

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

SUPLETORY SHEET

1. Title of Regulation: Regulation for the Control of Atmospheric Pollution (Amendment to Rule 102 and 423)
2. Date of approval: March 5, 2009 (R-09-5-5)
3. Officials whom approved: EQB Board of Directors composed by:

Mr. Pedro J. Nieves Miranda, Esq.
Chairman

Wanda E. García Hernández
Alternate Member
4. Date of public notice: December 20, 2008. (El Vocero, Puerto Rico Daily Sun)
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:
8. Date of Radication:
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 Supleatory Sheet has been duly reviewed and does not contain substantive, typographic or clerical errors.

Secretary of the Government Board
Environmental Quality Board
Commonwealth of Puerto Rico

**COMMONWEALTH OF PUERTO RICO
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ENVIRONMENTAL QUALITY BOARD**

Pursuant and in accordance with the Environmental Public Policy Act (Law No. 9 of June 18, 1970, as amended) and the Uniform Administrative Procedure Act (Law No. 170 of August 12, 1988, as amended), the following amendment of Rules 102 and 423 of the:

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Has been promulgated by the Resolution R-09-5-5 of March 5, 2009, in order to redesignate the Municipality of Guaynabo as an attainment area for the 24 hour National Ambient Air Quality Standard for particulate matter less than 10 micrometers (PM₁₀) as established by the Environmental Protection Agency in the memorandum entitled *Limited Maintenance Plan Option for Moderate PM₁₀ Nonattainment Areas* of August 9, 2001..

In San Juan, Puerto Rico, March 5, 2009.

Pedro J. Nieves Miranda, Esq.
Chairman

Wanda E. García Hernández
Alternate Member

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



**AMENDMENT TO REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION**

(Regulation No. 5300, as amended)

(RULES 102 and 423)

2009

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

Amendment to Rules 102 and 423

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

<u>RULE</u>	<u>PAGE</u>
Rule 102	1
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Rule 102 Definition of the Regulation for the Control of Atmospheric Pollution is amended and substitute and read as follows:

Rule 102 Definitions

Guaynabo PM₁₀ Maintenance Area

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

Rule 423 Limitations for the Guaynabo PM₁₀ NonAttainment-Area of the RCAP is amended and substitute to reflect the redesignation of the area to a maintenance area and read as follows

Rule 423 Limitations for the Guaynabo PM₁₀ Maintenance Area

- (A) Any facility within the boundaries of the Guaynabo PM₁₀ Maintenance Area or having a significant air quality impact on a PM₁₀ Maintenance Area, shall, in addition to meeting all of the prohibitions provided for the Rules 401 through 422, meet the RACT limitations specified in this subsection.
- (1) For any grain, handling and processing facility, no person shall cause or permit any materials to be received, handled, transported, processed, milled, or stored without taking the following precautions to prevent particulate matter from becoming airborne:
- (a) employ proper housekeeping and cleaning procedures throughout the entire facility, including but not limited to, the prompt removal of spilled grain-dust accumulation by a technique which prevents this material from escaping into the atmosphere.
 - (b) cover all trucks at all times when in motion;
 - (c) maintain all ventilation systems and dust collection devices;
 - (d) pave all areas where vehicles travel and maintain such areas according to a Board-approved street cleaning program;
 - (e) prohibit clam loading or unloading of barges or ship;
 - (f) load or unload barges or ships using pneumatic or mechanic telescopic loading spouts in a fully enclosed area except for the space needed to introduce the spout or vent the displace air, both with a ventilation system exhausting to a fabric filter collection device with a minimum collection efficiency of 99.5%;
 - (g) load or unload trucks in fully enclosed sheds or buildings with a ventilation system exhausted to a fabric filter dust collection device with a minimum collection efficiency of 99.5%;
 - (h) clean, separate, handle, convey, transfer, and mill grain in fully enclosed sheds or buildings that meet the proposed EPA Reference Method 30 requirements for total enclosure

and vent the enclosure to a fabric filter control device with a minimum collection efficiency of 99.5%.

- (i) All fabric filter collection devices must be performance tested using:
 - (1) EPA Reference Method 5-Determination of Particulate Emissions from Stationary Sources (40 CFR Part 60) or;
 - (2) EPA Reference Method 17-Determination of Particulate Emissions from Stationary Sources (In-Stack Filtration Method) (40 CFR Part 40) or;
 - (3) EPA Reference Method 201- Determination of PM 10 Emissions (40 CFR Part 51) or;
 - (4) EPA Reference Method 201A- Determination of PM 10 Emissions (Constant Sampling Rate Procedure) (40 CFR Part 51) or;
 - (5) EPA Reference Method 202- Determination of Condensable Particulate Emissions from Stationary Sources (40 CFR Part 51) or any other method accepted by EQB.

- (j) Depending on averaging times, stack opacities will be determined using:
 - (1) EPA Reference Method 9 - Visual Determination of the Opacity of Emissions from Stationary Sources or any other approved EPA method.

- (k) Fugitive emission opacities will be determined using:
 - (1) EPA Reference Method 22 - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40 CFR Part 60).

- (l) Each zone of the fabric filter collection device shall be fitted with a continuous monitor that measures the pressure drop across the zone. During the performance test, the pressure drop readings shall be measured. The

operating permit shall specify an operating range for the pressure drop to ensure the optimum operation of the unit.

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

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

- (4) For any petroleum refinery located within the boundanes of or having a significant air quality impact on the Guaynabo PM 10 Maintenance, no person shall cause or permit the firing of residual fuel oil with a sulfur content greater than 1.0% (by weight) as a PM₁₀ precursor. However, the Board may required a lower sulfur content in the fuel whenever an exceedance to any applicable provision in these regulations is demonstrated to affect the National Ambient Air Quality Standards (NAAQS) for PM₁₀ in the designated maintenance area. This emission limitations supersedes the limitation in Rule 406.

- (5) For any facility that uses an asphalt blowing process located within the boundaries of or having a significant air quality impact on the boundaries of the Guaynabo PM₁₀ Maintenance Area, no person shall cause or permit the emission of particulate matter unless those emissions are captured and controlled by a control equipment that achieves a 90% removal efficiency.
 - (i) Compliance with the removal efficiency will be demonstrated by measuring PM₁₀ loading at the inlet and outlet of the control device using Methods 201, 201A and/or 202 (40 CFR Part 51 and Part 60 Appendix A). Compliance with the opacity standards shall be determined using EPA Reference Method 9 (40 CFR Part 60).

 - (ii) If an afterburner is installed, the temperature in the combustion zone will be continuously monitored and recorded. The monitoring equipment shall have an accuracy of $\pm 10^\circ$ Centigrade overs its range. If a scrubber is installed, the pressure drop across the scrubber will be continuously monitored and recorded. The optimum pressure range will be established during the performance testing and will be incorporated in the operating permit.

- (B) The owner or operator of any stationary source subject to the limitations of paragraph A) shall:
- (1) Submit on the date required by EQB and obtain immediate approval of a compliance plan in which the owner or operator of such stationary source demonstrates compliance with all applicable limitation by the date specified in the State Implementation Plan and provides for the implementation of RACT requirements. The compliance plan shall be in writing and must include:
 - (a) the name of the individual responsible for compliance demonstration activities at the stationary source;
 - (b) a description of the air pollution control system, specific control equipment, stacks, vents, raw materials, fuels, and other items or parameters which will be tested, monitored, sampled, analyzed, or measured to determine that the stationary source is in compliance on a continuous basis;
 - (c) a description of the specific testing methods, monitoring techniques, sampling and analysis methods, and measurements that will be used to demonstrate compliance on a continuous basis;
 - (d) a description of other relevant records or reports reasonably needed to demonstrate compliance on a continuous basis;
 - (e) the frequency of testing, monitoring, sampling, analyzing, or measuring necessary to demonstrate compliance on a continuous basis.
 - (2) The EQB may review and approve the plan within a thirty (30) day review period, or amend the plan if deemed necessary to assure that compliance will be adequately demonstrated.
 - (3) Where physical alteration of the stationary source is necessary to achieve compliance, commence construction thirty days after this regulation is approved and complete construction by November 30, 1994. This schedule and a detailed explanation for a physical alteration must be included in the compliance plan.
 - (4) Implement the compliance plan and demonstrate final compliance with applicable limitations established in the PR-PM₁₀ SIP. A responsible official shall certify compliance and shall state, based on information and

belief formed after reasonable inquiry, the information certified to is true and accurate.

(C) Memorandum of Understanding (MOU's)

Any agreement or Memorandum of Understanding reach and signed between the Puerto Rico Environmental Quality Board and any other state agency, authority or municipal entity stating those measures or activities define to control and reduce any emission of PM₁₀, and/or a PM₁₀ Precursor will be state and federally enforceable by EQB and USEPA, respectively will become part of this regulation and will become a condition in the operating permit of the affected stationary sources.

(D) Contingencies Measures

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

- (1) DOT shall collect data on silt content and dust loadings for highways in Guaynabo Municipality using EPA procedures for better estimating PM₁₀ emissions following AP-42 procedures.
- (2) Guaynabo Municipality shall require vegetation, chemical stabilization, or other abatement of wind erodible soils.
- (3) Diesel fuel oil with a sulfur in fuel level less than 0.05 % shall be use by all vessels while they operate in San Juan Bay which is specifically defined as the navigable waters south of the imaginary line connecting Punta del Morro and Isla de Cabras.
- (4) No visible emissions from any vessel shall be permitted in the San Juan Bay except as provided in Rule 403 of this Regulation.
- (5) The Port Authority shall implement a street cleaning program or other program to prevent dust from collecting on paved surfaced in their jurisdiction.
- (6) The San Juan Municipality must revised the dust and fire abatement programs at its sanitary landfill in order to establish additional pollution abatement controls strategies.

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TITLE OF REGULATION: **AMENDMENT TO REGULATION FOR THE
CONTROL OF ATMOSPHERIC POLLUTION
(RULES 102 AND 423)**

DATE OF APPROVAL: **MARCH 5, 2009 (RESOLUTION R-09-5-5)**

**PEDRO J. NIEVES MIRANDA, ESQ.
CHAIRMAN
ENVIRONMENTAL QUALITY BOARD**