nature about the environment and the natural resources, the Chair of the Environmental Quality Board shall request, under the same conditions as dependencies of the Commonwealth, that they remit copies of such information, or establish

with these agencies such agreements as necessary in order for such information to be made accessible through the System by means of the necessary electronic links.

Section 27. — Gathering of Information. — (12 L.P.R.A. § 8003d)

The Environmental Quality Board shall contract, if it should deem necessary, to be charged to its next three annual budgetary appropriations and starting at the beginning of the next fiscal year, such services as indispensable so that within a term of three years, all works, research and studies of a scientific nature in existence on the subject of the environment and the natural resources recommended by the Advisory Council which are not on digitized format, are recorded into computer-accessible formats. The Environmental Quality Board shall begin with works, research or studies deemed to be essential for starting a National Digitized Environmental Information System, for which purpose, the Board shall follow the recommendations of the Advisory Council.

Section 28. — Access Center for the National Digitized Environmental Information System.— (12 L.P.R.A. § 8003e)

A. The Environmental Quality Board shall enable an area within or near its main offices in which it shall make available and accessible to the public, organized under an effective library system, with adequate personnel and with sufficient equipment and computer terminals, an "Access Center for the National Digitized Environmental Information System." Such Center shall have a server as its main information archive, which shall be the main depository of the National Digitized Environmental Information System and contain the materials, documents, Titles, articles and all other information of this System in digitized format and provide such electronic links as necessary to gain access to information systems, databanks or other pertinent sources considered to be important for the operation of the System.
B. The Environmental Quality Board shall have a term of three (3) years to establish and render the Center operative and incorporate into the electronic information network known as the Internet, the same information as available in the Center hereby created. The information provided through this network shall be freely and readily accessible.
C. In order to guarantee continuous access to the System, the Environmental Quality Board may deposit into other servers the information contained in the System.

Section 29. — Rulemaking Authority. — (12 L.P.R.A. § 8003f)

The Chair of the Environmental Quality Board shall be responsible for drafting regulations as necessary for the most effective operation of the National Digitized Environmental Information System, including such regulations as necessary to assess and charge the public for costs ensuing from requests from the public for copies, reproductions, maps or other similar materials deposited into the System. Provided, however, that such costs shall be computed and implemented solely to cover costs for reproducing such materials.

Section 30. — Appropriation of Funds. — (12 L.P.R.A. § 8003g)

The Environmental Quality Board is hereby authorized to use up to a maximum amount of five hundred thousand (500,000) dollars available in the Environmental Emergency Fund each year for the next three (3) fiscal years to defray the installation and setting into operation of the National Digitized Environmental Information System. The Environmental Quality Board may also use, in order to accomplish the purposes of this Act, any Commonwealth funds available to the Board in its special accounts or budgetary appropriations, as well as the Federal funds available to the Board at present for this purpose or which it may receive in the future. As of fiscal year 2005-2006, the Environmental Quality Board shall solicit funds as necessary in order to maintain and operate the System by incorporating this item into its annual budgetary appropriation.

TITLE IV. — ON ENVIRONMENTAL EMERGENCIES. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 4]

Section 31. — Purposes. — (12 L.P.R.A. § 8004)

The purposes of this title are to create an emergency fund to respond to emergencies caused by hazardous substances or waste and to have the necessary funds to match with Federal assistance provided under the Comprehensive Environmental Restoration, Compensation and Liability Act to remove hazardous substances or waste and to remedy the sites contaminated thereby.

Section 32. — Definitions. — (12 L.P.R.A. § 8004a)

For purposes of this Act, the following terms shall have the meaning stated below:
1. Environmental Emergencies.—Means any discharge or threat of discharge, accidental or unauthorized intentional leakage, seepage, pumping, injection, dumping, emission o disposal, or any situation caused by spilling or leaving a pollutant or a hazardous or low-level radioactive substance or waste or hydrocarbons or their by-products in or on any piece of land or any superficial or underground body of water or out or dispersed into the air or so as to gain access to any paved area or any area covered in asphalt, concrete, tar, or any kind of man-made material that poses a risk or a threat of risk for public health and safety, the general welfare or the environment.
2. Hazardous Substances.—Means any element, substance, compound or mixture that may harm living organisms or the environment.
3. Hazardous Waste.—Means any element, substance, compound or mixture used in any production process that is reused, destroyed, stored or disposed of and which may harm living organisms or the environment. Also includes any element, substance, compound or mixture that exhibits the characteristics of hazardous waste as established and defined in the regulations adopted by the Quality Board which apply to such waste, which exhibits the characteristics of hazardous waste as defined in the Resource Conservation and Recovery Act

in 42 U.S.C. § 6903, which is (listed) or has the characteristics identified under 42 U.S.C. § 6921.

4. Person Responsible.—Means any natural or juridical person or group of private or public persons, including agencies, government instrumentalities, municipalities, and quasi-public corporations, that exercises dominion or supervision or ownership, or holds, or exercises partial or total control over establishments, transfer or final disposal stations, facilities or services that generate, store, transport, distribute or otherwise handle hazardous or radioactive substances, pollutants or waste or hydrocarbons or their by-products which have caused an environmental emergency.

5. Responsive Action (RA).—All such technical, administrative, and legal actions directed to responding, controlling, investigating, and mitigating the direct and indirect impact ensuing from an environmental emergency. These actions comprise the following phases: Immediate Response Action (IRA) or Corrective Action (CA).

6. Immediate Response Action.—Refers to all initial and immediate intervention measures directed to controlling the events or factors causing an environmental emergency in order to prevent, avoid, minimize or mitigate the negative or harmful impact that such events or factors may have on public health and safety or on the environment. If the measures taken as part of the immediate response fail to correct the environmental emergency in a permanent and final manner, then the activities corresponding to the corrective action shall be implemented.

7. Corrective Actions (AC).—Refers to all such activities involving investigation, evaluation, analysis and planning, directed to establishing a final or permanent correction of any adverse impact ensuing from the emergency. This phase includes, but shall not be limited to, the following stages:

Stage I.—Developing a Work Plan for the Corrective Action.—

This Work Plan shall include at the least:

1) The characterization of the impacts identified in the emergency;
2) The investigative studies to be conducted;
3) The technical evaluation and analysis; and
4) The remediation plans.

Stage II.—Consists of the Evaluation of the Effectiveness in the Implementation of the Work Plan.—

Stage III.—Implementation of the Work Plan.—

Section 33. — Commonwealth Environmental Emergency Response Planning Commission. — (12 L.P.R.A. § 8004b)

A. The Commonwealth Environmental Emergency Response Planning Commission is hereby created, to be attached to the Environmental Quality Board. Such Commission shall be constituted by the Chair of the Environmental Quality Board, who shall preside; the Secretary of Health; the Secretary of Natural and Environmental Resources; the Secretary of Justice; the Secretary of Labor; the Director of the Commonwealth Emergency and Natural Disaster Management Agency; the Fire Marshall; the Superintendent of the Police; the President of the Public Service Commission; the President of the University of Puerto Rico;

and the chairs of the Local Environmental Emergency Response Planning Committees elected pursuant to the regulations adopted by the Commission. Furthermore, the Governor of the Commonwealth of Puerto Rico shall designate five (5) public interest representatives as members of the Commonwealth Commission. Each of the members of the Commonwealth Commission shall designate, in writing, one person to substitute for him/her in the works of the Commonwealth Commission when necessary. These persons shall be recognized as Alternate Members of the Commonwealth Commission.
B. The Commonwealth Commission shall adopt bylaws for its organization and operation. All determinations shall be taken by the affirmative vote of the majority of the members attending the meeting. All meetings or assemblies shall require a quorum equal to half plus one member of the Commonwealth Commission.

Section 34. — Duties and Responsibilities of the Commonwealth Commission. — (12 L.P.R.A. § 8004c)

A. The Commonwealth Commission shall be in charge of implementing the provisions of Title III of the Superfund Amendment and Reauthorization Act, better known as the Emergency Response Planning and Communities Right-to-Know Act, within the jurisdiction of the Commonwealth of Puerto Rico.
B. Environmental emergency responses shall be planned taking into account the provisions of this Act, and most particularly, the powers and authority delegated onto the Environmental Quality Board.
C. The Commonwealth Commission is hereby empowered, among other things, to create and organize the Local Environmental Emergency Response Planning Committees in coordination with municipalities.

Section 35. — Immunity. — (12 L.P.R.A. § 8004d)

No judicial action whatsoever shall be admissible against the Commonwealth Commission or the Local Committees, or against their members or the public and private agencies or entities to which they may belong, or against the officers, officials or employees thereof, to claim compensation for damages allegedly resulting from the enforcement and compliance of the foregoing with the provisions of these Federal and Commonwealth laws or to impede the foregoing from enforcing and complying with the same.

Section 36. — Environmental Emergency Management Program. — (12 L.P.R.A. § 8004e)

A. The Environmental Quality Board shall establish a program to adequately respond to and manage environmental emergencies and the n necessary remedial actions in contaminated sites. The Environmental Quality Board shall be the leading agency in responding to this kind of emergencies. All matters concerning environmental emergency response planning shall be the responsibility of the Commonwealth Commission. The funds and resources necessary to maintain such program operating shall be solicited and consigned in the agency's operating expenses budget.

B. The Commonwealth Emergency and Natural Disaster Management Agency and all other agencies, departments, municipalities, and public corporations and instrumentalities shall provide the Board with all the assistance necessary in order to promptly and adequately respond to environmental emergencies, coordinate their respective emergency plan with the latter, and execute collaboration agreements as pertinent.

Section 37. — Creation of the Environmental Emergency Fund. — (12 L.P.R.A. § 8004f)

A. The Puerto Rico Environmental Emergency Fund is hereby created in the Department of the Treasury, to be administered by the Environmental Quality Board, hereinafter denominated the Fund.
B. The Fund shall be made up by the fiscal resources approved by the Legislature, funds from the Federal government, and other funds from any other source provided to accomplish the purposes of Sections 31 through 46 of this Act, among which are the revenues collected under the "Used Oil Fund Act," the "Used Tire Management Act," and any other laws that order the transfer or the covering of funds into the Environmental Emergency Fund.
C. In order to comply with the purposes of this Act, as of June 30, 204, it is hereby provided that the Environmental Emergency Fund shall arrive at a balance of twenty-five million (25,000,000) dollars, to be composed of twelve million, five hundred thousand (12,500,000) dollars from the existing balance for fiscal year 2003-2004, plus a revolving credit line of twelve million, five hundred thousand (12,500,000) dollars. It is hereby provided that, should an environmental emergency arise which requires the use of an amount greater than twenty-five million (25,000,000) dollars, the mechanisms available through the Commonwealth Emergency Fund provided for in Act No. 91 of June 21, 1966, as amended.
D. The balance of the Environmental Emergency Fund may never be lesser than twelve million, five hundred thousand (12,500,000) dollars, excluding the aforementioned line of credit, at the beginning of subsequent fiscal years. Said balance shall be maintained with revenues from sources identified in this Section, including resources from the Commonwealth Emergency Fund provided for in Act No. 91 of June 21, 1966, as amended.

Section 38. — Use of the Fund. — (12 L.P.R.A. § 8004g)

The Environmental Quality Board may use the moneys covered into the Environmental Emergency Fund for the following purposes:
1. To institute judicial or administrative actions directed to ordering persons responsible for an environmental emergency to take responsive actions as necessary and appropriate to protect the public and the environment from any resulting adverse effects.
2. To develop and implement a program to effectively and efficiently respond to environmental emergency situations, as defined in this Act and other laws and regulations administered by the Board, including studies conducive to assessing damages caused to the flora and fauna; investigations, inspections, and the planning and application of any responsive actions as necessary to address the situation; and the operational expenses of such program.

3. To update an inventory of all the sites or facilities where hazardous substances or waste are or have been deposited in the Commonwealth of Puerto Rico.
4. To provide Commonwealth funds as necessary to match the Federal funds available for cleaning up the sites included in the National Priority List.
5. To provide surveillance and monitoring as necessary for abandoned or uncontrolled facilities where hazardous substances or waste have been deposited and which have been cleaned up, in order to determine whether these pose a risk to the general welfare and health and to the environment.
6. The Environmental Quality Board is hereby authorized to use any amounts in excess of 12.5 million dollars available at the closing of fiscal year 2003-2004 in the Environmental Emergency Fund, after having covered into the same any corresponding amounts pursuant to the "Used Oil Fund Act," the "Used Tire Management Act," and any other laws ordering the transfer of funds at the closing of the fiscal year to the Environmental Emergency Fund, in order to: cover, firstly, any expenses relative to the personnel and operation of the program established by virtue of the provisions of Section 36 of this Act, during the following fiscal year; and defray, secondly, other personnel and operating expenses of such public instrumentality or to develop activities and projects for the benefit of the environment. These funds may be used, among other things, to acquire by purchase or lease, any equipment or instruments, motor vehicles, materials, sites or spaces for offices or storage; for training in or outside Puerto Rico; for safety clothing and equipment and for uniforms; for services and equipment or parts to repair or calibrate equipment and instruments; for office equipment; for communications systems; and for programs and equipment for the automation of its operations and to manage information and data. The Environmental Quality Board may also use the funds referred to in this Section for the acquisition, by purchase or lease, of equipment, instruments, and supplies for the Puerto Rico Environmental Research Laboratory under its charge, as well as to carry out improvements to the physical plant or structure (exteriors and interiors) where the same is located; for the development of scientific research; for the development of projects for the benefit of the environment; for the development of its programmatic areas, in particular, the Environmental Emergency Response and Remedial Action Area; and to carry out or support any activities as necessary in order for the Commonwealth Environmental Emergency Response Planning Commission to discharge its responsibilities; to meet payment obligations of the Board; for the automation of its operations and to manage environmental data and information, including the creation of an bank on Puerto Rico's environmental data; to lease, buy, repair, and calibrate equipment; and to strengthen the Latin American Green Bridge Program and the Puerto Rico and the Caribbean Environmental Trust Fund, among other things. The Board, through its Internal Audit Office, shall issue an annual certification to the Office of Management and Budget and the Department of the Treasury on the total amount of funds used as of June 30 of each year pursuant to the provisions of this Section.

As of fiscal year 2005-2006, the Board may only use from the Environmental Emergency Fund, an amount equal to one and a half times the amount used in the preceding fiscal year, from any amount available as of June 30 of each year in excess of 12.5 million dollars for the purposes provided for in this Section. If the amount available for the use of the Board as of June 30 of any year should be lesser than one and a half times the amount used in the preceding year, the Board may only use for that year the amount available as of June 30.

7. For research, identification, confinement, treatment, control, and disposal of hazardous substances or waste within the Commonwealth of Puerto Rico in environmental emergency situations, including:
   a) Contracting specialized personnel.
   b) Buying and renting equipment and supplies in addressing the environmental emergency.
   c) Other necessary expenses.
8. To develop a public participation program to keep the public informed on all activities carried out pursuant to this Act.
9. To provide financial resources to conduct such studies as necessary to identify new financing sources that could replenish the Fund.
10. The Environmental Quality Board may use the Environmental Emergency Fund to address emergencies and to clean up and remediate sites contaminated by used oils, as defined in Act No. 172 of August 31, 1996, as amended, and the regulations approved thereunder by the Board.

Section 39.— Rulemaking Authority. — (12 L.P.R.A. § 8004h)

The Environmental Quality Board shall adopt, promulgate, amend, and repeal rules and regulations as necessary in order to implement this Title.

Section 40. — Notice to the Environmental Quality Board; Responsive Action; Incident/Accident Report. — (12 L.P.R.A. § 8004i)

A. Notice to the Environmental Quality Board.—Any person who gains direct or indirect knowledge of an environmental emergency situation that poses a threat or an imminent risk of endangering human health and safety or the environment shall immediately notify the Environmental Quality Board and the pertinent authorities. The Environmental Quality Board is hereby empowered to adopt regulations on that matter.
B. Responsive Action.—Any time the Environmental Quality Board is notified of the occurrence or the possibility of the occurrence of an environmental emergency that poses an imminent risk of serious harm to the public health or safety or to the environment, after the Board has determined the reasonability and veracity of such notice, the Board shall respond to such emergency and require that the person held to be responsible or his/her identified representative onto whom he/she has delegated implement any responsive action as the Board may deem necessary and adequate to protect public health or safety or the environment.
Taking into account the urgency of the response that the situation may warrant, the Environmental Quality Board may state such requirement by immediate oral or written notice at the site and the time of the emergency or by oral and written notice after the emergency. If the person responsible should refuse to act, he/she shall be apprised of the legal authority of the Board conferred under Titles II through IV of this Act to issue administrative orders with the imposition of penalties and fines for noncompliance, and as the situation may warrant, to request that the Department of Justice criminally prosecute the person responsible.

In the event that the person held to be responsible by the Board does not believe to be the cause of the environmental emergency duly identified by the Board, the former shall be entitled to an administrative hearing whereby he/she may present exculpatory evidence in his/her favor, pursuant to the rights conferred to any person under adjudicative proceedings, as per the provisions of Act No. 170 of August 12, 1988, as amended.
C. Incidence/Accident Report.—The Environmental Quality Board, through specialized technical personnel, shall have the authority to issue and serve at the time of occurrence of facts a Notice upon the person responsible, so that the latter submit to the Environmental Quality Board within a maximum term of five (5) workdays a written Incident/Accident Report stating the facts that led to the environmental emergency.

Section 41. — Interagency Coordination. — (12 L.P.R.A. § 8004j)

The Environmental Quality Board shall coordinate any responsive actions taken under the provisions of this Act with other government agencies, both Commonwealth and Federal, which may have jurisdiction over the case, so as to prevent duplication of efforts or conflicts regarding actions or requirements pertaining to spills or spill threats or environmental emergencies that may affect public health, safety or environmental quality.

Section 42. — Use of a Credit Line or the Emergency Fund. — (12 L.P.R.A. § 8004k)

The Environmental Quality Board is hereby authorized to solicit, obtain and maintain a line of credit with the Government Development Bank for up to twelve million, five hundred thousand (12,500,000) dollars, to be sued exclusively, if necessary, to manage environmental emergency situations which require the use of all existing funds in the Environmental Emergency Fund. Repayment of this line of credit shall be under the care of the Office of Management and Budget, pursuant to the terms and conditions set by the Government Development Bank. If any case should arise which requires the use of all funds available in the Environmental Emergency Fund as well as the line of credit authorized under this Section, the Board shall issue a certification to the Governor in connection with the environmental emergency situation and the amount of funds necessary to respond thereto or to remedy the pollution problem, and the latter shall authorize the use for such purpose of the funds available in the Emergency Fund created by Act No. 91 of June 21, 1996, as amended, through the corresponding executive order.

Section 43. — Recovery of Expenses. — (12 L.P.R.A. § 8004*l*)

Necessary expenses in connection with responsive actions as incurred by the Environmental Quality Board and the agencies, departments, municipalities, corporations, and public instrumentalities lending support to the Board in striving to accomplish the objectives of this Act to handle an environmental emergency, including the corresponding legal expenses, may be recovered by the Environmental Quality Board by means of an Administrative Order issued by such Board or through civil action instituted at the General Court of Justice of Puerto Rico or the courts of the United States of America, represented by its attorneys, the Secretary of Justice or a private attorney contracted for that purpose, against

any person held responsible under this Act or under the provisions of chapters II and IV of this Act. The Board may recover three times the total amount of expenses incurred by the Board and the agencies, departments, municipalities, corporations, and public instrumentalities. The expense certification issued by the Environmental Quality Board shall constitute prima facie evidence of the fact that the expenses thus certified are necessary and reasonable. Any party adversely affected by a resolution, order or decision of the Environmental Quality Board in connection with the aforementioned certified expenses may request an administrative reconsideration or a judicial review pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act."

Section 44. — Harmful Substance Management.— (12 L.P.R.A. § 8004m)

A. The Environmental Quality Board is hereby ordered to formulate and adopt an emergency plan that sets forth the measures to be taken and the equipment and materials necessary to minimize damages arising from the spill of harmful substances.

B. The Board is hereby authorized to:

1. Determine and require that the destination recipients or importers of harmful substances pay monetary fees pursuant to the provisions of this subsection.
2. Adopt regulations to require that destination recipients of harmful substances pay monetary fees to defray their programs in connection with response planning and to respond to harmful substance spills, to control environmental pollution, and to conduct environmental scientific research. These funds may be used for the purposes provided for in this Act. The procedures to be followed in adopting such regulations shall be those which are provided for such purposes in the "Puerto Rico Uniform Administrative Procedures Act." All destination recipients or importers located in Puerto Rico shall pay to the Department of the Treasury the fees set by the Environmental Quality Board pursuant to the provisions of this clause, upon arrival into Puerto Rico of the harmful substances in question. The funds received by the Department of the Treasury on account thereof shall be covered into the Puerto Rico Environmental Emergency Fund.
3. In determining the fees to be paid, the following factors, among others, shall be taken into consideration: the average amount of harmful substances that destination recipients receive periodically, the hazardousness of the substance received, the time the transporter remains in territorial waters or within the jurisdiction of the Commonwealth of Puerto Rico, and any other factor that may be pertinent.
4. Contract with any agency or instrumentality of the Commonwealth or the Federal government or with any private entity for services to carry out the purposes of Sections 44 and 46 of this Act.
5. Issue orders to do or forbear against public or private corporations or natural and juridical persons, in order to discharge certain functions so as to accomplish the purposes of Sections 44 and 46 of this Act.

Procedures pertaining to the issue of orders, the holding of the corresponding administrative hearings and procedures for court review of orders and resolutions under Sections 44 and 46 of this Act shall be governed by the procedures established in Titles II

and IV of this Act and the "Uniform Administrative Procedures Act," with respect to all other orders and/or resolutions issued by the Board.

6. Establish and operate one or more warehouses to store the equipment and materials to handle spills. These warehouses shall be located at various sites throughout the Island in order to expedite the deployment of equipment and materials in the case of an emergency.

Section 45. — Definitions. — (12 L.P.R.A. § 8004n)

A. For purposes of the provisions of Section 44 above, the words and phrases stated below shall have the following meaning:

1. Transporter.—Any natural or juridical person who by means of any kind of vessel, vehicle or means of cargo transportation takes harmful substances from one place to another within the jurisdiction of Puerto Rico and its adjacent waters.

2. Destination Recipient.—Any natural or juridical person to whom the transporter is to deliver harmful substance cargo.

3. Harmful Substances.—Those substances in a liquid or gaseous state which by their nature may, in the event of a spill or leak, harm the environment or the health of the citizenry, including, without being limited to, substances such as oil and its byproducts and gases such as toluene. This term also includes hazardous substances or waste as defined in Section 32 of this Act.

4. Spill.—The discharge, emission or expulsion, whether accidental or intentional, of harmful substances from a vessel of any kind through pipelines or any other means, or out to sea or into any other body of water in Puerto Rico.

5. Board.—The Environmental Quality Board.

6. Equipment and Materials.—The equipment and materials necessary to handle harmful substance spill situations as established by regulation.

B. For purposes of the provisions of Section 46 of this Act, the words and phrases stated below shall have the following meaning:

1. Damages.—Means any damage with which lies responsibility under the laws of the Commonwealth of Puerto Rico or the United States of America which leads to, arises from or involves the spill or the possible threat of there being an oil or a hazardous substance spill.

2. Spill.—Means any emission or leak, whether intentional or negligent, including, but not limited to, spills, seepage, leakage, pumping, dumping, discharge or casting of oil or hazardous substances into the ground, in a maritime-land zone, or out to sea. This does not include spills caused by force majeure.

3. On-site Federal Coordinator.—Means the Federal officer designated by the Environmental Protection Agency (E.P.A.) or the Coast Guard service of the United States of America to coordinate and direct any Federal remedial action under Subchapter D of the National Contingency Plan, or the officer appointed by the designated agency to coordinate and direct cleanup efforts under Subchapter E of the aforementioned Federal Plan.

4. National Contingency Plan.—Means the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. 300, established under the Water Pollution

Prevention and Control Act, 33 U.S.C. §§2701 et seq. (Section 1321(d)), as amended by the Oil Pollution Act of 1990, Pub. L. No. 101-380, 104 Stat. 484, 33 U.S.C. §§ 2701 et seq., the Oil Discharge Environmental Incident Contingency Plan of the Environmental Quality Board, and the Oil and Hazardous Substance Contingency Plan of the Coast Guard.

5. Oil.—Means the product generally known as such, of any class or form, and any byproduct thereof, including, but not limited to petroleum, oil, fuel, oily waste, and residual mixtures containing oils, silts or refined oils.

6. Person.—Means any natural or juridical person, partnership, association, instrumentality, municipality, commission or agency of the Commonwealth of Puerto Rico or a political subdivision of a state of the United States of America, or any entity created to operate between the states of the United States of America.

7. Cleanup, Removal or Disposal Expenses.—Means cleanup expenses incurred after an oil or a hazardous substance spill or to prevent such spill, the expenses incurred to mitigate pollution and damages resulting from such spill, and expenses incurred for the disposal of the collected material.

8. Party Responsible. This includes the following:

a) Vessels.—Means a person who owns or operates or rents a vessel.

b) Ground Facilities.—Means a person who owns or operates a facility, excluding regular or oil pipelines, or a

Federal, Commonwealth or municipal agency, commission, instrumentality or political division of the Commonwealth of Puerto Rico or any political subdivision of a state of the United States of America or any interstate entity that, as owner, transfers the title deed, the tenancy and the right of use over such property to another person through a lease, an assignment or a permit.

c) Offshore Facilities.—Means the lease of the area where the facility is located or the holder of the right of use and easements conferred under the applicable Commonwealth law or the Outer Continental Shelf Lands Act, 43 U.S.C. §§ 1301 through 1356, for the area where the facility is located, if such holder is a person other than the lessee, excluding: regular or oil pipelines or deepwater ports duly authorized by law or by a Federal, Commonwealth or municipal agency or by a commission, instrumentality or political division of the Commonwealth of Puerto Rico or a state of the United States of America or by any interstate entity that, as owner, transfers the title deed, the tenancy or the right of use over the property to another person through a lease, an assignment or a permit.

d) Deepwater Port.—Means the assignor of a deepwater port authorized by the Federal Deepwater Port Act of 1974, 33 U.S.C. §§ 1501 through 1524.

e) Regular Pipeline.—Means the owner or operator of any pipeline.

f) Abandonment.—Means any vessel, ground facility, deepwater port, regular pipeline, oil pipeline or offshore facility which has been abandoned or fallen into disuse, including the parties which would have been responsible before such vessel or facility was abandoned.

9. Intervening Party.—Means any person who has not had any part in or responsibility for the original spill and intervenes for purposes of cleaning up, removal, and disposal of the spilled material, including the participation in damage

mitigation, whether voluntarily or through a contract, who offers assistance or advice to remedy or eliminate the spill.

10. Hazardous Substances.—Means any substance or substance mixture that is toxic, corrosive, highly sensitizing, irritating, combustible, flammable or which generates pressure through decomposition, heat or other means, if such substance or substance mixture is capable of causing bodily injuries or illness as a result of its use, management or ingestion.

Section 46. — Limited Immunity. — (12 L.P.R.A. § 8004o)

A. Notwithstanding the provisions under any other law, no intervening party or person shall be responsible for cleanup, removal or disposal expenses or for damages arising from actions or omissions in remedying or attempting to remedy or eliminating an oil or a hazardous substance spill or in providing or offering attention, aid, assistance or advice following the National Plan or in responding to the instructions or orders of the Onsite Federal Coordinator or the designated Commonwealth official.

B. The above immunity shall not apply to:

1. The parties responsible for the spill.
2. Incidents which lead to personal harm or death.
3. Incidents wherein negligence or acts contrary to the laws are proven. The party responsible shall respond for cleanup, removal or disposal expenses and for any harm inflicted to any other person released from responsibility under this Section.

C. This Act does not exempt from the responsibility that any party responsible may have for an oil or a hazardous substance spill of any kind.

TITLE V. — ON THE PUERTO RICO AND THE CARIBBEAN ENVIRONMENTAL TRUST FUND. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 5]

Section 47. — Statement of Purposes. — (12 L.P.R.A. § 8005)

It is hereby stated that the public policy of Puerto Rico is to develop and implement the "Latin American Green Bridge" program through the Environmental Quality Board of Puerto Rico, in order for the island to avail itself of the environmental experience of Latin American countries in their interaction, together with Puerto Rico's experience, to protect the environment. Thus, the government seeks the enrichment of knowledge in legal and technical environmental aspects through the transfer and exchange of progressive technology in the implementation of environmental norms between participating countries and international entities and Puerto Rico.

Section 48. — International Project Unit. — (12 L.P.R.A. § 8005a)

The International Project Unit of the Environmental Quality Board shall have the purpose of carrying out the initiatives and objectives of cooperation and exchange of information, experiences, and technology pertaining to the field of environmental protection, as sought

under the various agreements executed by the Government of the Commonwealth of Puerto Rico through the Environmental Quality Board with certain international entities and governments of the Caribbean and Central and South America.

Section 49. — Creation. — (12 L.P.R.A. § 8005b)

The "Puerto Rico and the Caribbean Environmental Trust Fund" is hereby created in the Government Development Bank for Puerto Rico. The Environmental Quality Board shall be the trustee of such Fund, in order to carry out the purposes and objectives sought by this Act. The Fund is hereby authorized to pay for the administrative expenses charged by the Government Development Bank for Puerto Rico. To that effect, any funds from private sources deposited into the Puerto Rico and the Caribbean Environmental Trust Fund, as well as any funds generated by the Environmental Quality Board in its sole discretion, covered into the Special Account Set for the Environmental Quality Board, and any other public or private funds.

Section 50. — Application of the Public Fund Investment Trust Act. — (12 L.P.R.A. § 8005c)

The Puerto Rico and the Caribbean Environmental Trust Fund created under this Act shall be established pursuant to Act No. 176 of August 11, 195, better known as the "Public Fund Investment Trust Act," with similar purposes, for which reason, the same shall enjoy exemption from taxes and all other exemptions as provided for under such Act.

Section 51. — Revenues and Interest. — (12 L.P.R.A. § 8005d)

Revenues and interest yielded by the Puerto Rico and the Caribbean Environmental Trust Fund shall be used by the Environmental Quality Board to finance its environmental technical exchange and international cooperation programs and to accomplish the purposes and objectives of this Act.

TITLE VI. — ON THE POLLUTION PREVENTION PROGRAM. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 6]

Section 52. — Public Policy on Pollution Prevention. — (12 L.P.R.A. § 8006)

A. Environmental pollution must be prevented and diminished at the source. In cases in which pollutants cannot be offset, these shall be reused or recycled in a manner that is safe for the environment, and in its default, these shall be disposed of through the use of technology approved by the Environmental Quality Board, being its disposal into the environment the last resort, pursuant to the applicable laws and regulations.
B. The efficient execution of this public policy shall improve the quality of life of Puerto Ricans, insofar as there shall be a decrease in health problems associated with pollution; the risk of affecting the food chain shall also be reduced; furthermore, the flora and fauna shall

be protected; our socioeconomic sector would derive benefits, inasmuch as the costs for disposal, labor and purchase of raw materials would be reduced; the infrastructure would be protected; there would be an exchange of materials and products that can be reused; and, by reducing the amount of pollutants, the risk of being sanctioned by regulating agencies would be reduced.

Section 53. — Definitions. — (12 L.P.R.A. § 8006a)

For purposes of this Title, the words and phrases stated below shall have the following meaning:
1. Pollution.—Means the degradation of the natural quality of waters, the air, or the ground, as a direct or indirect result of human activities, as set forth in the regulations of the Environmental Quality Board.
2. Prevention.—Means any practice which reduces the amount of any hazardous substance or pollutant emitted into the environment or which must eventually be disposed of through solid waste disposal techniques. It also means any practice that diminishes health and environmental hazards through the disposal of such substances and pollutants. The term includes equipment or modifications in technology, processes or modifications in processes, product reformulation or redesign, material replacement, and improvements in maintenance systems, training, inventory control, and home maintenance.

Section 54. — Program; Establishment. — (12 L.P.R.A. § 8006b)

The public policy set forth in Section 52 of this Act shall be the basis for and be implemented through the Pollution Prevention Program of the Solid Waste Authority, which has been established for several years, with the purpose of developing a pollution prevention program for both the public sector and the private sector in Puerto Rico. The main purpose of the program is to maintain and protect our environment through pollution prevention and reduction at the source of origin, so as to create a healthy setting that promotes the integrated and sustainable development of Puerto Rico. The efficient promotion of the objectives of the Pollution Prevention Program (P2) shall improve the quality of life of Puerto Ricans, insofar as health problems associated with pollution shall diminish. Furthermore, the risk of affecting the food chain shall be reduced. The flora and fauna shall also be protected; our socioeconomic sector shall derive benefits, inasmuch as the costs for the disposal, labor, and purchase of raw materials shall diminish; the infrastructure shall be protected; materials and products that can be reused shall be exchanged; and, in reducing the amount of pollutants, the risk of being sanctioned shall be reduced for pollutant-generating facilities.
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Section 55. — Agencies Responsible. — (12 L.P.R.A. § 8006c)

The Solid Waste Authority shall be empowered to foster and develop research initiatives for the identification and design of measures or alternatives that reduce pollutants at their source and for the identification and design of alternatives to reuse and recycle pollutants whose generation cannot be prevented, through its Pollution Prevention Program (P2), in order to comply with the public policy established in this Act and the regulations adopted by

the Environmental Quality Board for the management, treatment, transportation and disposal of pollutants.

The Solid Waste Authority shall also coordinate with all other government agencies and instrumentalities so as to achieve a more efficient cooperation and disclosure of information among the same. Likewise, it shall join efforts with the Office of the Advocate for Small Businesses in the implementation and enforcement of this Act.

The Environmental Quality Board shall be the agency responsible for seeing to the compliance with operating requirements established by this Act, insofar as these are compatible with the regulations adopted and administered by the Board.

Section 56. — Program; Objectives. — (12 L.P.R.A. § 8006d)

The main objectives of the Pollution Prevention Program (P2) of the Solid Waste Authority shall be:

1. To promote pollution prevention and reduction at its source of origin.
2. To seek the implementation of practices which reduce pollution by pollutant generators and the citizenry.
3. To coordinate with all other government agencies and instrumentalities, as well as with the private business sector and the citizenry at large, to enforce the public policy set forth in this Act.

Section 57. — Program; Functions and Duties. — (12 L.P.R.A. § 8006e)

The Pollution Prevention Program (P2) of the Solid Waste Authority shall have the following powers and duties:

1. To educate and offer technical assistance to our people in connection with methods to prevent and reduce pollution at its source of origin.
2. To identify opportunities, operations, and activities in which pollution can be controlled at the source.
3. To prepare an inventory of the ways known to reduce or prevent pollution.
4. To promote the use of ways available to prevent pollution and the development through research of new methods to prevent and reduce at the source.
5. To prepare and implement plans and programs to prevent and reduce pollution at its source of origin.
6. To foster the use of products designed to eliminate or reuse the generation of waste at the source.
7. To promote the reduction of raw materials in the packaging of products by manufacturers.
8. To recommend that the Environmental Quality Board adopt, amend or repeal rules and regulations to establish requirements in order to promote the achievement of the following:
   a) To increase energy efficiency and conservation.
   b) To implement, at any stage of a process, techniques which minimize or eliminate pollution.
   c) To maintain a control over the inventories of materials, of both raw materials and solid waste.
   d) To engage in good cleaning practices at workplaces.

e) To train employees in the reduction of pollutant generation.
f) To establish practices for pollution prevention at the source.
g) To submit reports or data on pollutant generation.
h) To take into account pollution prevention and reduction factors when granting permits, franchises, endorsements or authorizations and when amending regulations.

9. To integrate and harmonize programs, studies, activities and efforts by the business sector, the government, and civil organizations in publishing and offering guidance regarding the methods to control pollution at its source.
10. To stimulate the participation of the entire communications media in educational efforts programmed by the government and the general public.
11. Offer guidance to the public about products containing pollutants and substitutes therefor.
12. To require the publication of all efforts, laws, regulations, and research in existence on pollution prevention.
13. To promote educational conferences and the publication of material for government and private offices on methods to prevent pollution.
14. To identify and make recommendations to the Legislature to eliminate any hindrances to pollution reduction at the source of origin, including the use of incentives or sanctions.
15. To develop, validate and publish auditing procedures designed to identify opportunities to reduce pollution at the source of origin, in coordination with the Environmental Quality Board.
16. To identify pollutant-generating industries, businesses, and government offices that require assistance to develop programs to reduce pollution at the source of origin, in coordination with the Environmental Quality Board.
17. To incorporate measures to prevent and reduce pollution at the source of origin into the educational program for public and private schools.
18. To execute agreements with other public or private entities for the enforcement of this Act or the regulations adopted thereunder.

Section 58. — Environmental Quality Board; Delegation. — (12 L.P.R.A. § 8006f)

The Environmental Quality Board shall further compliance with the public policy set forth in this Act through its rulemaking authority, through the granting of permits, certificates, authorizations and/or endorsements, and through its oversight powers conferred under Title II of this Act and the regulations adopted thereunder.

The Solid Waste Authority may delegate onto the Environmental Quality Board any other power as necessary for the effective enforcement of this chapter or any regulatory provision adopted thereunder.

None of the provisions of this Act may be understood to limit the power of the Environmental Quality Board to impose measures as necessary, including the issue of orders and the imposition of sanctions, to discharge its overseeing functions as pertains to environmental issues in Puerto Rico.

Section 59. — Donations, Aids, Funds. — (12 L.P.R.A. § 8006g)

The Solid Waste Authority is hereby empowered to receive donations, aids, and funds, and to take loans and enter into contracts, leases, agreements, and other transactions with any agency or department of the United States of America, of any state, of Puerto Rico or of any political subdivision thereof or with private entities, and to invest the proceeds of such donations, loans or funds in the operation of the Pollution Prevention Program.

Section 60. — Compatibility with Other Laws. — (12 L.P.R.A. § 8006h)

This Title and the Pollution Prevention Program established therein are compatible with the provisions of the Solid Waste Authority Organic Act and the laws administered by such Authority, and the powers and authority delegated onto the Environmental Quality Board in the development and implementation of economically feasible and environmentally safe strategies that lead to a reduction in the volume of solid waste requiring final disposal.

Section 61. — Regulations. — (12 L.P.R.A. § 8006i)

The Solid Waste Authority, within a period of six (6) months as of the date of approval of this Act, shall prepare regulations in which it shall establish the procedures to be followed by the Pollution Prevention Program pertaining the implementation of this Act. Such regulations shall include, among other things:

1. A written policy on pollutant prevention at their source of origin.
2. The scope and objectives of the Program, including technologies, procedures, and training programs to be developed to ensure compliance with this Act.
3. A description and the method for periodic evaluations and/or audits that indicate the reduction achieved. Such evaluations and/or audits shall include information about the kinds and amounts of pollutants generated, where and why such pollutants are generated within the production process, the identification of potential pollutant reduction and recycling techniques that can be implemented, and management and supervision costs.
4. The establishment of economically feasible technical options for pollutant reduction at the source of origin, including implementation plans and reporting requirements.

Section 62. — Annual Report. — (12 L.P.R.A. § 8006j)

The Pollution Prevention Program shall prepare an annual report for the Legislature not later than March 31, in which the Program shall state the achievements made during that year and the difficulties encountered, to be submitted together with a work plan for the next year. The Pollution Prevention Program shall be responsible for including in its second annual report, any suggested amendments to the law, or at any timely and necessary occasion.

TITLE VII. — ON THE NATIONAL ENVIRONMENTAL AWARENESS AND REFLECTION DAY. [12 L.P.R.A., Subtitle 8, Chapter 501, Subchapter 7]

Section 63. — Statement. — (12 L.P.R.A. § 8007)

The 1st day of July of every year is hereby designated as the "National Environmental Awareness and Reflection Day in Puerto Rico."

Section 64. — Definitions. — (12 L.P.R.A. § 8007a)

The following terms shall have the meanings stated below, except when the context of the provisions of this Act clearly indicates otherwise:
1. Agenda 21 or Program 21.—A broad action program encompassing all areas relative to the planet's sustainable development from 1992 to the 21st century. The same was presented to all World Governments at the "Earth Summit" held in Rio de Janeiro, Brazil, in June, 1992.
2. Sustainable Development.—Development that meets the present needs without jeopardizing the needs of future generations. A process in which the economic, fiscal, business, energy, agricultural, industrial and other policies are formulated so as to achieve a development that is sustainable in terms of the economic, the social, and the ecological standpoints. These are ways of economic development and activities that neither degrade nor deplete the natural resources upon which life and the present and the future economic development are dependent.
3. Ecological Footprint.—The footprint measures the human impact on nature. In order to live, people consume that which nature offers. The ecological footprint measures what we consume of the natural environment. It shows how much productive land and water we use, expressed in acres or hectares, in our character as individuals, to maintain our lifestyles, produce all the resources that we consume, and dispose of the waste we generate. The average ecological footprint of an American is thirty (30) acres, that of a Hindu is 1.98 acres, and the average for an inhabitant of this planet is 6.92 acres. But the sad truth is that, for the present world population, nature only provides five (5) acres of productive space per Earth inhabitant. Therefore, citizens in developed countries throughout the world are living at the expense of the productive space of those less fortunate.

Section 65. — Coordination for Observance. — (12 L.P.R.A. § 8007b)

Observance of the National Environmental Awareness and Reflection Day in Puerto Rico, as provided for in this Act, shall be coordinated by the Environmental Quality Board, together with the Department of Natural and Environmental Resources, the Solid Waste Authority, the Department of Education, the University of Puerto Rico, the Department of Health, the Electric Power Authority, the Aqueduct and Sewer Authority, the Department of Agriculture, the Land Authority, the Department of Transportation and Public Works, the Highway Authority, the Metropolitan Bus Authority, the Ports Authority, the Tourism Company, the Puerto Rico National Park Company, the Department of Economic Development and Commerce, the Industrial Development Company, the Sports and Recreation Department, and other Executive agencies as the Environmental Quality Board

may deem pertinent. The Legislature and all municipalities of Puerto Rico shall also join in the observance.

Section 66. — Purpose of Observance. — (12 L.P.R.A. § 8007c)

The motif of the day observed shall be to highlight, but not be limited to, the promotion of environmentally low-impact lifestyles and consumer habits; the modification of negative environmental behavior; how to compute, monitor, and minimize our ecological footprint; the development and application of sustainable development indicators; the sustainable development philosophy under the terms established in Agenda 21; environmental degradation and pollution prevention; and the development of sustainable communities, as defined in this Act, among others.

Section 67. — Invitation to Participate. — (12 L.P.R.A. § 8007d)

All Federal Government agencies with offices in Puerto Rico, as well as private educational entities and all interested community groups and nongovernmental organizations shall be invited to participate in this event.

Section 68. — Government Collaboration. — (12 L.P.R.A. § 8007e)

All agencies, dependencies, and instrumentalities of the Central Government, as well as the Municipal Governments of the Commonwealth of Puerto Rico, shall provide the Environmental Quality Board with the collaboration necessary to successfully observe this date every year.

Section 69. — On Active Administrative Procedures. — (12 L.P.R.A. § 8007f)

Any procedures of a quasi-judicial, administrative, adjudicative or other nature already instituted or pending before the effective date of this Act shall be governed by the laws, regulations, and orders repealed herein pursuant to the law that applied at the time of occurrence of the facts or events which led to such procedures.

Section 70. — On the New Regulations and the Rules and Regulations in Effect. — (12 L.P.R.A. § 8001 note)

Every agency, department, municipality, instrumentality and public corporation with jurisdiction conferred by the present Act and that has been delegated quasi-legislative and/or quasi-judicial powers shall have to draft every new rule or regulation that may be necessary for the application of the same so that they may be approved and acquire juridical effect within the first twenty-four (24) months of the effective date of this Act. This provision shall neither affect the validity nor the effectiveness of any rule or regulation adopted before the date of effectiveness of this Act pursuant to the provisions of any of the laws repealed by the latter.

Section 71. — On Provision Severability. — (12 L.P.R.A. § 8001 note)

If any clause, paragraph, Section, chapter or title were to be found, in whole or in part, null or unconstitutional by a competent court, such proceeding or ruling shall not invalidate the remaining provisions of this Act, for which reason, the nullity or unconstitutionality shall apply only to that part or portion thus ruled upon by the court.

Section 72. — Laws Repealed. — (12 L.P.R.A. § 8007i)

Act No. 9 of June 18, 1970, as amended, known as the "Environmental Public Policy Act," is hereby repealed. Furthermore, the following special laws are hereby repealed: Act No. 13 of July 7, 1973, known as the "Spillage of Harmful Substances Act"; Act No. 81 of July 2, 1987, as amended, known as the "Puerto Rico Environmental Emergency Fund Act"; Act No. 297 of August 21, 1999, known as the "Environmental Research Laboratory of Puerto Rico Act"; Act No. 257 of August 31, 2000, known as the "Environmental Trust Fund for Puerto Rico and the Caribbean Act"; Act No. 310 of September 2, 2000, the "Pollution Prevention Act"; Act No. 25 of April 24, 2001, known as the "Noise Prohibition Act"; Act No. 234 of September 27, 2002, known as the "National Environmental Awareness and Reflection Day in Puerto Rico Act"; and Act No. 160 of July 3, 2003, known as the "Noise Awareness Day in the Commonwealth of Puerto Rico Act."

Section 70. — Effectiveness. — This Act shall take effect six (6) months after its approval.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.

VIII. PUBLIC HEARING RECORD AND CERTIFICATION

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

IN RE:	RES. NO.: R-13-17-29
EMISSION GUIDELINES AND COMPLIANCE TIMES FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS (SSI)	

RESOLUTION AND NOTIFICATION

During an ordinary meeting held on December 23, 2013, the Governing Board of the Environmental Quality Board (hereinafter referred to as "EQB") evaluated the amended report (hereinafter referred to as the "Report") filed by the Examining Officer related to the proposed amendments to Rules 102 and 405 of the Regulation for the Control of Atmospheric Pollution, Regulation Number 5300 approved on August 28, 1995, as amended, to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

I. RESOLUTION:

After discussing the merits of this matter and pursuant to the powers and faculties vested in this Governing Board by the Environmental Public Policy Act, Act No. 416-2004, as amended, this Governing Board hereby **DETERMINES:**

A. The Governing Board **APPROVES** the Report and, as such, approves the amendments to Rules 102 and 405 of the Regulation for the Control of Atmospheric Pollution to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units.

B. The Report is hereby enclosed and made part of this Resolution.

C. EQB's Air Program must -- within a ten days term -- review the proposed guidelines to incorporate the revisions stated in the Report to submit these guidelines before the Environmental Protection Agency for their revision and final approval and, also, to finalize the regulation process before the Puerto Rico Department of State.

The Governing Board verified the administrative record and compliance with the Uniform Procedure Act, Act. No. 170 of August 12, 1988, as amended, to approve these amendments Rules 102 and 405 of the Regulation for the Control of Atmospheric Pollution. These guidelines are required for EQB to comply with Sections 11 and 129 of the Clean Air Act, 42 U.S.C. 7401 *et seq.*

It is hereby noted that any party adversely affected by this Resolution may file a Petition for Reconsideration before the EQB within twenty days of the filing in record of this Resolution. EQB shall then have a fifteen (15) days period to consider the Petition for Reconsideration. If the petition is denied or if EQB takes no action during the referred fifteen (15) days period, the term to request appellate judicial review will commence on the date the agency's final decision related to the petition is notified or after the aforementioned fifteen (15) days term has elapsed. If the EQB takes the Petition for Reconsideration into consideration, the term to request appellate judicial review shall be calculated from the date the Resolution solving the issues raised in the Petition for Reconsideration is notified and filed in record. The term for EQB's evaluation

of the Petition for Reconsideration shall not exceed ninety (90) days from the date the petition was initially filed. In the event that the agency takes the Petition for Reconsideration into consideration, but does has not issued its decision within the referred ninety (90) days period, the term to request appellate judicial review shall start when said time period has elapsed, except when the Appellate Court allows the agency an extension to issue its decision.

II. NOTIFICATION:

A copy of this Resolution will be sent, via certified mail to: Environmental Protection Agency, Region II p/c Mrs. Judith A. Enck, Regional Administrator, USEPA Region II, 290 Broadway, 25th Floor, New York, NY 10007-1866 and via internal mail to the following officers of the Environmental Quality Board: Ramón J. Cruz Díaz, Vice-Chairman; Suzette M. Meléndez Colón, Member; María de los Ángeles Ortiz, Alter Member; Director, Office of Legal Affairs; Director, Office of Public Hearing; and Director, Air Quality Program.

In San Juan, Puerto Rico, on December 23, 2013.

LAURA M. VÉLEZ VÉLEZ
CHAIRMAN

I hereby certify that I have notified via certified mail an exact copy of this Resolution to the Environmental Protection Agency, via internal mail to the officers identified in Section II and have filed in record the original of this Resolution.

In San Juan, Puerto Rico, on 12/marzo/ 2014.

CLERK
GOVERNING BOARD

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

IN RE:

Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI)

RECIBIDO
Junta de Calidad Ambiental
NOV 25 2013
Junta de Gobierno
Hora_____

REPORT OF THE EXAMINER (AMENDED)

TO THE HONORABLE BOARD:

Comes now Fernando Olivero Barreto, Esq., as examiner named by the PREQB, and respectfully submits to your consideration the following report:

I. INTRODUCTION

The Puerto Rico Environmental Quality Board is amending the definitions establish in Rule 102 of the Regulation for the Control of Atmospheric Pollution (RCAP) and incorporating Rule 405(d) to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI).

The purpose of the review is to make the regulations consistent with definitions approved by the Environmental Protection Agency (EPA) as part of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units. Once approved, the amendments will be sent to the EPA in order to update the Puerto Rico State Implementation Plan.

Section 129 of the Clean Air Act (Act) requires that States submit to the Environmental Protection Agency State Plans to implement and enforce the Emission Guidelines (EG) promulgated for Sewage Sludge Incinerators pursuant to Sections 111(d) and 129(b) of the Act. Section 129 requites that the State submits the State Plans not later than one year after EPA promulgates the EG. On March 21, 2011, EPA promulgated the EG as 40 CFR' Part 60, Subpart NIMMM.

The Official procedures for adoption and submittal of State plans are codified in 40 CFR Part 60, Subpart B. The EPA promulgated the Subpart B provisions on November 17,

1975. The EPA amended them on December 19, 1995, to allow the subparts developed under Section 129 to include specifications that supersede the provisions in Subpart B regarding the schedule for submittal of State Plans, the stringency of the emission limitations, and the compliance schedules. These amendments were promulgated in order to allow conformity with Section 129, which requires the State Plans for SSI be submitted within one *year and* requires the State Plans to be as protective as the EG and requires that each unit be in compliance not later than three years after the State Plan is approved by EPA and no later than five years after the EG is promulgated. States must adopt their state plans according to State procedures prior to official submittal to EPA.

Emission guidelines for Sewage Sludge Incinerators were added as Subpart MMMM to the 40 CFR Part 60 with the intent to initiate State action to develop State regulations to control emissions from existing SSI. Through the State regulations, the guidelines require existing SSI to control emissions of air pollutants to levels that reflect the degree of emission reduction based on the maximum achievable control technology (MAC I). In addition, the guidelines include requirements for SSI operator training and qualification.

The subpart MMMM emission guidelines apply to existing Sewage Sludge Incinerators that commenced construction on or before October 14, 2010. An SSI is defined as any incineration unit combusting sewage sludge for the purpose of reducing the volume of the sewage sludge by removing combustible matter. Sewage sludge incineration unit designs include fluidized bed and multiple hearth. A SSI unit also includes, but is not limited to, the sewage sludge feed system, auxiliary fuel feed system, grate system, flue gas system, waste heat recovery equipment, if any, and bottom ash system. The SSI unit includes all ash handling systems connected to the bottom ash handling system. The combustion unit bottom ash system ends at the truck loading station or similar equipment that transfers the ash to final disposal. The SSI unit does not include air pollution control equipment or the stack.

However, combustion units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge are exempted from these requirements. The SSI source category is divided into two subcategories; fluidized bed and multiple hearth. Separate emission limitations apply to each category

of existing SSI. All SSI units subject to Rule 405(d) are required to apply for and obtain a Title V operating permit according to the requirements of the Part VI of the Regulation for the Control of Atmospheric Pollution. A complete Title V application must be submitted on or before the earlier of these dates: 12 months after the effective date of the applicable EPA approved state plan; 12 months after the effective date of any applicable Federal plan; or March 21, 2014.

The emission standards and limitations included in this plan are at least as protective as the Emission Guidelines of Subpart MMMM of the 40 CFR part 60. Specific emission limits are contained in Tables 1 and 2 of Rule 405(d) for the following pollutants: Particulate Matter (PM), Hydrogen Chloride (HCl), Carbon Monoxide (CO), Dio.cins/Fu rans, Mercury (Hg), Nitrogen Oxides (NO,J, Sulfur dioxide (SOL, Cadmium (Cd), Lead (Pb), and Fugitive emissions (visible emissions) from ash handling. In addition to the emission limits for these pollutants, also requirements for operator training and certification requirements are included in the proposed Rule 405(d)(3) of RCAP.

The Emission Guidelines and the propose Rule 405 (d) of the RCAP require that the initial operator training and qualification be completed by the later of the following three dates; the compliance date, 6 months after the unit startup, or 6 months after an employee assumes responsibility of operating or supervising operation of the unit. Initial operator training must be obtained through a state-approved program or by completing a training course that includes specific topics that meets the requirements specified in Rule 405 (d) (3) of the RCAP,

The State Plan requires the facilities operating existing SSI units to conduct an initial inspection to the APCD. Section (d)(9) of Rule 405 lists the components of the SSI which the State Plan must require to the facilities operating SSI to inspect. It is required to complete any necessary equipment repairs within 10 operating days following an equipment inspection.

The guideline included in Rule 405(d) require that a designated facility monitor SSI and the al pollution control device operating parameters. Operating parameter limits are established during the initial performance testing. The SSI operating parameters to be

monitored are established in Table 6 and depends on the air pollution control device used. Also a site-specific monitoring plan for the ash handling system is required.

Rule 405(d) requires demonstrating compliance with the emission limits using EPA approved emission test methods. It also requires initial and annual emissions performance tests (or continuous emissions monitoring or continuous sampling as an alternative), bag leak detection systems for Fabric Filters controlled units, continuous parameter monitoring, and annual inspections of air pollution control devices, if they are used to meet the emission limits. Additionally, SSI units are required to conduct Method *22 (su* 40 CFR part 60, appendix A-7) visible emissions test of the ash handling operations during each compliance test. The use of Cd, CO, HCl, NO, PM, Pb or SO_2 Continuous Emission Monitoring Systems (CDMS); Integrated Sorbent Trap Mercury Monitoring System (ISTMMS); and Integrated Sorbent Trap Dioxin Monitoring System (ISTDMS); (continuous sampling with periodic sample analysis) are approved alternatives to parametric monitoring and annual compliance testing.

As required in the propose Rule 405 (d)(5) all designated facility shall install, calibrate, maintain and operate the appropriate devices fox monitoring the applicable maximum and minimum operating parameters specified in the State Plan such that these devices measure and record values for these parameters at The required frequencies.

All designated facilities shall conduct an initial performance test as to determine compliance with the emission limits using the procedures and test methods specified in Table 1 or 2, as applicable in Rule 405(d)(2). Following the date on which the initial performance test is completed, a designated facility shall determine continuous compliance with the emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods specified.

Operation of the designed facility outside established parameter limits are direct violations of the parameter limits. In addition, under certain conditions, operation outside established parameter limits constitute violations of specific emission limits unless the facility conducts a performance test showing compliance under the new operating parameter limits.

The emission guidelines as specified in section (d)(5) of Rule 405 require to the owners and operators of existing facilities to maintain thorough records documenting the results of the initial and annual performance test, continuous monitoring of site specific operating parameter, initial and annual inspection, and compliance with the operator training and qualification requirements.

To comply with the above described regulations, EQB has developed the State Plan amending the definitions establish in Rule 102 of the Regulation for the Control of Atmospheric Pollution (RCAP) and incorporating Rule 405(d) to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI). That is the document which adequacy is under study in this procedure. (Copy of the document is included as Appendix A to this report).

II. REGULATORY PROCEDURES

Having prepared the draft document, the PREQB, through the Air Quality Program, preliminarily determined that the document, as it was previously reported, fulfills the main purpose of the applicable regulation. As a result began the process of public consultation and final analysis in order to determine the appropriateness of the final approval of the document in compliance with the Environmental Public Policy Act, as amended, supra, and pursuant with the procedural rules set forth in the Uniform Administrative Procedure Act, 3 LPRA 2181, and Rule 26 of the Administrative Hearings Procedure of the Environmental Quality Board.

In response to the law provisions and regulations mentioned above, two (2) public notices in two (2) newspapers of general circulation were published. The public notices included a description of the proposed action and expressed the intention to approve them, set the date and time for holding the public hearing for citizens, and affected stakeholders to participate in it. The public notice indicated where and how the documents relevant to the petition could be examined, both physically and via the Internet.

The Public Hearing of the case was held on December 19, 2011, at the Public Hearing Room of the Environmental Quality Board, as indicated in the public notice. It was chaired by the undersigned, Fernando Olivero Barreto, who was previously

appointed by the Governing Board as Examiner to receive comments from the public, the Water Quality Program and any other party with interest, and to submit a report containing the findings of the process and to propose appropriate recommendations related to the proposed action.

During the hearing nobody expressed particular interest to participate. The deadline for comments was extended to January 30, 2012. After that date, were received comments from the U.S. Environmental Protection Agency and the Water and Sewerage Authority, which operates the only source affected by these regulations in Puerto Rico. Time was given to the Air Quality Area of EQB to present their answers to these comments, which they did on essence.

III: COMMENTS AND RECOMMENDATIONS OF THE DEPONENTS

EPA Comments on Puerto Rico EQB's Draft Rule 405d f or Existing Sewage Sludge Incinerators

Comment 1:

Most of EQB's rule 405d utilizes the EG's "model rule" language that is generally acceptable to EPA, as rule 405d provides regulatory requirements at least as protective as the EG's, model rule. The EG at 40 CFR 60.5070 allows that alternative language may be used if a state demonstrates that the alternative language is at least as protective as the EG's model rule. There are a few words and definitions that have been omitted from rule 405d that EPA believes should not be changed or omitted, unless EQB can demonstrate that the alternative language is at least as protective as the EG's model rule. Therefore, we ask that you either make conforming changes as detailed in paragraphs 2, and 3 below or provide EPA with a demonstration that the alternative language is as protective as that found in the EG for SSI.

This is a general comment that does not require an answer. The specific comments are answer to comments 2 and 3.

Comment 2:

There are instances in rule 405d where the term "EQB" is used and other places where the term "Administrator" is used. Rule 102 of the RCAP provides a definition of the term "Administrator" that is different from the SSI EG. EPA recommends that EQB use the language found in the model rule, which consistently uses the term "Administrator"

throughout the EG, and provide the definition of "Administrator" as defined at 40 CFR 60.5250. EPA defines the term "Administrator" as follows: "(1) for units covered by the Federal plan, the Administrator of the EPA or his/her authorized representative. (2) For units covered by an approved state plan, the director of the state air pollution control agency or his/her authorized representative." EQB may want to substitute equivalent language in the second part of the definition to say "...director of the Puerto Rico Environmental Quality Board (PR EQB) or his/her..." However, at (d)(1)(D) in Rule 405d, EPA accepts that both EPA and EQB will be notified by the owner/operator of an exemption claim for exemption units that incinerate sewage sludge and are not located at a wastewater treatment facility designed to treat domestic sewage sludge.

The program does recommend the proposed change and adopt the provided definition of "Administrator" as defined at 40 CFR 60.5250.

Comment 3:

EPA also notes there are a number of definitions missing (or slightly revised) from Rule 405d that are found in EPA's EG — EQB should include the following list of missing definitions into Rule 405d: "Administrator," "bypass stack," and "continuous emissions monitoring system."

In addition, the definition of the term "Solid waste" in Rule 102 (as found in the definitions for Rule 405c) should be revised (in the first line) for the Rule 405(d) as follows: "Means any garbage, refuse, sludge from a wastewater treatment plant, sewage sludge from a wastewater treatment plant..."

Also, the definition of the word "Malfunction" in Rule 102 (as found in the definitions for Rule 405c) should be revised (in the first line) by adding missing wording that is included in the SSI EG as follows: "...and not reasonably preventable failure of air pollution control and monitoring equipment,..."

Also, the definition of "Deviation" in Rule 102 (as found in the definitions for Rule 405c) includes a third (item number 3) part that defines "deviation" as it relates to periods of startup, shutdown and malfunctions. This third part of EQB's definition is not included in the SSI EG but is acceptable to EPA as the definition for Rule 405(d) is more stringent than the definition in the SSI EG.

The program does recommend the proposed change and so includes the definitions of "Administrator," "bypass stack," and "continuous emissions monitoring system" as suggested. The program does not recommend any change to

the definition of "Deviation" since it is more strict than the Emission Guidelines (EG).

Comment 4:

EQB's State plan submittal should include Rule 102 with the applicable definitions to Rule 405d.

The program does recommend the proposed change and so include Rule 102 with the applicable definitions to Rule 405d.

Comment 5:

At (d)(2)(A), first sentence on p 2, the words "Federal plan" are missing -- it should read in part'

..... under the approved state plan, Federal plan, or delegation, as applicable." This same comment applies at (d)(2)(B)(vi) in the third line on p 5.

The program does recommend the proposed change.

Comment 6:

There is a typographical error at (d)(2)(B)(i)on p 5 — please insert the word "You" at the beginning of the sentence — it should read in part "You must meet a ....."

The program does recommend the proposed change.

Comment 7:

Throughout this section (pp 9-12) replace the word "EQB" with the word "Administrator" as discussed in comment 2 above.

The program does recommend the proposed change.

Comment 8:

At section (d)(4)(A) on p 12, delete the first word "Yes."

The program does recommend the proposed change.

Comment 9:

At section (d)(5)(A)(i)(6) on p 14, add "(Equation 1)" after the equation.

The program does recommend the proposed change.

Comment 10:

At section (d)(5)(A)(ii)(4)(e) on p 18, replace the term §60.17 with 40 CFR 60.17 for consistency throughout the rule.

The program does recommend the proposed change.

Comment 11:

At section (d)(5)(8) on p 21, replace the word "my" with the word "your."

The program does recommend the proposed change.

Comment 12:

On pp 32-33, there appears to be a typographical error - starting immediately after section (d)(6)(B)(iv)(3)(h)(v) the next seven provisions are all numbered the sane starting with section (d) (6) (B)(iv)(3)(h)(viii).

The program does recommend the proposed change but clarifies that the typographic mistakes were already corrected.

Comment 13:

At section (d)(6)(8)(viii)(1) on p 35, second line, there is a typographical error — the section sign (§) should be deleted from the term 40 CFR §63.2.

The program does recommend the proposed change.

Comment 14:

In the last column identified as "Reference," the lines in this column that separate the multiple contents (column 2) should be deleted so it is clear that all the contents are applicable to the CFR reference in the last column.

The program does recommend the proposed change.

Comment 15:

At section (d)(7)(8) on p 40, the reference to Table 1 should be Table 4. On the same page, we believe Table 6 should be titled Table 4.

The program does recommend the proposed change.

Comment 16:

At section (d)(7)(H) on p 41, revise the wording from "...you must submit a final control plan and achieve final compliance" with the following "...you must meet the increments of progress specified in 40 CFR 60.5085." [see section 60.5120 of the EG on p 15432]. Instead of

40 CFR 60.5085, you may substitute the reference to (d)(7)(A) since these two sections are the same.

The program does recommend the proposed change in the language of Section (d) (7) (H) to read as follows: ***If you close your SSI unit but will restart it prior to the final compliance date in this rule (Rule 405d), you. must meet the increments of progress specified in. paragraph (d)(7)(A) of this section,***

Comment 17:

At section (d)(7)(J) on p 41, we recommend you replace the words "...comply with the state plan..." with "...comply with this rule..."

The program does recommend the proposed change.

Comment 18:

In section (d)(8)(d) on p 51, last line, there is a typographical error— the reference to "..(d)(8)(vi) through (vi;)..."should be "...(d)(8)(vi) through (viii)..."

The program does recommend the proposed change.

Comment 19:

In section (d)(8)(D)(viii) on p 58, last line, EQB refers to the definition of "process change" - EPA prefers you reference 40 CFR 60.5250 instead of Rule 102 of RCAP [see §60.5200(h) on p 15439 of the EG]. It would be acceptable, although not preferred, to use the reference to Rule 102 if it is identical with 40 CFR 60.5250. In this case please define the term "RCAP."

The program does recommend the proposed change.

Comment 20:

In section (d)(9)(A)(ii) on p 59, last sentence — EQB refers to (d)(9)(A)(ii)(6) but this is not in EQB's rule — instead, EPA recommends EQB uses the reference to 40 CFR 60.5220(b)(6) as per the EG at §60.5205(b) on p 15439.

The program does recommend the proposed change.

Comment 21:

In section (d)(9)(A)(ii)(1) on p 59, last sentence — EQB refers to "paragraph (a) of this section" - instead, EPA believes the reference should be to "paragraph (d)(9)(A)(i) of this section."

The program does recommend the proposed change

Comment 22: Definitions on pp 64-66: Please see EPA's comment 3 above.

The program does recommend the proposed change

Puerto Rico Aqueduct and Sewer Authority (PRASA) Comments on the Rule 405(d) Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI)

Comment 1:

PRASA suggest to change the term "residual sludge" for the term "biosolids".

The program does not recommend the change to the term *"biosolids"*, but does recommend the change of *"residual sludge" to "water residual sludge"*

Comment 2:

Flow rate is translated as "ritmo". The most accurate translation is "razón de flujo" or "caudal".

The program does recommend the proposed change.

Comment 3:

For equipment technical reference, add the English translation in parenthesis after the word. For example: "depurado" (scrubber) on page 55 and "sondeo de muestreo" (sampling probe) on page 60.
Add the English translation in parenthesis for all the equipment's technical reference.

The program does not recommend the proposed change.

Comment 4:

Spanish version: 2-3 The Table in the Spanish version is difficult to read due to inadequate formatting.

The program does recommend the proposed change to revise the format in Tables 1 and 2.

Comment 5:

Table 1 Spanish version: 2-3 Abbreviations of the contaminants

English version: 2-3 not included.

Re-format the tab/e to include column headings at the beginning of each page and eliminate the table title from the middle of the page.

Include abbreviation of contaminants such as: PM; HC/; CO; PCDD/PCDF,TM8; Hg; NOx; SO2; Cd; Pb; and PCDD/PCDDF, TEQ.

The program does not recommend the proposed changes.

Comment 6:

Table 1 Spanish version: 3 For the fugitive emissions, correct *the emission limit. It*

indicates: "...por más del 5porciento...., while the correct limit is "...por no más del 5 *porciento..."*

The program does recommend the proposed change.

Comment 7:

Propose the revision of Table 1 and 2.

The program does recommend the proposed change to revise the Tables 1 and 2 according to the comment.

Comment 8:

PRASA recommends changes to Table 2 to include abbreviation of contaminants such as: PM; HCl; CO; PCDD/PCDF, TMB; Hg; NOx; SO2; Cd; Pb; and PCDD/PCDDF, TEQ

The program does not recommend the proposed change.

Comments 9 y 10:

PRASA recommends changes to Section(d)(2)(8)(vi)(1)to indicate the specific requirements.

The program does not recommend the proposed change.

Comment 11:

PRASA recommends changes to Section (d)(2)(D).

The program does recommend the proposed change according to the answers provided to EPA comments.

Comment 12:

PRASA recommends changes to Section (d)(2)(E).

The program does not recommend the proposed change.

Comment 13:

PRASA recommends changes to Section (2) (2) (E) (i)(1).

The program does recommend the proposed change to revise the format of the *Section (2) (2) (E) (i)(1). Even that the commend refers specifically to the Spanish version, the program suggested that it be adopted in the English version as well.*

Comment 14:

PRASA recommends changes to Section (d)(2)(E)(i)(1)(a) and Section(d) (2) (E) (i) (4).

The program does recommend the proposed change to revise the format of the rule to separate the paragraph, both in the Spanish and the English versions.

Comment 15:

PRASA recommends changes to Section (d) (2) (E) (II) to correct reference as (d)(2)(E)(i). reference is (d)(2)(E)(i).

The program does recommend the proposed change.

Comment 16:

PRASA recommends changes to Section 405(d)(3). The EQB needs to clarify who is providing the requested training and how existing operators receive certification.

The program does not recommend the proposed change.

Comment 17:

PRASA recommends changes to Section **(d)(3)(E)** *English version*

Spanish version: 12. The reference indicated is the Paragraph (d)(3)(B). It appears that it should reference paragraph (d)(3)(C). Correct the reference to (d)(3)(C).

The program does not recommend the proposed change.

Comment 18:

PRASA recommends changes to Section (d)(3)(H)Spanish version. Revise paragraph to change "reanudar" instead of "renovar".

The program does recommend the change of the word "reanudar" for "renovar".

Comment 19:

English version: 12-13: The first two paragraphs of this section are not clear. This paragraph can be re-phrase to indicate clearly that the requirement for a Title V Operating Permit is effective even if the facility does not currently have a Title V permit or emissions from the SSI are below major source thresholds.

The program recommends the proposed change only for the Spanish version to read as follows:

> "(d)(4)(A) Si usted está sujeto a un plan estatal o tribal de la sección 111(d)/129 de la Ley de Aire Limpio (CAA en inglés) que sea aplicable, vigente y esté aprobado por la EPA (Agencia para la Protección del Medio Ambiente) o a un plan Federal vigente y aplicable, se requiere que usted solicite y obtenga un permiso de operación Título V para la unidad SSI existente a menos que usted cumpla con los requisitos relevantes para la exención que se especifica en el párrafo (d) (1) (D)".

Comment 20:

Spanish version: 20 Translation is not accurate. Revise paragraph accordingly. Paragraph says: "...Para cada contaminate, el valor de/tramo del sistema de monitoreo

continuo de emisiones es de dos veces el límite correspondiente de emisiones, expresado como una concentración. A more accurate translation is: "...Para cada contaminate, el rango de valor del sistema de monitoreo continuo de emisiones es de dos veces el límite correspondiente de emisiones, expresado como una concentración."

The program does recommend the proposed change to substitute the word "tramo" for the word "rango".

Comment 21:

Section (d) (5) (A) (ii) (3) (c) (i) Spanish version: 20 The paragraphs are not indented. Re-format accordingly thru (d)(5)(A)(ii)(c)(vii).

The program does recommend the proposed change.

Comment 22:

PRASA suggest changes to Section(d)(5)(A)(ii)(4)(e) Spanish version:

The program does recommend the proposed change.

Comment 23:

PRASA suggest changes to Section (d)(5)(A)(ii)(5)(a) English version: 19; Spanish version: 22

Request revision of the section 40 CFR 60.5220(b)(5) to indicate the correct reference to section 40 CFR Part 60. Paragraph indicates: "...Method 3A or #B of the 50 CFR Part 60, appendix A-2..." Section 50 CFR is used for Wildlife and Fisheries regulations. Section 40 CFR 60.5220 also references 50 CFR Part 60. The references appear to be incorrect.

The program does recommend the proposed change. It also recommends to notify EPA of the incorrect reference to 50 CFR in 40 CFR 60.5220(b)(5)(i).

Comment 24:

Request revision of the section (d)(6)(B)((iv)(3)(h)(ii),Spanish version: 37 Translation used for "checks" is "revisiones" and is not accurate. A more accurate translation is "cotejos".

The program does recommend the proposed change.

Comment 25:

Request revision of the section (d)(6)(B)((iv)(4)(e), Spanish version: 38: The paragraph is not indented. Re-format accordingly.

The program does recommend the proposed change.

Comment 26:

Request revision of the section in the Spanish version, page 41: Delete the blank page. Edit as required.

The program does recommend the proposed change.

Comment 27:

Table 3 Spanish version: 42-46 Re-format the table

The program does recommend the proposed change.

Comment 28:

(d)(7)(C) *English version: 40 The paragraph incorrectly make reference the section.*

The program does recommend the proposed change. Recommends to revise the reference to Table 4.

Comment 29:

(d)(7)(C)(ii) Spanish version: 47 the paragraph is not indented.

The program does recommend the proposed change.

Comment 30:

Table 6 English version: 40 The table title is incorrect.

The program does recommend the proposed change. The correct title should be Table 4 in both versions.

Comment 31:

English version: 40 Spanish version: 47

Table 6: Correct Table number is Table 4. Correction requested in previous comment.

English version: In demonstrating increments of progress, two key dates are proposed: March 2014 for submitting a final control plan and March 2015 for achieving final compliance, providing only 1 year from the submission of the final control plan to the achievement of final compliance.

One year is not sufficient to prepare plans, bid, bid award, construct, and demonstrate compliance with the final control plan. It would still be difficult even if March 2016 were proposed as the final compliance deadline.

The EQB needs to extend the deadline for full compliance to March 21, 2016, or later depending on when EPA actually approves Rule 405(d).

Spanish version: Dates are not indicated.
Indicate dates in the table and delete footnotes accordingly.

The program recommend to change the date of final compliance to read as follows: ***"21 de marzo de 2016 o no más tarde de tres años después de la fecha de efectividad de la aprobación de este plan estatal, lo que ocurra primero".***

Comment 32:

(d)(8)(A)(ii)(3) English version:43 The paragraph indicates Revise accordingly

Spanish version: 51 (d)(9)(A)(ii)(1) as a reference, but the correct reference is (d)(8)(A)(ii)(1).

The program does recommend the proposed change. The correct reference in both versions should be (d)(8)(A)(ii)(1) instead of (d)(9)(A)(ii)(1). It also recommends to correct the reference to read (d)(8)(A)(ii)(1).

Comment 33:

(d)(8)(A)(ii)(4) English version:44 The paragraph indicates Revise accordingly.

Spanish version: 51 (d)(9)(A)(e) as a reference, but said paragraph does not exist. The correct reference is (d)(8)(A)(v).

The program does recommend the proposed change. The correct reference in both versions should be (d)(8)(A)(v).

Comment 34:

Spanish version: 52-53 The table in the Spanish version is difficult to read because of inadequate formatting.

The program does recommend the proposed change.

Comment 35:

Spanish version: 57-58 The table in the Spanish version is difficult to read because of inadequate formatting.

The program does recommend the proposed change.

Comment 36:

NIA Spanish version: 59 The page is blank.

Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
Edit as required.

The program does recommend the proposed change.

Comment 37:

Spanish version: 60 Site translated as 'local'; other Edit as requested. alternatives are 'facilidades" o "instalaciones".

The program does recommend the change of the word "local" for the words "lugar" or "instalación" according to the specific situation in which it is used.

Comment 38:

(d)(8)(D) should make reference to paragraphs *(d)(8)(D)(i) to(iii)....*

The program does recommend the proposed change to correct the references in the first and last sentences to read as follow:

> "Usted debe desarrollar y someter para la aprobación del Administrador, un plan de monitoreo especifico para el local para cada sistema de monitoreo continuo que se requiera bajo esta regla, de acuerdo a los requisitos en los párrafos del (d)(8)(D)(i) al (iii) de esta sección. Este requisito también le aplica a usted si le solicita parámetros alternos de monitoreo al Administrador bajo el Código 40 de las Regulaciones Federales (CFR) 60.13(i) y el párrafo (d)(8)(D)(v) de esta sección. Si usted usa un sistema automatizado de muestreo continuo para cumplir con los limites de emisiones de mercurio o dioxinas/furanos (en base a la masa total o en base a la equivalencia de toxicidad), usted debe desarrollar su plan de monitoreo según se especifica en el Código 40 de las Regulaciones Federales (CFR) 60.58b(q) y a usted no se le requiere cumplir con los requisitos en los párrafos (d)(8)(D)(i) y (ii) de esta sección. Usted también debe someter un plan de monitoreo especifico para el local para su sistema de manejo de cenizas, según se especifica en el párrafo (d)(8)(D)(iv) de esta sección. Usted debe someter y actualizar sus planes de monitoreo según se especifica en los párrafos del (d)(8)(D)(vi) al (viii) de esta sección."

Comment 39:

Spanish version: 62 The paragraph Indicates that the pH shall be within 1 percent of the operating limit. The CFR refers to one pH unit, not 1 percent. Revise accordingly.

The program does recommend the proposed change. Recommends to eliminate the frase "por ciento" so the paragraph should read as follow:

> "Realice una evaluación del desempeño (incluyendo una calibración de dos puntos con una de las dos soluciones de buffer teniendo **un valor de pH de 1 dentro del nivel limite** de pH operacional) del sistema de monitoreo de pH de acuerdo con su plan de monitoreo al momento de cada prueba de desempeño, pero no menos que trimestralmente.

Comment 40: PRASA suggests the following changes:

(d)(9)(A)(ii)	*English version: 59* *Spanish version: 69*	*The paragraph references paragraph (d)(9)(A)(ii)(6), but this paragraph does not exist. The correct reference is (d)(5)(A)(ii)(6).*	*Revise the paragraph reference accordingly.*

See EPA comment number 20 where they *recommend EQB uses the reference to 40 CFR 60.5220(b)(6) as per the EG at §60.5205(b) on p 15439. But in order to maintain consistency, the program recommends to incorporate the equivalent rule of the EG and include in parenthesis the reference to the federal rule. It will read as follows:*

*Demostrar el cumplimiento continuo usando un sistema de monitoreo continuo de emisiones o un sistema automatizado de muestreo continuo. La opción de usar un sistema de monitoreo continuo de emisiones de cloruro de hidrógeno, de dioxinas/furanos, de cadmio, o de plomo tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño correspondiente al cloruro de hidrógeno, las dioxinas/furanos, el cadmio, o el plomo. La opción de usar un sistema automatizado de muestreo continuo para las dioxinas/furanos, tendrá efecto en la fecha en que se publique en el Registro Federal la especificación final de desempeño para dicho sistema automatizado de muestreo continuo. Obtenga la información según se especifica en el párrafo **(d)(5)(A)(ii)(6) [equivalente al 40 CFR 60.5220(b)(6)]** y use* los siguientes procedimientos:

EQB Comments
on the Rule 405(d) Emission Guidelines and Compliance Times
for Existing Sewage Sludge Incineration Units (SSI)

Comment 1:

Citation of Table 1 at the end of the sentence in paragraph (d) (8) (A) (i) (1) is incorrect. Please cite Table 4 in parentheses.

The program recommends that paragraph (d) (8) (A) (i) (1) be corrected to read as follows:

Except as provided in paragraph (d)(8)(A)(v) of this section, you must demonstrate that your SSI unit meets the emission limits and standards specified in Table 1 or 2 to this rule by your final compliance date (see <u>Table 4</u> to this rule).

Comment 2:

to change the word "avería" for "malfuncionamiento" in the Spanish version.

The program does recommend the proposed change.

III. LEGAL ANALYSIS, CONCLUSIONS AND RECOMMENDATIONS

The compliance requirements of the present procedure is two folded. It has to comply with the Puerto Rico applicable laws and regulations and with the Environmental Protection Agency new source performance standards (NSPS) and emissions guidelines for new and existing sewage sludge incineration (SSI) units. So we will discuss the corresponding requirements separately.

A. EPA Regulations

Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, 40 CFR 60, Subpart MMMM

On February 21, 2011, the Environmental Protection Agency finalized new source performance standards (NSPS) and emissions guidelines for new and existing sewage sludge incineration (SSI) units. The rule, according to EPA, is expected to impact 204 units currently in operation. This rule is one of the many new standards for units that emit pollutants under the MACT (Maximum Achievable Control Technology) Standards, and was enacted under Section 129 of the Clean Air. On April 27, 2012, the EPA issued a Denial of Reconsideration Petitions for the Final Rule.

EQB is proposing the incorporation by reference into the Puerto Rico rules the regulatory requirements of the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units, 40 CFR Part 60, Subpart MMMM. The purpose of the rule is to reduce emissions of a number of toxic air pollutants, also known as hazardous air pollutants, that are known or suspected of causing cancer and other serious health benefits.

The federal rule requires control and reduction of emissions of nine criteria pollutants and HAPs from Sewage Sludge Incinerators (SSIs): hydrogen chloride (HCl), carbon monoxide (CO), lead (Pb), cadmium (Cd), mercury (Hg), particulate matter (PM), dioxin/furans, nitrogen oxides (NOx) and sulfur dioxide (SO2). The sources affected by this rulemaking are the owners and operators of SSI that commenced construction on or before October 14, 2010.

This subpart establishes emission guidelines and compliance schedules for the control of emissions from sewage sludge incineration (SSI) units. The pollutants addressed by these emission guidelines are listed in Tables 2 and 3 to this subpart. These emission guidelines are developed in accordance with sections 111(d) and 129 of the Clean Air Act and subpart B of this part. To the extent any requirement of this subpart is inconsistent with the requirements of subpart A of this part, the requirements of this subpart will apply.

An SSI unit is an incinerator or combustion device that is used to burn dewatered sewage sludge. The units are typically owned by governmental authorities, and located at wastewater treatment facilities. They come in two primary types. The first – Multiple Hearth – covers over 80 percent of the identified SSI units. The other units are Fluidized Bed combustors. Units incinerating sludge at other types of facilities, such as commercial, industrial, and institutional, will be covered under different air pollution incineration standards.

All states and territories with one or more SSI units that commenced construction on or before October 14, 2010, are required to submit a state plan to U.S. Environmental Protection Agency (EPA) that implements the emission guidelines contained in this subpart. According to 40 CFR § 60.5015 the state plan must includes the following:

(a) The nine items described in paragraphs (a)(1) through (a)(9) of this section in your state plan.

(1) Inventory of affected SSI units, including those that have ceased operation but have not been dismantled.

(2) Inventory of emissions from affected SSI units in your state.

(3) Compliance schedules for each affected SSI unit.

(4) Emission limits, emission standards, operator training and qualification requirements, and operating limits for affected SSI units that are at least as protective as the emission guidelines contained in this subpart.

(5) Performance testing, recordkeeping, and reporting requirements.

(6) Certification that the hearing on the state plan was held, a list of witnesses and their organizational affiliations, if any, appearing at the hearing, and a brief written summary of each presentation or written submission.

(7) Provision for state progress reports to EPA.

(8) Identification of enforceable state mechanisms that you selected for implementing the emission guidelines of this subpart.

(9) Demonstration of your state's legal authority to carry out the sections 111(d) and 129 state plan.

(b) The state plan may deviate from the format and content of the emission guidelines contained in this subpart. However, if the state plan does deviate in content, the State must demonstrates that the plan is at least as protective as the emission guidelines contained in the referring subpart. The state plan must address regulatory applicability, increments of progress for retrofit, operator training and qualification, emission limits and standards, performance testing, operating limits, monitoring, and recordkeeping and reporting.

(c) Finally, the plan must follow the requirements of subpart B of this part (Adoption and Submittal of state plans for Designated Facilities.

Once submitted, EPA will review the state plan to verify the compliance with the requirements mention above. If the state do not submit an approvable state plan (or a negative declaration letter) by March 21, 2013, EPA will develop a Federal plan according to implement the emission guidelines. Owners and operators of SSI units not covered by an approved state plan must comply with the Federal plan. The Federal plan is an interim action and will be automatically withdrawn when the corresponding state plan is approved.

For SSI units that commenced construction on or before October 14, 2010, the state plan must include compliance schedules that require SSI units to achieve final compliance as expeditiously as practicable after approval of the state plan but not later than March 21, 2016 or three years after the effective date of state plan approval. For compliance schedules that extend more than 1 year following the effective date of state

plan approval, state plans must include dates for enforceable increments of progress as specified in Section 60.5090.

According to § 60.5050, there are some authorities that will not be delegated by EPA. These authorities are the following:

(a) Approval of alternatives to the emission limits and standards in Tables 2 and 3 to this subpart and operating limits established under § 60.5175 or § 60.5190.

(b) Approval of major alternatives to test methods.

(c) Approval of major alternatives to monitoring.

(d) Approval of major alternatives to recordkeeping and reporting.

(e) The requirements in § 60.5175.

(f) The requirements in § 60.5155(b)(2).

(g) Performance test and data reduction waivers under § 60.8(b).

The following table lists the Regulated Pollutant, the unit of measurement for emission limits, and the Emission Limit itself for both Multiple Hearth and Fluidized Bed Incinerators.

Pollutant	Units	Emission Limit for MH Incinerators	Emission Limit for FB Incinerators
Cadmium	mg/DSCM @7% O_2	0.095	0.0016
Carbon Monixde	ppmvd @7% O_2	3,800	64
Hydrochloride	ppmvd @7% O_2	1.2	0.51
Mercury	mg/DSCM @7% O_2	0.28	0.037
Oxides of Nitrogen	ppmvd @7% O_2	220	150
Lead	mg/DSCM @7% O_2	0.30	0.0074
Dioxins/Furans, Total Equivalency Quality	ng/dscm @7% O_2 (TEQ)	0.32	0.10
Dioxins/Furans, Total Mass Basis	ng/dscm @7% O_2 (TMB)	5.0	1.2
Particulate Matter	mg/DSCM @7% O_2	80	18

Sulfur Dioxide	ppmvd @7% O_2	26	15

B. Puerto Rico Laws and Regulations

Given the urgent need to conserve our environment, the Constitution of Puerto Rico established as public policy "the most effective natural resource conservation and better use of them for the general benefit of the community ..." Article VI, § 19, Const. E.L.A., L.P.R.A. Volume 1. See **Misión Industrial de P.R. v. J. P.**, 142 D.P.R 656, 676 (1997); **Méndez v Paoli Rodríguez**, 138 D.P.R. 449, 460 (1995). Repeatedly, the Puerto Rico Supreme Court has stated that the constitutional provision is not only "the expression of an outstanding effort" or reduced "to a mere postulation of principles." **Misión Ind. P.R. v. J.C.A.**, 145 D.P.R. 908, 919-20 (1998), **Mendez v Paoli Rodríguez**, supra, p. 460, quoting J. Trias Monge, *Constitutional History of Puerto Rico*, San Juan Ed UPR, 1982 Vol III, p. 235. "It is, rather, a mandate that requires all components of the state and supersedes any statute, regulation or ordinance that is contrary to this." **Misión Ind. P.R. v. J.C.A**, supra, p. 919.

Pursuant to the authority under the Organic Law, Law No. 416 of September 22, 2004, as amended, known as the Environmental Public Policy Act, the Environmental Quality Board has the primary function of protecting and conserving the environment, using resources wisely and judiciously and in a manner necessary to prevent and eliminate damage that might affect it, maintaining a balance between economic development and the environment. To achieve this objective, the PREQB has broad authority to promulgate regulations for the primary purpose of establishing standards to minimize environmental harm and to establish controls for the activities that produce pollution.

The Clean Air Act, Clean Air Act, 42 USCA 7401 et seq., Section 7401 (b) provides as its objectives (1) to protect and improve the quality of atmospheric natural resources, promote public health and welfare and the productive capacity of the population, (2) initiate and accelerate a research and development program to achieve national control and prevention of air pollution, (3) provide technical and financial assistance to States

and local governments in connection with the development and implementation of programs for the prevention and control of air pollution and (4) encourage and assist the development and operation of programs for the prevention and control of air pollution. States are empowered to develop a Program Air Operation Permit (either by law or regulation) to regulate emission sources to air pollution and establish criteria for industries impose a payment system for emissions. All with the purpose of defraying the cost of creating and maintaining administrative infrastructure needed to implement the program.

The Environmental Public Policy Act, No. 416, of September 22, 2004, 12 LPRA 8001, provides that the Environmental Quality Board may adopt agency regulations, issue permits and make orders restricting the content of any issue of air pollutants. It is in accordance with such faculty that EQB is proposing the adoption of the state plan previously discuss.

In Our jurisdiction, administrative agencies hold the powers delegated by the Legislature, to adopt legislative rules whose effects go beyond the community in general. **Caribe Comms., Inc. v. P. R.T.Co.**, 157 D.P.R. 203, 211 (2002). See also **Asociación de farmacias v. Dept. de Salud**, 156 D.P.R. 105, 130-32 (2002). In administrative law, "[a] legislative rule is one that creates rights and imposes obligations establishing a pattern of conduct that has the force of law." **Asociación de farmacias v. Dept. de Salud**, supra, p. 146.

The regulatory action of the agency is directed precisely to define the scope of delegated power and to define the scope of the administrative action. Thus, when the enabling act contains broad and general rules, the promulgation of regulations define the scope of its powers. **Torres Arzola v. Policia de PR**, 117 D.P.R. 204, 211 (1986).

In promulgating regulations, agencies must comply strictly with the requirements legally established to promote citizen participation in the administrative decision-making process and thus allow the expression of those whose interests may be affected as a result of administrative action. The validity of a regulation is subject, in substantive terms, to: (1) if it has been delegated to the agency the power to regulate, (2) the administrative action is authorized by law (3) the promulgated regulations are within the

delegated broad powers, and (4) the regulation is not arbitrary or capricious. **M. & B.S., Inc. v. Dept. de Agricultura**, 118 D.P.R. 319, 326 (1987).

As indicated by the outlined criteria, first, to determine the validity of a legislative rule is necessary to examine whether the agency exceeded its adoption authorities and powers that were delegated. For this analysis, reference should be made to the enabling law as "legal mechanism [by which] the agency is delegated the necessary powers to act in accordance with the legislative purpose." **Amieiro Gonzalez v. Pinnacle Real Estate Group**, 2008 T.S.P.R. 52, 173 D.P.R. ___ (2008). In other words, it is required to define whether the actions of the agency complies with the delegated power and the policy established by the Legislature. See, **Comisionado de Seguros de P.R. v. P.R.I.A.**, 168 D.P.R. 659.667 (2006). The regulation must be in accordance with the statutory provisions under which it was enacted.

As a final criteria for determining the substantive validity of a regulatory standard, should be considered whether it contains arbitrariness or unreasonableness. **Franco Dominicci v. Dept.. de Educación**, 148 D.P.R. 703, 712 (1999). The Puerto Rico Supreme Court has expressed that a rule is considered arbitrary or capricious when it lacks of rational connection with the statute authorizing its creation.

CONCLUSIONS

After careful analysis of the document under consideration, we believe that all aspects of form, process, content and legal requirements described in the preceding section were fully complied during the process of consideration of the proposed amendment to the definitions establish in Rule 102 of the Regulation for the Control of Atmospheric Pollution (RCAP) and the incorporation of Rule 405(d) to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI). The proposed action meets the substantive standards required because: (1) the PREQB has the delegated power to rule on air quality, (2) it is clear that the proposed administrative action is authorized by law (3) promulgated regulation is within the broad powers delegated to the PREQB, and (4) the regulation is not arbitrary or capricious, either in substance or procedural.

As for the comments made by the deponents in reaction to the content of the document under study, we fully agree with the responses given by the EQB's Program to each one of them. We did not find any basis to modify or change them, either in essence and context. EQB should be certain to address in the final document all the changes, modifications and additions proposed by EPA to which the Program agreed.

V. FINAL RECOMMENDATION

The undersigned examiner respectfully recommend to the Honorable Board to adopt the recommendations as formulated here. Consequently imparts its approval to the change in the definitions establish in Rule 102 of the Regulation for the Control of Atmospheric Pollution (RCAP) and the incorporation of Rule 405(d) to include the Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI), with the changes and modifications recommended as appropriate in the presiding section. As amended and approved, proceed to formal editing then to be submitted for the approved by the federal Environmental Protection Agency and, finally, register the final document at the Puerto Rico State Department.

In San Juan, Puerto Rico, Nobember 24, 2013.

Fernando Olivero Barreto, Esq.
Examiner

CERTIFICATION

I CERTIFY that the Environmental Quality Board published a Notice and the text of the amendments of the Regulations for the Control of Atmospheric Pollution in the Internet page of the agency through the internet address: www.jca.gobierno.pr in compliance with the provisions of Section 2.1 of the Act No. 170 of August 12, 1988, as amended, Uniform Administrative Procedures Act, as evidenced in the notice published in the press.

Rebeca Acosta Pérez, Esq.
Secretary of the Governing Board
of the Environmental Quality Board

AMBIENTE Luis G. Fortuño

AVISO AMBIENTAL

PLANES DE IMPLANTACIÓN ESTATAL DE ACUERDO CON LAS SECCIONES 110(A)(1) Y (A)(2) Y LAS SECCIONES 111(D)Y 129 DE LA LEY DE AIRE LIMPIO FEDERAL SOBRE LAS NORMAS NACIONALES DE CALIDAD DE AIRE AMBIENTAL PARA $PM_{2.5}$, OZONO Y SO_2 Y LAS GUÍAS DE EMISIÓN PARA UNIDADES DE INCINERACIÓN DE LODOS DE AGUAS RESIDUALES

De acuerdo con las secciones 110 (a)(1) y 110 (a)(2) de la Ley de Aire Limpio federal (CAA, en inglés), se le requiere a cada Estado que someta un plan que provea para la implementación, mantenimiento y cumplimiento de una nueva Norma Nacional de Calidad de Aire Ambiental (NNCAA) promulgado o de una revisión de una NNCAA. La Agencia de Protección Ambiental (APA) revisó las Normas Nacionales de Calidad de Aire Ambiental primaria y secundaria para Ozono (O_3) a 0.075 ppm y para $PM_{2.5}$ de 65 microgramos por metro cúbico (µg/m³) a 35µg/m3.

Además, los modelares de dispersión de aire indican que, mientras no había violación al NNCAA para SO_2 basado en emisiones actuales, las emisiones permitidas de SO_2 en el área de Guayama basadas en el potencial de emisión (PTE, en inglés) podrían ocasionar violaciones al NNCAA de 3 horas de SO_2. Para asegurar que la calidad del aire cumpla con las NNCAA, la sección 110 del CAA requiere que Puerto Rico revise el Plan de Implementación Estatal para lograr o mantener el NNCAA relevante.

Finalmente, el 21 de marzo de 2011 la APA promulgó las Guías de Emisión para Unidades de Incineración de Lodos de Aguas Residuales localizadas en instalaciones de tratamiento de aguas usadas. Estas guías de emisión son desarrolladas de acuerdo con las secciones 111(d) y 129 de la Ley de Aire Limpio federal y requieren que se someta a la APA un plan estatal para implementarlas.

La Junta de Calidad Ambiental de Puerto Rico (PRJCA) tiene la intención de someter a la APA, la *Demostración de Infraestructura para los Estándares Nacionales de Calidad de Aire (NNCAA) para $PM_{2.5}$ y Ozono, la Revisión del Plan Estatal de Puerto Rico según el Estándar Nacional Ambiental de Calidad de Aire para Dióxido de Azufre (SO_2) en Guayama y el Plan de Implantación Estatal para las Guías de Emisión para Unidades de Incineración de Lodos de Aguas Residuales* de acuerdo con los poderes conferidos por la Ley sobre Política Pública Ambiental, Ley Núm. 416 de 22 de septiembre de 2004, según enmendada, y el proceso se llevará a cabo de conformidad con las disposiciones de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 de 12 de agosto de 1988, según enmendada. El propósito de los documentos es demostrar la capacidad de implementar, mantener y hacer cumplir la NNCAA para $PM_{2.5}$, Ozono y SO_2 e implantar las guías de emisión para unidades incineración de lodos de aguas residuales.

Los documentos pueden ser revisados en la siguiente dirección electrónica: www.jca.gobierno.pr y las copias de éstos estarán disponibles al público para ser examinados u obtener copia en la Biblioteca de la Junta de Calidad Ambiental ubicada en el cuarto piso del Edificio de Agencias Ambientales Cruz A Matos, Avenida Ponce de León 1375, Parque Industrial San José, Río Piedras y en las siguientes oficinas regionales de la Junta de Calidad Ambiental:

Oficina Regional de Ponce
Centro de Distribución, Suite 404
Ave. Santiago de los Caballeros
Suite 404 Carretera 14 Piso 4
Ponce, Puerto Rico

Oficina Regional de Arecibo
Ave. San Patricio
Carretera 2, Km. 81.0
Bo. Hato Abajo
Arecibo, Puerto Rico

Oficina Regional de Mayagüez
Carretera 2 km. 159
Suite 201
Mayagüez, Puerto Rico

Oficina Regional de Guayama
Carretera 3, Km. 134.3
Bo. Algarrobos
Guayama, Puerto Rico

Oficina Regional de Humacao
Ave. Boulevard del Río
Ramal #3, Desvío Sur
Humacao, Puerto Rico

Cualquier comentario con relación a cualquier de estos documentos deberán someterse por escrito dentro de los 30 días de la fecha de publicación de este Aviso Público a: Junta de Calidad Ambiental, Oficina de Vistas Públicas, Apartado 11488, San Juan, Puerto Rico, 00910. Los comentarios deberán someterse en español.

Además, la JCA celebrará una Vista Pública con relación a estos documentos en:

LUGAR: Junta de Calidad Ambiental
Edificio Agencias Ambientales Cruz A. Matos
Salón de Vistas Públicas, Piso 4
Ave. Ponce de León 1375
Parque Industrial San José
Río Piedras, Puerto Rico

FECHA: 19 de diciembre de 2011

HORA: 10:30 a.m.

Los turnos para deponer durante la vista pública pueden solicitarse en o antes de la celebración de la misma. De no estar presente ningún deponente en la vista pública, ésta podrá ser terminada en un período de 1 hora, luego de ser iniciada. La duración de la vista pública estará sujeta a la comparecencia de los deponentes. Las partes interesadas pueden comunicarse con la División de Vista Públicas al teléfono (787) 767-8075 y (787)767-8181, extensiones: 6137, 6144.

Lcdo. Pedro J. Nieves Miranda
Presidente

Este Aviso Público se emite en conformidad con La Ley sobre Política Pública Ambiental de Puerto Rico (Ley Núm. 416 del 22 de septiembre de 2004, según enmendada) y con la Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico (Ley Núm. 170 del 2 de agosto de 1988, según enmendada).

GOBIERNO DE PUERTO RICO
Oficina del Gobernador
Junta de Calidad Ambiental

ENVIRONMENT Luis G. Fortuño

ENVIRONMENTAL NOTICE

STATE IMPLEMENTATION PLANS ACCORDING TO SECTIONS 110(A)(1) AND (A)(2) AND SECTIONS 111(D)/129 OF THE FEDERAL CLEAN AIR ACT CONCERNING THE $PM_{2.5}$, OZONE, AND SO_2 NATIONAL AMBIENT AIR QUALITY STANDARDS AND THE EMISSION GUIDELINES FOR EXISTING SEWAGE SLUDGE INCINERATION UNITS

Pursuant to sections 110(a)(1) and (a)(2) of the Clean Air Act (CAA), each State must submit a state plan to US Environmental Protection Agency (EPA) for the implementation, maintenance, and enforcement of a newly promulgated or revised National Ambient Air Quality Standards (NAAQS). EPA revised the primary and secondary NAAQS for Ozone (O_3) to 0.075 ppm, and for $PM_{2.5}$ from 65 micrograms per cubic meter (µg/m³) to 35 µg/m³.

Also, air dispersion modeling indicate that while base actual emission theirs is not violation also to NAAQS, base on the potential to emit of the emissions sources permitted in the Guayama area there is a potential threat to the 3 hours SO_2 NAAQS in the municipality. In order to ensure with the air quality meets the NAAQS, Section 110 of the CAA requires that Puerto Rico revise the State Implementation Plan to accomplish or maintain the relevant NAAQS.

Finally, on March 21, 2011 EPA promulgated the Emission Guidelines for existing sewage sludge incineration units located at wastewater treatment facilities. These emission guidelines are developed in accordance with section 111(d) and 129 of the Clean Air Act and require that each State submit to EPA a state plan to implement them.

The Puerto Rico Environmental Quality Board (PREQB) intends to submit to the EPA, the *Infrastructure Demonstration for $PM_{2.5}$ and Ozone National Ambient Air Quality Standard (NAAQS), the State Implementation Plan Review Guayama Air Basing National Ambient Air Quality Standards For Sulfur Dioxide, and the State Implementation Plan for Emission Guidelines for Existing Sewage Sludge Incineration Units* pursuant to the powers conferred by Law Number 416 of September 22, 2004, as amended, Environmental Public Policy Act, and according to the applicable provisions of Law Number 170 of August 12, 1988, as amended, Uniform Administrative Procedure Act. The purpose of these documents is to demonstrate the ability to implement, maintain, and enforce $PM_{2.5}$, Ozone and SO_2 NAAQS and implement the emission guidelines for existing sewage sludge incineration units located at wastewater treatment facilities.

The documents may be reviewed at the following electronic address: www.jca.gobierno.pr and a copy of these documents will be available for review or for obtaining copies at the Environmental Quality Board Library located at the 4th Floor of the Cruz A. Matos Environmental Agencies Building, 1375 Ponce de León Avenue, San José Industrial Park, Río Piedras and at the Regional Offices of the Environmental Quality Board:

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Guayama, Puerto Rico

Humacao Regional Office
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Humacao, Puerto Rico

Any comment related to these documents, shall be submitted in writing within 30 days of the publication date of this Public Notice at: Environmental Quality Board, P.O. Box 11488, San Juan, Puerto Rico, 00910. The comments shall be submitted in Spanish.

Also, the PREQB will hold a Public Hearing related with these documents at:

PLACE: Puerto Rico Environmental Quality Board
Cruz A. Matos Environmental Building
Public Hearing Room, Fourth Floor
1375 Ponce de León Avenue
San José Industrial Park
Río Piedras, Puerto Rico

DATE: December 19, 2011

TIME: 10:30 a.m.

The turns to demote during the public hearing may be requested in or before the public hearing. If there are no deponents present after one hour of the beginning of the hearing, it will be declared empty and the works will be adjourned. The duration of the public hearing may be subject to the deponents' assistance. Interested parties may contact the Public Hearings Division at (787) 767-8075 and (787)767-8181, extensions: 6137, 6144.

Pedro J. Nieves Miranda, Esq.
Chairman

This notice has been issued pursuant to Law Number 416 of September 22, 2004, as amended, Environmental Public Policy Act, and Section 2.1 of Law Number 170 of August 12, 1988, as amended, Uniform Administrative Procedure Act.

GOVERNMENT OF PUERTO RICO
Office of the Governor
Environmental Quality Board

AVISOS Y SUBASTAS

AMBIENTE

Luis G. Fortuño

State Implementation Plans
According to Sections 110(A)(1) and (a)(2) and sections 111(d)/129 of the Federal Clean Air Act Concerning the $PM_{2.5}$, ozone, and SO_2 National Ambient Air Quality Standards and the emission guidelines for existing sewage sludge incineration units

Pursuant to sections 110(a)(1) and (a)(2) of the Clean Air Act (CAA), each State must submit a state plan to US Environmental Protection Agency (EPA) for the implementation, maintenance, and enforcement of a newly promulgated or revised National Ambient Air Quality Standards (NAAQS). EPA revised the primary and secondary NAAQS for Ozone (O_3) to 0.075 ppm, and for $PM_{2.5}$ from 65 micrograms per cubic meter (ug/m³) to 35 ug/m³.

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Pedro J. Nieves Miranda, Esq.
Chairman

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AMBIENTE

Luis G. Fortuño

Planes de Implantación Estatal
de acuerdo con las secciones 110(a)(1) y (a)(2) y las secciones 111(d)/ 129 de la ley de aire limpio federal sobre las normas nacionales de calidad de aire ambiental para $PM_{2.5}$, ozono y SO_2 y las guías de emisión para unidades de incineración de lodos de aguas residuales

De acuerdo con las secciones 110 (a)(1) y 110 (a)(2) de la Ley de Aire Limpio federal (CAA, en inglés), se le requiere a cada Estado que someta un plan que provea para la implementación, mantenimiento y cumplimiento de una nueva Norma Nacional de Calidad de Aire Ambiental (NNCAA) promulgado o de una revisión de una NNCAA. La Agencia de Protección Ambiental (APA) revisó las Normas Nacionales de Calidad de Aire Ambiental primaria y secundaria para Ozono a 0.075 ppm y para $PM_{2.5}$ de 65 microgramos por metro cúbico (ug/m³) a 35 ug/m³.

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Finalmente, el 21 de marzo de 2011 la APA promulgó las Guías de Emisión para Unidades de Incineración de Lodos de Aguas Residuales localizadas en instalaciones de tratamiento de aguas usadas. Estas guías de emisión son desarrolladas de acuerdo con las secciones 111 (d) y 129 de la Ley de Aire Limpio federal y requieren que se someta a la APA un plan estatal para implementarlas.

La Junta de Calidad Ambiental de Puerto Rico (JCA) tiene la intención de someter a la APA, la *Demonstración de Infraestructura para los Estándares Nacionales de Calidad de Aire (NNCAA) para PM2.5 y Ozono, la Revisión del Plan Estatal de Puerto Rico según el Estándar Nacional Ambiental de Calidad de Aire para Dióxido de Azufre (SO2) en Guayama y el Plan de Implantación Estatal para las Guías de Emisión para Unidades de Incineración de Lodos de Aguas Residuales* de acuerdo con los poderes conferidos por la Ley sobre Política Pública Ambiental, Ley Núm. 416 de 22 de septiembre de 2004, según enmendada, y el proceso se llevará a cabo de conformidad con las disposiciones de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 de 12 de agosto de 1988, según enmendada. El propósito de los documentos es demostrar la capacidad de implementar, mantener y hacer cumplir la NNCAA para $PM_{2.5}$, Ozono y SO_2 e implantar las guías de emisión para unidades de incineración de lodos de aguas residuales.

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FECHA: 19 de diciembre de 2011

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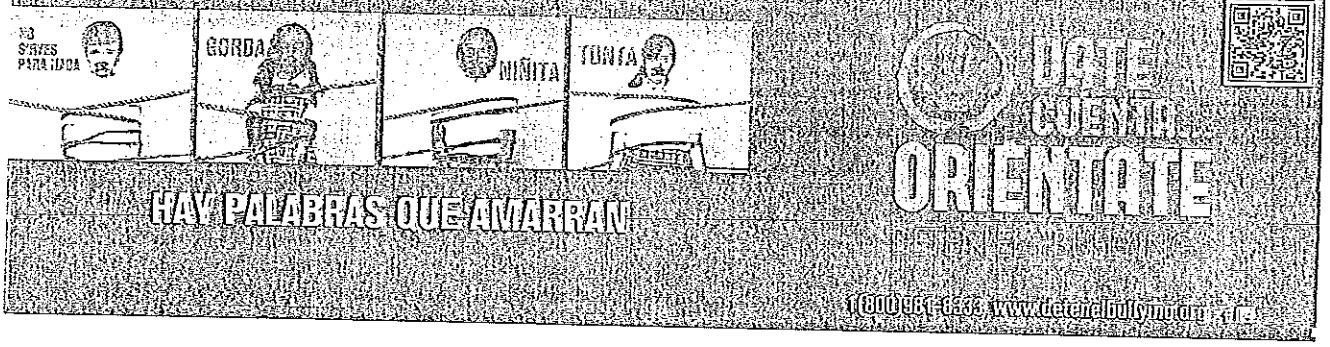
Lcdo. Pedro J. Nieves Miranda
Presidente

Este Aviso Público se emite en conformidad con La Ley sobre Política Pública Ambiental de Puerto Rico (Ley Núm. 416 del 22 de septiembre de 2004, según enmendada) y con la Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico (Ley Núm. 170 del 12 de agosto de 1988, según enmendada).



GOBIERNO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

Área de Calidad de Aire

18 de noviembre de 2011

ING JUAN C PEREZ BOFILL
DIRECTOR DE ALCANTARILLADO
AUTORIDAD DE ACUEDUCTOS Y
ALCANTARILLADOS DE PUERTO RICO
APARTADO 71066
SAN JUAN PR 00916-7066

Estimado ingeniero Pérez:

Re: GUÍA DE EMISIÓN PARA UNIDADES DE INCINERACIÓN DE LODOS RESIDUALES

El Área de Calidad de Aire realizó un inventario para determinar la existencia de instalaciones afectadas por la Guía de Emisiones y Tiempos de Cumplimiento para los Incineradores Existentes de Lodos Residuales (*Sewage Sludge Incinerators* o SSI, en inglés) codificada bajo la Subparte MMMM del 40 CFR (*Code of Federal Regulations*, en inglés o Código de Regulaciones Federales) Parte 60 promulgada el 21 de marzo de 2011. El incinerador de lodos de Puerto Nuevo de la Autoridad de Acueductos y Alcantarillados fue identificado como una instalación designada que será afectada por las nuevas disposiciones y reglamentación antes mencionada.

Hemos desarrollado un Plan Estatal para implementar y dar cumplimiento a la Guía de Emisión para SSI de acuerdo con las secciones 111(d) y 129 de la Ley Federal de Aire Limpio. El mismo ha sido sometido para revisión pública. Le incluimos copia de los avisos publicados en los periódicos, donde se anuncia una vista pública a ser celebrada el 19 de diciembre de 2011 desde las 10:30 a.m. en el Salón de Vistas Públicas, Piso 4 del Edificio de Agencias Ambientales Cruz A. Matos en la Ave. Ponce de León 1375 en Rio Piedras, Puerto Rico. Le incluimos copia de los documentos publicados para su revisión e inspección.

Edificio Agencias Ambientales Cruz A. Matos
Ave. Ponce de León 1375, San Juan, PR 00926-2604
Apartado 11488, Santurce, PR 00910
Tel. 787-767-8181 Fax 787-756-5906

Le exhortamos a que participe en el proceso de revisión pública.

Si necesita más información puede comunicarse con nosotros al 787-767-8181.

Cordialmente,

Leimarys Delgado Medero, P.E.
Jefa, División de Permisos e Ingeniería
Área de Calidad de Aire

Anejos

List of witnesses that participated in the hearings:

1. Puerto Rico Aqueduct and Sewer Authority

Autoridad de Acueductos
y Alcantarillados

604 Barbosa Avenue
Hato Rey, PR 00917-4310
PO Box 7066, San Juan, PR 00916-7066
Tel. (787) 620-2277
Fax (787) 763-6326

CUMPLIMIENTO Y CONTROL DE CALIDAD

- 2 -

RECIBIDO

January 30, 2012

Mr. Luis Sierra
Air Quality Area
Puerto Rico Environmental Quality Board
PO Box 111488
San Juan, PR 00910

Re: Puerto Rico Aqueduct and Sewer Authority Comments on the Rule 405(d) Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI) issued by the Puerto Rico Environmental Quality Board

Dear Mr. Sierra:

The Puerto Rico Aqueduct and Sewer Authority (PRASA) has reviewed the referenced Draft for the ule 405(d) Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units (SSI). PRASA offers its comments and requests to EQB in Attachment 1 to this letter for EQB's review and consideration.

If you have any questions regarding this matter, please contact Mrs. Lisby Pagán at 787.620.2277, extension 2795.

Cordially,

Lisby M. Pagán González
Sludge Manager Director
Compliance and Quality Control

Enclosures

c: Leimarys Delgado Medero, Puerto Rico Environmental Quality Board
José Capeles, Irma López, Juan Pérez, Mayra Vázquez, Carlos Sotomayor, Carlos Meléndez, Puerto Nuevo Incinerator Reader File

Attachment 1
Comments on the Rule 405 (d) Emission Guidelines and Compliance Times for Exiting Sewage Sludge Incinerator Units (SSI)

ATTACHMENT 1

Puerto Rico Aqueduct and Sewer Authority Comments on the Rule 405(d) Emission Guidelines and Compliance Times for Existing Sewage Sludge Incinerator Units (SSI)

PRASA offers the following comments on the draft Rule 405(d) *"Emission Guidelines and Compliance Times for Existing Sewage Sludge Incinerator Units (SSI)"*, including specific requests for changes in the final permit.

Section	Page	Comments/Concerns	Action Requested
All	Spanish version: All	"Lodos residuals" is used mostly in WTP residuals.	Refer to the residuals as biosolids (biosólidos).
All	All	Flow rate is translated as "ritmo". The most accurate translation is "razón de flujo" or "caudal".	Edit accordingly.
All	Spanish version: All	For equipment technical reference, add the English translation in parenthesis after the word. For example: "depurado" (scrubber) on page 55 and "sonda de muestreo" (sampling probe) on page 60.	Add the English translation in parenthesis for all the equipment's technical reference.
Table 1	Spanish version: 2-3	The Table in the Spanish version, is difficult to read due to inadequate formatting.	Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
Table 1	Spanish version: 2-3 English version: 2-3	Abbreviations of the contaminants not included.	Include abbreviation of contaminants such as: PM; HCl; CO; PCDD/PCDF,TMB; Hg; NOx; SO_2; Cd; Pb; and PCDD/PCDDF,TEQ.
Table 1	Spanish version: 3	For the fugitive emissions from ash handling, the emission limit indicates: "...por más del 5 porciento...", while the correct limit is "...por *no* más del 5 porciento..."	Correct the emission limit accordingly.
Table 2	English version: 3-4 Spanish version: 4-5	The table in the Spanish version is difficult to read because of inadequate formatting.	Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
Table 2	English version: 3-4 Spanish version: 4-5	Abbreviations of the contaminants not included.	Include abbreviation of contaminants such as: PM; HCl; CO; PCDD/PCDF,TMB;

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			Hg; NOx; SO_2; Cd; Pb; and PCDD/PCDDF,TEQ
(d)(2)(B)(vi)(1)	English version: 5 Spanish version: 6	This paragraph has a circular reference between paragraphs (d)(6)(A)(vi)(3)(b) and (d)(2)(B)(vi) and does not indicate the specific requirements.	Correct the circular reference between the paragraphs.
(d)(2)(B)(vi)(2)	English version: 6 Spanish version: 7	This paragraph has a circular reference between paragraphs (d)(6)(A)(vi)(3)(b) and (d)(2)(B)(vi) and does not indicate the specific requirements.	Correct the circular reference between the paragraphs.
(d)(2)(D) and (d)(8)(A)(ii)(1)(a)	Spanish version: 8, 50	Indicate what "SMCE" means; the definitions sections only includes "SMC".	Define "SMCE".
(d)(2)(E)	Spanish version: 8	In the Spanish version, as the paragraph is presented it can be misinterpreted that the 40 CFR 60.2 indicates how to prepare the affirmative defense, but the CFR only defines a malfunction.	Revise or rephrase the paragraph in the Spanish version.
(2)(2)(E)(i)(1)	Spanish version: 9	An empty space is left on the page.	Editing is required.
(d)(2)(E)(i)(1)(a) thru (d)(2)(E)(i)(4)	Spanish version: 9	Paragraphs are not identified as separate paragraphs.	Editing is required.
(d)(2)(E)(ii)	English version: 9 Spanish version: 10	Reference to paragraph (a) does not exist in this section. Correct reference is (d)(2)(E)(i).	Indicate the complete reference as (d)(2)(E)(i).
405(d)(3)	English version: 9-11 Spanish version: 10-14	Operator training requirements are overly broad.	There is no training program that currently meets all the requirements of this program. The EQB needs to clarify who is providing the requested training and how existing operators receive certification.
(d)(3)(E)	English version:10 Spanish version: 12	The reference indicated is the Paragraph (d)(3)(B) and is referenced incorrectly. It appears that it should reference paragraph (d)(3)(C).	Correct the reference to (d)(3)(C).
(d)(3)(H)	Spanish version:12	The Spanish version uses the word "reanudar" instead of "renovar".	Revise paragraph in the Spanish version to indicate "renovar la calificación expirada...".
405(d)(4)	English version: 12-13 Spanish version: 14-15	This section requires that the operator of a facility with an SSI submit a Title V Operating Permit.	The first two paragraphs of this section are not clear. This paragraph can be re-phrase to indicate clearly that the requirement for a Title V Operating Permit is effective even if the facility does not currently have a Title V permit

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			or emissions from the SSI are below major source thresholds.
(d)(5)(A)(ii)(3)(c)	Spanish version: 20	Translation for span not accurate. Paragraph says: "...Para cada contaminate, el valor del tramo del sistema de monitoreo continuo de emisiones es de dos veces el límite correspondiente de emisiones, expresado como una concentración." A more accurate translation is: "...Para cada contaminate, el rango de valor del sistema de monitoreo continuo de emisiones es de dos veces el límite correspondiente de emisiones, expresado como una concentración."	Revise paragraph accordingly.
(d)(5)(A)(ii)(3)(c)(*i*) thru (d)(5)(A)(ii)(c)(vii)	Spanish version: 20	The paragraphs are not indented.	Re-format accordingly.
(d)(5)(A)(ii)(4)(e)	Spanish version: 21	At the end of the paragraph, it indicates "Preaprobado" which means preapproved.	Paragraph should indicate "Re-aprovado", which means "Re-approved" instead of "Preaprobado".
(d)(5)(A)(ii)(5)(a)	English version: 19 Spanish version: 22	Paragraph indicates: "...Method 3A or #B of the 50 CFR Part 60, appendix A-2..." Section 50 CFR is used for Wildlife and Fisheries regulations. Section 40 CFR 60.5220 also references 50 CFR Part 60. The references appear to be incorrect.	Request revision of the section 40 CFR 60.5220(b)(5)(i) to indicate the correct reference to section 40 CFR Part 60.
(d)(6)(B)((iv)(3)(h)(ii)	Spanish version: 37	Translation used for "checks" is "revisiones" and is not accurate. A more accurate translation is "cotejos".	Revise paragraph accordingly.
(d)(6)(B)((iv)(4)(e)	Spanish version: 38	The paragraph is not indented.	Re-format accordingly.
N/A	Spanish version: 41	Delete the blank page.	Edit as required.
Table 3	Spanish version: 42–46	The table in the Spanish version is difficult to read because of inadequate formatting.	Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
(d)(7)(C)	English version: 40 Spanish version: 47	The paragraph incorrectly references Table 1.	Revise paragraph to reference Table 4. 4.
(d)(7)(C)(ii)	Spanish version: 47	The paragraph is not indented.	Re-format accordingly.

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Table 6	English version: 40 Spanish version: 47	The table title is incorrect.	Correct table number in the title, as Table 4.
Table 6* *Correct Table number is Table 4. Correction requested in previous comment.	English version: 40 Spanish version: 47	English version: In demonstrating increments of progress, two key dates are proposed: March 2014 for submitting a final control plan and March 2015 for achieving final compliance, providing only 1 year from the submission of the final control plan to the achievement of final compliance. One year is not sufficient to prepare plans, bid, bid award, construct, and demonstrate compliance with the final control plan. It would still be difficult even if March 2016 were proposed as the final compliance deadline.	The EQB needs to extend the deadline for full compliance to March 21, 2016, or later depending on when EPA actually approves Rule 405(d).
		Spanish version: Dates are not indicated.	Indicate dates in the table and delete footnotes accordingly.
(d)(8)(A)(ii)(3)	English version:43 Spanish version: 51	The paragraph indicates (d)(9)(A)(ii)(1) as a reference, but the correct reference is (d)(8)(A)(ii)(1).	Revise accordingly.
(d)(8)(A)(ii)(4)	English version:44 Spanish version: 51	The paragraph indicates (d)(9)(A)(e) as a reference, but said paragraph does not exist. The correct reference is (d)(8)(A)(v).	Revise accordingly.
Table 5	Spanish version: 52–53	The table in the Spanish version is difficult to read because of inadequate formatting.	Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
Table 6	Spanish version: 57–58	The table in the Spanish version is difficult to read because of inadequate formatting.	Re-format the table to include column headings at the beginning of each page and eliminate the table title from the middle of the page.
N/A	Spanish version: 59	The page is blank.	Edit as required.
(d)(8)(D)	Spanish version: 60	Site translated as "local", other alternatives are "facilidades" o "instalaciones".	Edit as requested.
(d)(8)(D)	English version: 51 Spanish version: 60	The paragraph indicates: "...los requisitos de los párrafos (d)(8)(B)(i) al (iii)...", but the correct reference should be: "los requisitos de los párrafos (d)(8)(D)(i) al (iii)...".	Revise accordingly.

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(d)(8)(D)(i)(3)(b)*(iii)*(4)	Spanish version: 62	The paragraph indicates that the pH shall be within 1 percent of the operating limit. The CFR refers to one pH unit, not 1 percent.	Revise accordingly.
(d)(9)(A)(ii)	English version: 59 Spanish version: 69	The paragraph references paragraph (d)(9)(A)(ii)(6), but this paragraph does not exist. The correct reference is (d)(5)(A)(ii)(6).	Revise the paragraph reference accordingly.