PART I - GENERAL PROVISIONS

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RULE 101 TITLE

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

RULE 102 DEFINITIONS

Accidental Release

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

Act ("the Act")

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

Actual Emissions

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

(A) Actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during the two-year period which precedes the particular date and which is representative of normal source operation. The Board will allow the use of a different timeframe if it is demonstrated to the Board's satisfaction that such other period is more representative of the source's normal operation.

(B) Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(C) For any emission unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(D) The EQB may presume that the source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit, if actual emissions exceed allowable emissions or in cases where it is demonstrated that no data is available for determining creditable increases and decreases.

Actual Emissions (for the purpose of Rule 211)

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

Acute Adverse Effects

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

Administrator

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

Affected Source

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

Affected States / Territories

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

Agricultural Burning

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

Agricultural Wastes

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

Air Pollutant

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

Air Pollution

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

Air Pollution Control Equipment

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

Air Toxic Limits (ATLs)

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

Allowable Emissions

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

(A) The applicable "Standards of Performance for New Stationary Sources" (SPNSS) or the "National Emission Standard for Hazardous Air Pollutants" (NESHAPS) set

forth in the 40 CFR part 60, 61 or 63;

(B) Any applicable State Implementation Plan emissions limitation including those with a future compliance date; or

(C) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

Alternative Operational Limit (for the purpose of Rule 211)

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

Ambient Air

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

Applicable Rules and Regulations

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

(1) All requirements established by these regulations or any other applicable laws or regulations of the Commonwealth of Puerto Rico;

(2) The "Standards of Performance of New Stationary Sources" (40 CFR Part 60);

(3) The "National Emission Standards for Hazardous Air Pollutants" (40 CFR Part 61);

(4) Any other requirements established by the government of the United States under the Clean Air Act as amended;

(5) Any other requirement established by the EQB to insure the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS).

Applicable requirement

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

(1) Any standard or other requirement provided for in the Commonwealth's implementation plan approved or promulgated by EPA through rule-making under Title I of the Act that implements the relevant requirements of the Act, including any revisions to the plan promulgated in 40 CFR Part 52, Subpart BBB.

(2) Any term or condition of any construction permits issued pursuant to regulations approved or promulgated through rule-making under Title I, including Parts C or D, of the Act;

(3) Any standard or other requirement under Section 111 of the Act (New Source Performance Standards), including Section 111(d);

(4) Any standard or other requirement under Section 112 of the Act (National Emission Standards for Hazardous Air Pollutants), including any requirement concerning accident prevention under Section 112(r)(7) of the Act and any substances listed under Section 112 (r)(3);

(5) Any requirements established pursuant to Section 504(b) (Monitoring and Analysis) or Section 114(a)(3) (Enhanced Monitoring) of the Act;

(6) Any standard or other requirement governing solid waste incineration, under Section 129 of the Act;

(7) Any standard or other requirement for consumer and commercial products, under Section 183(e) of the Act;

(8) Any standard or other requirement for tank vessels under Section 183(f) of the Act;

(9) Any standard or other requirement of the program to control air pollution from outer continental shelf sources, under Section 328 of the Act;

(10) Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit.

Asbestos

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

Asbestos-containing material (ACM)

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

volume).

Asbestos Inspector

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

Asbestos Planner

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

Asphaltic Concrete Batching Plant

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

Baseline Concentration (RESERVED)

Baseline Emissions

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

Best Available Control Technology (BACT)

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

Blending of Fuels

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

Board, the

The Environmental Quality Board of the Commonwealth of Puerto Rico.

Burning of Multiple Fuels

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

Burning or Incineration

The complete or incomplete combustion of any material.

Chairperson

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

Chronic Adverse Effects

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

Commenced

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

Commonwealth

Refers to the island of Puerto Rico.

Complete Application

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

Construction

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

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

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

De-minimis means

(1) a rate of emissions less than or equal to any of the emission rates listed in Appendix E (taken from section 63.44 of 40 CFR Part 63 Subpart B), or

(2) a rate of emissions:

(i) that is less than or equal to 10 tons per year, and

(ii) for which EQB has approved a case-by-case- demonstration that ambient impacts are de-minimis.

(3) If the emission rate included in Appendix E is different from the one established in section 63.44 of subpart B of the 40 CFR Part 63, the federal regulation will prevail.

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

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

(a) In every 12-month period, any stationary source which emits less than or equal to the following thresholds:

(i) 2 tons of regulated air pollutant (excluding HAPs),

(ii) 5 tons of any combination of regulated pollutants (excluding HAP's),

(iii) the insignificant activity threshold for HAP emissions listed in Appendix E of the regulation.

Demolition

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

Dispersion Models

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

Dispersion Techniques

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

(1) The use of that portion of stack which exceeds good engineering practice stack height;

(2) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(3) The manipulation of process parameters, exhaust gas parameters, stack parameters other than height, or other selective handling of exhaust gas plume rise, (except the reheating of a gas stream following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the source generating the gas stream).

Domestic non-hazardous solid waste incineration unit

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

Draft permit

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

Electric utility steam generating unit

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

Electric Power Plant Company

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

Emission

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

Emissions Factor

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

Emission Offset

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

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

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

Emission Statement (for the purpose of Rule 211)

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

Emissions unit

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

Emission Unit (for the purpose of Rule 211)

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

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

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

(1) An emitting point that can be individually controlled, e.g., a boiler, a spray

booth, etc.

(2) The smallest grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.

(3) The grouping of emission points, that, when collected together, can be commonly controlled by a single control device or work practice.

(4) A grouping of emission points that are functionally related. Equipment is functionally related if the operation or action for which the equipment was specifically designed could not occur without being connected with or relying on the operation of another piece of equipment.

(5) For modifications under Section 112(g), only those emission points affected by the modification shall be included.

Encapsulation

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

Enclosure

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

Enhanced Monitoring

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

Enhanced monitoring protocol

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

EPA

The Environmental Protection Agency of the Unites States of America.

Federally Enforceable

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

(1) Emission standards, alternative emission standards, alternative emission limitations, and equivalent emission limitations established pursuant to section 112 of the Act as amended in 1990;

(2) New source performance standards established pursuant to section 111 of the Act, and emission standards established pursuant to section 112 of the Act before it was amended in 1990.

(3) All terms and conditions in a Title V permit, including any provisions that limit a source's potential to emit, unless expressly designated as not federally enforceable;

(4) All limitations and requirements under the applicable implementation plan for the Commonwealth of Puerto Rico.

(5) Limitations and conditions that are part of a Federal construction permit issued under 40 CFR 52.21 or any construction permit issued under regulations approved by the EPA in accordance with 40 CFR 51;

(6) Limitations and conditions in a State rule or program that has been approved by the EPA under Subpart E of 40 CFR Part 63 for the purposes of implementing and enforcing section 112.

Final permit

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

Fossil Fuel Boiler

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

Fuels

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

Fuel Burning Equipment

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

Fugitive Dust

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

Fugitive Emissions

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

Garbage

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

GACT- Generally Available Control Technology

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

Good Engineering Practice (GEP) Stack Height

GEP stack height means the greater of:

(1) 65 meters, measured from the ground-level elevation at the base of the stack; or

(2)(i) For stacks in existence on January 12, 1979, and for which the owner or operator had obtained all applicable permits or approvals required under 40 CFR Parts 51 and 52. $H_g = 2.5H$, provided the owner or operator produces evidence that this equation was actually relied on in establishing an emission limitations;

(ii) For all other stacks, $H_g = H + 1.5L$ where

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

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

L = lesser dimension, height or projected width, of nearby structure(s),

provided that the EPA, State or local control agency may require the use of a field study or fluid model to verify GEP stack height for the source; or

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

Grains

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

Hazardous Air Pollutant

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

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

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

(1) represent a potential or substantial risk to the human health or to the environment when managed, treated or disposed in an inappropriate way; or

(2) causes or contributes in a significant increase in mortality or irreversible or reversible serious handicapped illness.

Heat Input

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

Incinerator

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

Increments of Progress

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

Intermediate Sources (for the purpose of Rule 211)

Any stationary source with emissions or operations as specified below:

(a) In every 12-month period, the stationary source emits more than the minor source levels, but less than the following quantities of emissions:

(i) 100% of the threshold levels for major sources of a regulated air pollutants (excluding HAPs),

(ii) 100% of the threshold levels for major sources of HAPs,

(iii) 100% of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.

Lowest Achievable Emission Rate (LAER)

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

1- The most stringent emissions limitation which is contained in the implementation plan of any State for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

2- The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emission rate for the new or modified emissions unit within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

MACT- Maximum Achievable Control Technology

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

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

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

(A) Any physical change or change in the method of operation of a major stationary source that would result in a significant net emission increase of any pollutant subject to any applicable rule or regulation;

(B) Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone;

(C) A physical change or change in the method of operation unless previously limited by enforceable permit conditions shall not include:

(1) Routine maintenance, repair and equivalent replacement;

(2) Use of an alternative fuel or raw material by reason of an order in effect under Section 2(a) & (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation), a prohibition under the Power Plant and Industrial Fuel Use Act of 1978 (or any superseding legislation), or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(3) Use of an alternative fuel or raw material by reason of an order or rule section 125 of the Act;

(4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste.

(5) Use of alternative fuel or raw material by a stationary source which:

(a) The source was capable of accommodating such fuel or material before December 21, 1976 unless such change would be prohibited under any enforceable permit condition which was established after December 21, 1976 pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51 subpart I or §51.166, or under operating permits issued pursuant to 40 CFR Part 70 or 40 CFR Part 71, or,

(b) The source is approved to use such fuel material under any permit issued under 40 CFR 52.21 or under regulations promulgated pursuant to 40 CFR 51.24;

(6) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition

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

(7) Any change in ownership at a stationary source.

(8) Raw materials substitutions, provided that emissions have the same or lesser impact on public health and welfare as that attributed to emissions before the substitutions and the Board approves such substitution.

(9) Any increase due to operational changes that occur as a result of changes in the use or configuration of the equipment at a Title V source where such changes do not result in an increase in emissions above those allowable under the operating permit issued under Part VI of this Regulation.

Major Stationary Source

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

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

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

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

(14) Lime plants;
(15) Coke oven batteries;
(16) phosphate rock processing plants;
(17) Fuel conversion plants;
(18) Carbon black plants (furnace process);
(19) Sintering plants;
(20) Primary lead smelters;
(21) Fossil-fuel fired steam electric plants of more than two hundred and fifty (250×10^6) million British thermal units per hour heat input;fuel conversion plants;
(22) Secondary metal production facilities;
(23) Chemical process plants;
(24) fossil-fuel boilers (or combination thereof) totalling more than two hundred and fifty millions (250×10^6) British Thermal units per hour heat input;
(25) Petroleum storage and transfer facilities with a capacity exceeding three hundred thousands (300,000) barrels;
(26) Taconite ore processing facilities;
(27) Glass fiber processing plant,
(28) Charcoal production facilities; or
(29) Any other stationary source category regulated under section 111 or 112 of the Act.

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

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

(1) A major source under Section 112 of the Act, is defined as:

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

common control, to determine whether such units or stations are major sources; or

(ii) For radionuclides, "major source" shall have the meaning specified by the Administrator by rule.

(2) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant (including fugitive emissions of any such pollutant from the source). The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:

(1) Coal cleaning plants (with thermal dryers);
(2) Kraft pulp mills;
(3) Portland Cements plants;
(4) Primary zinc smelters;
(5) Iron and steel mill plants;
(6) Primary aluminum ore reduction plants;
(7) Primary copper smelters;
(8) Municipal incinerators with a capacity of more than fifty (50) tons of refuse per day;
(9) Hydrofluoric acid plants;
(10) Nitric acid plants
(11) Sulfuric acid plants
(12) Sulfur recovery plants;
(13) Petroleum refineries;
(14) Lime plants;
(15) Coke oven batteries;
(16) phosphate rock processing plants;
(17) Fuel conversion plants;
(18) Carbon black plants (furnace process);
(19) Sintering plants;
(20) Primary lead smelters;
(21) Fossil-fuel fired steam electric plants of more than two hundred and fifty (250×10^6) million British thermal units per hour heat input;fuel conversion plants;
(22) Secondary metal production facilities;
(23) Chemical process plants;
(24) fossil-fuel boilers (or combination thereof) totalling more than two hundred and fifty millions (250×10^6) British Thermal units per hour heat input;
(25) Petroleum storage and transfer facilities with a capacity exceeding three hundred thousands (300,000) barrels;
(26) Taconite ore processing facilities;
(27) Glass fiber processing plant.

(28) Charcoal production facilities; or

(29) Any other stationary source category regulated under section 111 or 112 of the Act.

(3) A major stationary source as defined in Part D of Title I of the Act, including:

(i) For ozone non-attainment areas, sources with the potential to emit 100 tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," 50 tpy or more in areas classified as "serious," 25 tpy or more in areas classified as "severe," and 10 tpy or more in areas classified as "extreme," (fugitive emissions shall not be considered in determining whether a source is a major source unless the source belongs to one of the stationary source categories listed in paragraph 2 above); except that the references in this paragraph to 100, 50, 25 and 10 tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under Section 182(f) (1) or (2) of the Act, that requirements under Section 182(f) of the Act do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the Act, sources with the potential to emit 50 tpy or more or volatile organic compounds;

(iii) For carbon monoxide non-attainment areas:

(A) That are classified as "serious," and

(B) in which stationary sources contribute significantly to carbon monoxide levels as determined under rules issued by the Administrator, sources with the potential to emit 50 tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) non-attainment areas classified as "serious," sources with the potential to emit 70 tpy or more of PM-10, or where applicable a PM-10 precursor.

Malfunction

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

Manufacturing Waste

Solid or liquified material or rubbish resulting from the operation of any business, construction activity, building, or industrial operation, such as plastic products, carton,

paints, grease, oil, and other petroleum products, chemicals reagents, cinders, and other forms of solid or liquid waste material, or any other substances classified as hazardous material.

Maritime Vessel

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

Mass Emissions Rate

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

Maximum Allowable Increments (RESERVED)

Minor Source (for the purpose of Rule 211)

Any stationary source with emissions or operations as specified below:

(a) In every 12-month period, the stationary source emits more than the de minimis source levels, but less than or equal to the following quantities of emissions:

(i) 75% of the threshold levels for major sources of regulated air pollutants (excluding HAPs),

(ii) 75% of the threshold levels for major sources of HAPs,

(iii) 75% of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.

(iv) No stationary source subject to a NSPS, NESHAPS or MACT standard shall be considered a minor source for the purpose of Rule 211.

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

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

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

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

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

Motor vehicle

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

Non-hazardous solid waste

Any solid waste not regulated as a hazardous solid waste.

National Ambient Air Quality Standards (NAAQS)

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

National Emission Standards for Hazardous Air Pollutants (NESHAPS)

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

Net Air Quality Benefit

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

Net Emission Increase

(A) The amount by which the sum of the following exceeds zero:

(1) Any increase in actual emissions from a particular physical change or any changes in the method of operation at a stationary source, and

(2) Any other increases or decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(B) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date five years before construction commences and the date that the increase from the particular change occurs;

(C) An increase or decrease in actual emissions is creditable only if:

(1) The Board has not relied on it in issuing a permit for the source under regulations approved pursuant to this section which permit is in effect when the increase in actual emissions from the particular change occurs.

(D) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(E) A decrease in actual emissions is creditable only to the extent that:

(1) The old level of actual emission or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(2) It is federally enforceable and in effect at and after the time that actual construction on the particular change begins; and

(3) The Board has not relied on it in issuing any permit under these Regulations or in demonstrating attainment or reasonable further progress;

(4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.

Non-Attainment Area

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

Non-hazardous solid waste

Any solid waste not regulated as a hazardous solid waste.

Non-Process Source

Any source other than a process source.

Notice of MACT Approval

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

Opacity

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

Open Burning

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

(1) Control of combustion air to maintain adequate temperature for efficient combustion;

(2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

(3) Control of the emission of the gaseous combustion products.

Organic Compound

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

Organic Solvents

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

Owner or Operator

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

Particulate Matter

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

Permit modification

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

Permit program costs

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

Permit revision

Means any permit modification or administrative permit amendment.

Person

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

Plant Life

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

PM_{10}

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

PM_{10} Precursor

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

PM_{10} Non Attainment Area for Guaynabo

The entire Municipality of Guaynabo as defined in the Puerto Rico PM_{10} State Implementation Plan (PR-SIP) and in Law 81 of August 30, 1991- "Autonomous Municipality Act"

Potential to Emit

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

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

PR-SIP

Puerto Rico State Implementation Plan

Process Source

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

Process Statement (for the purpose of Rule 211)

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

Proposed permit

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

Public and Commercial Building

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

Puerto Rico Air Quality Control Region

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

Reasonable Available Control Technology (RACT)

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

Reasonable Further Progress (RFP)

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

Refuse

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

Refuse Derived Fuel (RDF)

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

Regulated air pollutant or Regulated Substance

means the following:

(1) Nitrogen oxides or any volatile organic compounds;

(2) Any pollutant for which a national ambient air quality standard has been promulgated;

(3) Any pollutant that is subject to any standard promulgated under Section 111 of the Act;

(4) Any Class I or II substance subject to a standard promulgated under or established by Title VI of the Act; or

(5) Any pollutant subject to a standard promulgated under Section 112 or other requirements established under Section 112 of the Act, including Sections 112(g), (j), and (r) of the Act, including the following:

(i) Any pollutant subject to requirements under Section 112(j) of the Act. If the Administrator fails to promulgate a standard by the date established pursuant to Section 112(e) of the Act, any pollutant for which a subject source would be major shall be considered to be regulated on the date eighteen (18) months after the applicable date established pursuant to Section 112(e) of the Act; and

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

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

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

Regulated pollutant (for presumptive fee calculation)

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

(1) Carbon monoxide;

(2) Any pollutant that is a regulated air pollutant solely because it is a Class I or II substance to a standard promulgated under or established by Title VI of the Act; or

(3) Any pollutant that is a regulated air pollutant solely because it is subject to a standard or regulation under Section 112(r) of the Act.

Removal

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

Renewal

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

Renovation

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

Requirements established by the Board

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

Resource Recovery Facility

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

Responsible official

Means one of the following:

(1) For a corporation: a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) The facilities employ more than 250 persons or have gross annual sales lb* or expenditures exceeding $25 million (in second quarter 1980 dollars); or

(ii) The delegation of authority to such representatives is approved in advance by the Board.

(2) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or

(3) For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this Part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of EPA).

Rubbish

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

Salvage Operation

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

Secondary Emissions

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

Section 502(b)(10) changes

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

(1) would violate applicable requirements or contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record-keeping, reporting or compliance certification requirements; or

(2) are Title I modifications and changes to a federally enforceable emission limit, work practice or voluntary emission cap.

Shutdown

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

Significant Net Increase (see Major Modification)

Significant Source

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

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

An air quality impact equal to or greater than:

POLLUTANT	ANNUAL	24-HOURS	8-HOURS	3-HOURS	1-HOUR
SO_2	$1\mu g/m^3$	$5\mu g/m^3$	-	$25\mu g/m^3$	-
Particulate	$1\mu g/m^3$	$5\mu g/m^3$	-	-	-
PM_{10}	$1\mu g/m^3$	$5\mu g/m^3$	-	-	-
NO_2	$1\mu g/m^3$	-	-	-	-
CO	-	-	$500\mu g/m^3$	-	$2000\mu g/m^3$

Significant Emission

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

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

Source

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

Stack

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

Standards Conditions

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

Standards of Performance for New Stationary Sources (SPNSS)

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

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

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

Title V program or permit program

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

Title V source

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

Toxic or Hazardous Substances

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

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

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

(B) Any air pollutants listed pursuant to Section 112(b) of the Clean Air Act Amendments of 1990.

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

Volatile Organic Compounds (VOC)

Any chemical substance which contains carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate determined to have photochemical reactivity. This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: Methane;ethane;methylene chloride (dichloromethane); 1, 1, 1-trichloroethane (methyl chloroform);1,1,2-trichloro-1,2,2-trifluoroethane(CFC-113); trichlorofluoromethane (CFC-11), dichlorodifluoromethane (CFC-12) chlorodifluoromethane (HCFC-22), trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);Chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b), 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125; 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

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

Worst-case operational scenario

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

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

(A) The Board may require the owner or operator of any source to install, use, and maintain such monitoring equipment, provide the necessary equipment and appurtenances for the sampling of fuels and emissions, sample ambient air quality, perform such fuel analyses, establish and maintain such records, and make such periodic reports as the Board shall deem necessary. For each major source, moreover, the Board shall, at a minimum, require the owner or operator, at his own expense, to (a) sample ambient air quality, and (b) either sample emissions from each stack or provide an equivalent determination acceptable to the Board.

(B) Representatives of the Board, upon presentation of their credentials:

(1) Shall have right of entry to, upon, or through any premises where a source is located or where any records are located which are required to be maintained under this Regulation, or under the Federal Clean Air Act, and

(2) Shall have access to, upon request, and copy pertinent records, inspect and examine any monitoring equipment or method to determine its accuracy, and sample emissions of air quality and fuels.

(C) All tests shall be made and the results calculated in accordance with test procedures approved by the Board and all tests and calculations shall be certified by an engineer licensed to practice the profession in Puerto Rico. All chemical analyses shall be certified by a chemical engineer or chemist licensed to practice the profession in Puerto Rico.

(D) All records and reports required pursuant to this Regulation shall be submitted on forms prescribed by the Board and shall be submitted together with a sworn a statement of affidavit of the corporate President, or a Vicepresident reporting directly to the President, or the highest ranking corporate office in Puerto Rico or a duly authorized representative or of an equivalent responsible officer in the case of the organizations, governments agencies or any other political subdivision. Such sworn statement or affidavit shall attest to the truth, correctness, and completeness of such records and reports.

(E) Emissions of particulate matter, sulfur oxides, and nitrogen oxides and of any air pollutant shall be expressed as follows: in pounds per hour or kilograms per hour, and pounds per million BTU of heat input or grams per million gram-calories of heat input for fuel burning equipment; in pounds per hour or kilograms per hour and pounds per 100 pounds or grams per kilograms of refuse burned for incinerators; and in pounds per hour or kilograms per hour or tons per year or tons per day, or in some other terms easily measured and meaningful process unit specified by the Board.

(F) The Board may conduct emission tests of air pollutants and sample fuels of any source. Upon request of the Board, the owner or operator of such source to be tested shall provide necessary ports in stacks or ducts, scaffolding and such other safe and proper sampling and testing appurtenances (without including instruments and testing devices, except when required pursuant to other provisions of the Regulations) as may be necessary for proper determination of the emission of air pollutants.

(G) Whenever the Board has requested the owner or operator of a source to conduct at his own expense sampling and/or tests in accordance with this Regulation, said owner or operator shall notify to the Board in writing at least fifteen (15) days prior to the performance of such sampling and/or tests, the schedule including the specific date, time and place where such sampling and/or tests shall be conducted.

RULE 104 EMISSION DATA AVAILABLE FOR PUBLIC PARTICIPATION

(A) All emission data obtained by or submitted to the Board, including data reported pursuant to Rule 103 and data obtained in any other way, shall be available for public inspection and may also be made available to the public in any additional ways that the Board may deem appropriate.

(B) All such emission data shall be presented in such a manner as to show the relationship between measured or estimated emissions and the emissions allowable under applicable rules and regulations or enforceable permit conditions.

RULE 105 MALFUNCTION

(A) In the event that any source, air pollution control equipment or related equipment breaks down, malfunctions, ruptures, leaks, or is rendered partially or totally inoperative the owner or operator of such equipment shall immediately report to the Board such failure or incident and provide all pertinent available facts, including the estimated duration of the incident. The Board shall be notified in writing not later than one (1) week after the incident. This report shall include specific data concerning the affected source, air pollution control equipment and other related equipment, date, hour and duration of the incident, causes of the incident, and corrective measures taken or to be taken. In the event the malfunction has been corrected within this period of time, the information requested in paragraph E of this Rule shall also be submitted with the written report.

(B) If the malfunction which causes air pollution extends or will extend for more than twenty-four (24) hours, a written report by fax and a phone call to the Board or the Air Quality Program must be made and the affected facility or source can only be operated to the end of a cycle or within forty-eight (48) hours after the

malfunction occurs, whichever is sooner, at which time it shall be shutdown for repairs. Nevertheless, if the malfunction causes the emission of toxic or hazardous substances into the ambient air, the affected source shall immediately cease operations or shall act as specified in its approved emergency response plan pursuant to Rule 107 (C).

(C) The facility or source may be operated beyond the limitation in Section B., provided an emergency variance has been granted by the Board in accordance with Rule 302.

(D) The occurrence of a malfunction shall not relieve the owner or operator from the responsibility of complying with any substantive provisions of this Regulation.

(E) Not later than one week after correction of a malfunction incident, the owner or operator shall submit a written report to the Board including:

(1) A certification that the malfunction has been corrected, specifying the date of correction and proof of compliance;

(2) A description of the corrective measures undertaken to avoid such a malfunction in the future;

(3) An estimate of the total emissions caused by the malfunction; and

(4) Pictures of the equipment or controls which failed, whenever available.

(F) In case an emission unit is equipped with one or more control equipments or the facility could use more than one control equipment or measure and such alternate controls are operated independently with each other, have equal or greater capacity and efficiency of the remaining control equipment for the pollutants emitted, the source do not need to shutdown during the malfunction as long as it is guaranteed to the Board's satisfaction that the control equipment or measure used during the malfunction renders equal or better environmental benefits.

(G) This rule does not apply to sources subject to Part VI of these regulations.

RULE 106 TEST METHODS

(A) Compliance with the prohibitions and limitations set forth in this Regulation shall be determined by the test methods specified in Part IV of this Regulation that can be found in 40 CFR 51 Appendix M; 40 CFR 60 Appendices A, B, and F; 40 CFR 61 Appendices B, C, D and E. If more than one method or more than one option is specified in Part IV for a given parameter, PREQB will determine which method and/or option will be required. However, for facilities subject to SPNSS and NESHAPS, the facility shall select from the appropriate Appendices only those methods specifically mandated by the affected SPNSS and NESHAPS Subparts and those testing methods and procedures in 40 Part 64-enhanced monitoring protocol once 40 CFR Part 64 is finally approved.

(B) EPA approved equivalent or alternative test methods may be used to determine compliance with applicable rules and regulations upon prior approval by the Board, except for determining compliance with any SPNSS and NESHAPS affected facility.

(C) Every source required by EQB, EPA or by any applicable requirement to be tested must submit to the Board and/or EPA (on a case by case basis) at least thirty (30) days prior to the start of the test, a detailed test protocol describing all test equipment, procedures, and Quality Assurance (QA) measures to be utilized. The protocol must be specific for the test, facility, operating conditions and parameters to be measured. The protocol should include at a minimum, the following:

(a) Stack diagram showing test ports, their distances from upstream and downstream disturbances, the stack diameter, and planned sampling equipment and monitoring locations.

(b) A determination of the presence and degree of cyclonic flow.

(c) The proposed number or sampling traverse points, sampling time at each point, and total sampling volume.

(d) A detailed description of all sampling, sample recovery, and analytical procedures. The entire procedure in the case of nonstandard procedures or modification should be described with justifications and necessary data for backup. Options offered by the Reference Method should be selected and justified.

(e) Any special conditions for the preparation of the sampling equipment and containers to avoid sample contamination.

(f) Samples of forms to be used to record sample history, sampling conditions,a nd plant operating conditions.

(g) Methodology for measurement of plant operating conditions, including production rate, fuel flow rate, process data and pollution control data, all to be recorded at a minimum of 15 minute intervals.

(h) If more than one sampling train is to be used, detailed description of the relevant sequencing and logistics.

(i) If Continuous Emission Monitors (CEMs) are to be used, detailed description of the operating and data logging procedures.

(D) The owner or operator of a source shall provide the Board at least 15 days of prior written notification of any test required by the Board, to afford the EQB the opportunity to have an observer present. Results of any stack test done in the absence of an EQB's approved protocol will not be accepted.

(E) Two (2) copies of the emission test reports shall be submitted by the permittee to the Board within 60 days after the performance of the emission test. The emission test report should include at a minimum, the following:

(a) A summary of emission rates, isokinetic sampling rates, operational level and any other relevant process, fuel, or control device parameters monitored during the test.

(b) All field data collected, including legible copies of field data sheets (raw data) and any transcribed or computer data sheets that may be relevant.

(c) All laboratory data, including blanks, tare weights, calibration data, quality assurance samples, and results of the analyses.

(d) All calculations used in the determinations of emission rates, process rates, or other factors relevant to the test results, compliance, etc.

(F) During the test, the source must be operated at its maximum rated capacity or based on representative performance of the affected facility; understanding that, after proving compliance with any applicable emission limit, the Board may restrict the operation of the source at the capacity reached during the performance test.

RULE 107 AIR POLLUTION EMERGENCIES

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

(A) Episode criteria

The Board shall publicly announce the existence of an air pollution alert, air pollution warning, or air pollution emergency whenever the Board determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination with respect to SO_2 and particulate matter, the Board will be guided by the following:

(1) "Air Pollution Forecast". An internal watch by the staff of the Board shall be activated by a National Weather Service advisory that the Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric conditions.

(2) "Alert". The alert is that concentration of pollutant at which first stage control actions shall begin. An alert will be declared when anyone of the following levels is reached at any monitoring site:

- SO_2 - 800 $\mu g/m^3$ (0.28 ppm) for 24-hour average.
- Particulate - 3.0 COH, or 375 $\mu g/m^3$ for 24-hour average.
- SO_2 and particulate combined-product of SO_2 ppm for 24-hour average, and COH, equal to 0.2 or product of SO_2 $\mu g/M^3$ for 24-hour average and particulate $\mu g/m^3$ for 24-hour average equal to 65 x 10^3.

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

(3) "Warning". The warning level indicates that air quality is continuing to degrade and that additional control actions are necessary. A warning will be declared when anyone of the following levels is reached at any monitoring site:

- SO_2 - 1600 $\mu g/m^3$ (0.56 ppm) for 24-hour average
- Particulate - 5.0 COH, or 625 $\mu g/m^3$ for 24-hour average
- SO_2 and particulate combined - product of SO_2 ppm for 24-hour average and COH, equal to 0.8, or product of SO_2 $\mu g/m^3$ for 24-hour and particulate $\mu g/m^3$ for 24-hour average equal to 261 x 10^3,

and meteorological conditions are such that pollutant concentration can be expected to remain at or increase over the above levels for 12 or more

hours, unless control action are taken.

(4) "Emergency". The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when anyone of the following levels is reached at any monitoring site:

- SO_2 - 2100 $\mu g/m^3$ (0.73 ppm) for 24-hour average
- Particulate - 7.0 COH_s or 875 $\mu g/m^3$ for 24-hour average
- SO_2 and particulate combined -product of SO_2 ppm for 24-hour average and COH_s equal to 1.2, or product of SO_2 $\mu g/m^3$ for 24-hour average and particulate $\mu g/m^3$ for 24-hour average equal to 393×10^3,

and meteorological conditions are such that this conditions can be expected to continue for 12 hours or more.

(5) "Termination". Any status reached by application of these criteria will remain in effect once declared until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

(B) Emission Reductions

(1) When the Board declares an air pollution alert, warning or emergency, and determines that such condition requires immediate action for the protection of the health of human beings, the Board will order persons causing or contributing to the atmospheric pollution to reduce their emissions in order to eliminate such condition, or to immediately discontinue the emission of pollutants.

(2) Orders issued by the Board pursuant to this Rule will not be subject to hearings prior to compliance.

(3) All owners or operators of a source or facility shall have available an emergency plan which must be consistent with adequate safety practices, and which provides for the reduction or retention of the emission from the plant during periods classified by the Board as air pollution alerts, warning or emergencies. These plans will include the reduction to be accomplished for each source and the mans by which such reduction will be accomplished. These plans will be available to any representative of the Board at any time.

(C) Emergency Response Plan

(1) Any source which may release, leak or emit toxic or hazardous substances into the atmosphere shall prepare and submit to the Board together with

the application for a permit to construct, permit to operate or renewal of a permit to operate, whichever applicable, an emergency response plan according to the provisions set forth in section 2 of this Rule.

(2) Every emergency response plan shall include, at least, the following:

(a) Name and location of the source or facility

(b) Name, title and telephone number of the owner or operator of the source or facility

(c) Possible sources which may cause incidental emissions, releases or leaks

(d) Type and amount of substance which may be emitted, released or leaked

(e) Details of any prevention measure and counter measures available or proposed to avoid incidental or unexpected emissions, releases or leaks of toxic or hazardous substances

(f) In case of proposed prevention/counter measures, the schedule for construction, installation or availability of such measures.

(g) An inventory of all equipments, accessories, instruments, connections, process systems or other appurtenances which may emit, release or leaks toxic or hazardous substances.

(h) Internal administrative procedures which are or will be instituted to:

(i) inspect potential sources of emission, releases or leaks;

(ii) An alert notification and procedure, including a notification roster and response team members and responsibilities.

(j) Identification of equipment/instrument which are or will be available to detect emissions, releases or leaks.

(k) Humans evacuation procedures and plan in case of an emergency.

(l) Identify methods to dispose of materials which may produce emission, releases or leaks of toxic or hazardous substances, during emergencies or a prevention measures.

(m) Identify methods or procedures to mitigate persisting impact to the environment, after the health and welfare of humans has been

safeguarded.

(n) Describe the response team members and other involved personnel knowledgeable and trained in emergency response duties.

(3) Once approved by the Board, the owner or operator of the source shall maintain the emergency response plan current and all involved personnel trained and knowledgeable of emergency response duties and functions.

(4) The owner or operator shall keep the emergency response plan accessible to all concerns and shall present it to representative of the Board, upon request.

(D) General duty

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

RULE 108 AIR POLLUTION CONTROL EQUIPMENT

(A) All air pollution control equipment or control measures shall provide for continuous compliance with applicable rules and regulations. Such equipment or measures shall be installed, maintained, and operated according to those conditions imposed by the Board, within the specified operating limitations of the manufacturer.

(B) The collected material from the air pollution control equipment shall be disposed in accordance with applicable rules and regulations. The removal, manipulation, transportation, storage, treatment or disposal will be done in such or manner that shall not to produce environmental degradation, and in accordance with applicable rules and regulations.

(C) The Board may require, when deemed appropriate to safeguard the health and welfare of human beings, the installation and maintenance of additional, complete and separate air pollution control equipment of a capacity equal to the capacity of the primary control equipment. Furthermore, the Board may require that such additional air pollution control equipment be operated continuously and

conjunctionally with the primary air pollution control equipment.

(D) All air pollution control equipment shall be operated at all times while the source being controlled is in operation.

(E) In the case of a shutdown of air pollution control equipment for the necessary scheduled maintenance, the intent to shutdown such equipment shall be reported to the Board at least three days prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

(1) Identification of the specific source to be taken out of service with its location and permit number.

(2) The expected length of time that the air pollution control equipment will be out of service.

(3) The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period.

(4) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period.

(5) The reasons why it will be impossible or impractical to shutdown the operating source during the maintenance period.

(F) The owner or operator of a source shall, to the extent possible, maintain and operate at all times, including periods of start-up, shutdown and malfunction, any affected source and the associated air pollution control equipment, in a manner consistent with the original manufacturers design specifications and in compliance with applicable rules and regulations and permit conditions.

RULE 109 NOTICE OF VIOLATION

(A) Whenever the Board finds that any provision of this Regulation is being violated, on the basis of any information available, the Board shall issue a written notice of violation to the alleged violator.

(B) All notices of violations shall specify the deficiencies and/or state the reasons that prompted the notice, and may indicate the requirements that the Board deems pertinent to bring the source into compliance.

RULE 110 REVISION OF APPLICABLE RULES AND REGULATIONS

(A) Effectiveness of Revisions

(1) Amendments to this Regulation may be adopted by the Board and shall become effective 30 days after the date of their filing in the Department of State pursuant to Law No. 170 of August 12, 1988 as amended.

(2) Revisions (or additions to) of Federal emission limitations (including "Standards of Performance for New Stationary Sources" and "National Emission Standards for Hazardous Air Pollutants") and of Federal ambient air quality standards (including "National Primary and Secondary Ambient Air Quality Standards") shall become effective as part of applicable rules and regulations immediately upon their promulgation by the Administrator of the U.S. Environmental Protection Agency, pursuant to the Clean Air Act, as amended.

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

(1) The Board shall not adopt any amendment to this Regulation without notice and hearing.

(2) The public hearing requirements referred to in 110(B)(1) shall not apply in cases where the Board has to modify the text of any pending amendment to the Regulations which has already been considered in a public hearing, and when said modification does not alter or change the concept or intent of said duly scrutinized amendment.

(C) Effect of pending revision

(1) Notwithstanding any other provision of this Regulation, while any proposed revision of applicable rules and regulations are pending, the Board may not grant any permit or endorse any compliance plan that could not be granted if such proposed revisions or amendments were already in effect. This section does not preclude the Board from issuing a temporary permit to operate under Rule 204 (C).

(2) For purposes of this Rule, an amendment to this Regulation is "pending".

(a) From the date of the first publication of the notice for public hearings on the amendment, until 30 days after the revisions or amendment is filed in the Department of State of the Commonwealth of Puerto Rico, in accordance with Law 170 of August 12, 1988, as amended; or

(b) Until the date of final Board action withdrawing the revision or amendment.

(3) For purposes of this Rule, a revision of any existing or new Federally enforceable emission limitation or ambient air quality standards or any other requirement is "pending".

(a) From the date of the first publication of the proposed limitation, standard or requirement, or

(b) Until the date of final promulgation and publication in the Federal Register or withdrawal of the proposal.

(D) Effect on valid permits, compliance plans, location approvals, and variances.

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

RULE 111 APPLICATIONS, HEARINGS, PUBLIC NOTICE

(A) Applications

(1) Content of Applications

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

(2) Oath

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

(3) Single Source

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

(4) Decision and Notification of Applications

(a) The Board shall notify the applicant in writing of its decision in regard to each application filed pursuant to this Regulation. The Board shall set forth in any notice of disapproval its reasons for disapproval.

(b) The Board may refrain from issuing a final decision pertaining to any application filed with the Board, if the provisions of Article 4 (C) of the "Environmental Public Policy Law of Puerto Rico" (Law No. 9 of June 18. 1970, as amended) have not been satisfied.

(B) Public Notice

(1) All public notices shall specify the time and place where the background documents regarding the pending matter will be available for public inspection, including any preliminary determination by the Board on whether an application should be approved, conditionally approved or disapproved, and the period during which interested persons may submit written comments or request for public hearing.

(2) In case of public hearings, the notice shall also specify the time and place of each public hearing.

(3) All public notices shall be published at least thirty (30) days prior to any determination by the Board regarding the subject matter or the hearing. However, the Board may, whenever applicable rules and regulations permit, establish a shorter time for public notice.

(4) The announcement shall be published in at least two of the newspapers of general circulation on the Island, and in case of location approval, the notice must be mailed to the applicant, the US-EPA Regional Administrator, the Chairman of the Planning Board and any other Commonwealth official and agency having jurisdiction over lands which may be affected by the emissions from the proposed source.

(5) Whenever the notice relates to any application under the consideration of the Board, the applicant shall pay the Board the cost of the notice prior to publication or seek himself the publication of the notice, in such case the public notice shall be made in accordance with this Rule. This requirement may not necessarily apply to sources under the Title V program. Rule 609 of Part VI of these regulations defines the public participation procedures for sources under the Title V program.

RULE 113 CLOSURE OF A SOURCE

(A) The Board may order to closure or compel the shutdown of a source which has been found not in compliance with the applicable rules and regulations, or whose violation persists after the time limit granted under a notice of violation or under any other enforcement action taken by the Board. The affected source will have an opportunity for an administrative a hearing before the Board.

(B) The closure shall remain in effect until the affected source is found to be in compliance with the applicable rules and regulations, or until the reasons that prompted the notice of violation or enforcement action are found to be non-existent.

RULE 114 COMPULSORY AND OPTIONAL HEARINGS

(1) The Board shall hold public hearings when specifically required by applicable rules and regulations, giving the notice thereof according to Rule 111 B(3).

(2) The Board may also at its option, hold one or more public hearings on matters under its consideration.

(3) If the Board decides to hold a public hearing on a matter for which a notice has been published, but for which no hearing has been announced, the Board must publish another notice announcing the hearing.

(4) Mandatory Periodic Hearings on Regulations

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

RULE 115 PUNISHMENT

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

RULE 116 PUBLIC NUISANCE

(A) Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance as defined in Article 329 of the Penal Code of Puerto Rico.

(B) This section shall not be understood as a limit or restriction of the other prohibitions established in other parts of this Regulation.

RULE 117 OVERLAPPING OR CONTRADICTORY PROVISIONS

(A) If a requirement established by any provision of this Regulation is either more restrictive or less restrictive than a requirement established by any other provision of this Regulation or by any other law, regulation, standard or limit established by any duly constituted governmental authority having jurisdiction, the most restrictive requirement shall prevail.

(B) If any state definition or requirement is adopted in these regulation from the proposed 40 CFR Part 63, 64 and Part 68, the final federal definition or requirement will prevail in case of any difference.

RULE 118 SEGREGATION AND COMBINATION OF EMISSIONS

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

RULE 119 DEROGATION

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

RULE 120 SEPARABILITY CLAUSE

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

RULE 121 EFFECTIVENESS

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