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(2) Rule 13.2, submitted on January 25, 1972, for the Tanguisson Power Plant.

(b) The following rules are disapproved because they are inconsistent with section 123(a)(2) of the Clean Air Act which requires continuous control strategies.

(1) Rule 13.2, submitted on October 12, 1979.

[46 FR 26304, May 6, 1981]

§§ 52.2680–52.2681 [Reserved]

§ 52.2682 Air quality surveillance.

(a) The requirements of § 51.27(a)(2) of this chapter as of December 19, 1978 (43 FR 59067), are not met. In addition, Chapter 1, Regulation 1.8 and Chapter 5, Regulation 5.3 of the “Guam Air Pollution Control Standards and Regulations” (buffer zones—air quality sampling) are not in conformance with the intent of the Clean Air Act and the definition of “ambient air” promulgated at § 50.1(e) of this chapter. Regulations 1.8 and 5.3 are disapproved because they could prohibit ambient air quality sampling at places of expected maximum concentration and/or at places where the public has access.

[43 FR 59067, Dec. 19, 1978, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.2683 [Reserved]

§ 52.2684 Source surveillance.

(a) The requirements of § 51.214 and Appendix P of this chapter are not met since the plan does not contain sufficient regulations pertaining to continuous in-stack monitoring.

[43 FR 59067, Dec. 19, 1978, as amended at 51 FR 40677, Nov. 7, 1986]

§ 52.2685 [Reserved]

§ 52.2686 Upset-breakdown reporting.

(a) Chapter 4, Regulation 4.4 of the “Guam Air Pollution Control Standards and Regulations” (reporting of upsets and breakdowns) is disapproved since criteria for further enforcement action are not specified, thus permitting the Guam Administrator unlimited discretion.

[43 FR 59067, Dec. 19, 1978]

40 CFR Ch. I (7–1–04 Edition)

Subpart BBB—Puerto Rico

§ 52.2720 Identification of plan.

(a) Title of plan: “Clean Air for Puerto Rico.”

(b) The plan was submitted on January 31, 1972.

(c) The plan revisions listed below were submitted on the date specified.

(1) Compliance schedules submitted on April 5, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(2) Compliance schedules submitted on April 9, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(3) Compliance schedules submitted on April 17, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(4) Compliance schedules submitted on May 30, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(5) Compliance schedules submitted on June 18, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(6) Compliance schedules submitted on September 10, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(7) Compliance schedules submitted December 6, 1973, by the Commonwealth of Puerto Rico Environmental Quality Board.

(8) Information on procedures followed in adoption of compliance schedules submitted on February 1, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(9) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(10) Compliance schedules submitted February 7, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(11) Information on procedures followed in adoption of compliance schedules submitted on February 12, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(12) Information on procedures followed in adoption of compliance schedules submitted on March 13, 1974, by

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the Puerto Rico Environmental Quality Board.

(13) Information on procedures followed in adoption of compliance schedules submitted on March 15, 1974, by the Puerto Rico Environmental Quality Board.

(14) Information on procedures followed in adoption of compliance schedules submitted on March 20, 1974, by the Puerto Rico Environmental Quality Board.

(15) AQMA designations were submitted on May 5, 1974, by the Governor of Puerto Rico.

(16) Compliance schedules submitted June 11, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(17) Compliance schedules submitted on September 6, 1974, by the Commonwealth of Puerto Rico Environmental Quality Board.

(18) Revised Article 6 (Control of Sulfur Compound Emissions) was submitted on January 3, 1975, by the Governor of Puerto Rico.

(19) Public hearing information regarding revised Article 6 was submitted on January 17, 1975, by the Executive Director of the Environmental Quality Board.

(20) Information regarding Guaynilla and Aguirre Air Basins was submitted on February 14, 1975, by the Environmental Quality Board.

(21) Emission limitation for one source in the Ponce Air Basin was submitted on March 26, 1976, by the Environmental Quality Board.

(22) Predicted SO₂ concentrations for Aguirre Air Basin was submitted on May 8, 1975, by the Environmental Quality Board.

(23) Additional information regarding revised Article 6 was submitted on May 15, 1975, by the Environmental Quality Board.

(24) Predicted SO₂ ambient concentrations for Barceloneta and Ensenada submitted on June 2, 1975, by the Environmental Quality Board.

(25) Predicted SO₂ ambient concentrations for Barceloneta and Ensenada submitted on January 8, 1976, by the Environmental Quality Board.

(26) A document entitled, "Clean Air for Puerto Rico," submitted, pursuant to requirements of Part D of the Clean

Air Act, on June 29, 1979 by the Governor of the Commonwealth of Puerto Rico.

(27) Supplementary submittals of SIP revision material from the Puerto Rico Environmental Quality Board, dated:

(i) October 30, 1979, containing policy statements of EQB with regard to: Its objective to attain both the primary and secondary particulate matter air quality standards by December 31, 1982, assurances with regard to meeting the requirements of reasonable further progress, verification of the detail of its annual reporting effort, clarification of the operation of its offset program and correction of the related inventory and graphical presentations.

(ii) July 24, 1980, providing a comprehensive set of adopted regulations, entitled "Regulation for the Control of Atmospheric Pollution."

(iii) August 6, 1980, providing a commitment to submit "external offsets" as SIP revisions.

(28) A submittal by the Puerto Rico Environmental Quality Board entitled, "Revised Provisions for SIP Air Quality Monitoring Plan," April 1980.

(29) Revision submitted by the Puerto Rico Environmental Quality Board on April 26, 1982, as modified by a July 8, 1982 letter, which grants a visible emissions standard variance to ovens "A" and "B" of the Owens-Illinois, Inc. Vega Alta plant. This variance remains in effect until November 2, 1985.

(30) Revision submitted on March 3, 1981 by the Commonwealth of Puerto Rico's Environmental Quality Board which establishes fuel oil sulfur content limitations (known as "sulfur assignments") applicable to the 110 sources. On October 20, 1983, 78 of these 110 sources had their sulfur assignments approved by EPA.

(31) Revision submitted on May 30, 1984 by the Commonwealth of Puerto Rico's Environmental Quality Board which establishes fuel oil sulfur content limitations (known as "sulfur assignments") applicable to the Bristol Alpha Corporation.

(32) An Implementation Plan for attainment of the lead standard was submitted on September 28, 1984 by the Chairman of the Puerto Rico Environmental Quality Board. On December 12,

1984, the Chairman submitted a schedule for establishing a program to review new sources of lead.

(33) Revision submitted by the Puerto Rico Environmental Quality Board on September 6, 1983, which grants a visible emissions variance from Commonwealth Rule 403, "Visible Emissions," from 20 percent to 45 percent for the crude unit and from 20 percent to 35 percent for the hot oil/final lube unit located at the Yabucoa Sun Oil Company's plant in Yabucoa.

(34) Revision submitted by the Puerto Rico Environmental Quality Board on December 31, 1986, which grants a visible emissions standard variance to Owen-Illinois, Inc. Vega Alta plant.

(i) Incorporation by reference. Resolution and notification announcing a Certificate of Renewal to Commonwealth of Puerto Rico Law 403 of the Regulation for Control of Atmospheric Pollution; adopted on July 9, 1986.

(ii) Additional material. Documents submitted on December 31, 1986 in support of the above resolution.

(35) A revision submitted on November 14, 1993 by the Chairman of the Puerto Rico Environmental Quality Board (EQB) for the Municipality of Guaynabo. The submittal was made to satisfy those moderate PM₁₀ nonattainment area SIP requirements due for the Municipality of Guaynabo as outlined in the Clean Air Act of 1990.

(i) Incorporation by reference:

(A) Regulations:

(1) Amendments to Part I, Rule 102, "Definitions," of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(2) Amendments to Part II, Rule 201, "Location Approval," Rule 202, "Air Quality Impact Analysis," and Rule 203, "Permit to Construct a Source," of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(3) Amendments to Part IV, Rule 401, "Generic Prohibitions," Rule 402, "Open Burning," Rule 403, "Visible Emissions," Rule 404, "Fugitive Dust," and Rule 423, "Limitations for the Guaynabo PM₁₀ Nonattainment Area," of the Puerto Rico Regulations for the Control of Atmospheric Pollution, effective April 2, 1994.

(B) Memoranda of Understanding (MOU):

(1) MOU signed by the Chairman of EQB and the Executive Director of Puerto Rico Electrical Power Authority, San Juan plant, limiting the sulfur-in-fuel level, annual operation capacity, and requiring the submittal of monthly sampling reports of its fuel's sulfur content, effective January 31, 1994.

(2) MOU signed by the Chairman of EQB and the Secretary of Puerto Rico Department of Transportation and Public Works and the Executive Director of the Highway Authority to maintain and control the reconstruction of existing roads and the construction of new roads, effective July 2, 1993.

(3) MOU signed by the Chairman of EQB and the Mayor of the Municipality of Guaynabo to pave and maintain the streets, roads and parking areas located in the Municipality of Guaynabo, effective December 13, 1993.

(4) MOU signed by the Chairman of EQB and the Executive Director of the Puerto Rico Port Authority to pave and maintain the streets, roads, and parking areas that lead into the port area in Puerto Nuevo, Guaynabo and San Juan, effective October 14, 1993.

(36) Revisions to the Puerto Rico Regulations for the Control of Atmospheric Pollution (the Regulations) submitted on September 29, 1995 by the Puerto Rico Environmental Quality Board (EQB).

(i) Incorporation by reference.

(A) Regulations:

(1) Amendments to Part I, "General Provisions", Rules 102, 105, 106, 107, 109, 110, 111, 114, 117, and 121, effective September 28, 1995.

(2) Amendments to Part II, "Approval and Permit", Rules 201, 203, 204, 205, 206, and 209, effective September 28, 1995.

(3) Amendments to Part III, "Variance", Rule 301, effective September 28, 1995.

(4) Amendments to Part IV, "Prohibitions", Rules 401, 402, 403, 404, 405, 406, 408, 409, 410, 412, 413, 414, and 417, effective September 28, 1995.

(5) Amendments to Part V, "Fees", Rule 501, effective September 28, 1995.

(ii) Additional information.

(A) Request by EQB to remove Rules 411, 418, 419, 420 and 421 of Part IV,

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“Prohibitions” of the Regulations from the federally approved SIP dated September 29, 1995.

(B) An October 4, 1996 letter from EQB to EPA requesting that EPA delay approval of Rules 112 and 211.

[37 FR 10905, May 31, 1972, as amended at 41 FR 8968, Mar. 2, 1976; 41 FR 51017, Nov. 19, 1976; 45 FR 72658, Nov. 3, 1980; 46 FR 23417, Apr. 27, 1981; 48 FR 28271, June 21, 1983; 48 FR 48669, Oct. 20, 1983; 49 FR 38103, Sept. 27, 1984; 50 FR 7338, Feb. 22, 1985; 50 FR 15423, Apr. 18, 1985; 52 FR 38419, Oct. 16, 1987; 60 FR 28338, May 31, 1995; 62 FR 3213, Jan. 22, 1997]

§ 52.2721 Classification of regions.

The Puerto Rico plan was evaluated on the basis of the following classifications.

Air quality control region	Pollutant				
	Particulate matter	Sulfur oxides	Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
Puerto Rico	IA	IA	III	III	III

[37 FR 10905, May 31, 1972]

§ 52.2722 Approval status.

With the exceptions set forth in this subpart, the Administrator approves Puerto Rico’s plans for the attainment and maintenance of national standards

under section 110 of the Clean Air Act. Furthermore, the Administrator finds that the plan satisfies all requirements of Part D, Title I, of the Clean Air Act, as amended in 1977.

§ 52.2723 EPA-approved Puerto Rico regulations.

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Puerto Rico regulation	Commonwealth effective date	EPA approval date	Comments
PART I, GENERAL PROVISIONS			
Rule 101—Title	9/28/95	1/22/97; 62 FR 3213	
Rule 102—Definitions	9/28/95	.....do	
Rule 103—Source Monitoring, Recordkeeping, Reporting, Sampling and Testing Methods.	9/28/95	.....do	
Rule 104—Emission Data Available to Public Participation.	9/28/95	.....do	
Rule 105—Malfunction	9/28/95	.....do	
Rule 106—Test Methods	9/28/95	.....do	
Rule 107—Air Pollution Emergencies	9/28/95	.....do	
Rule 108—Air Pollution Control Equipment	9/28/95	.....do	
Rule 109—Notice of Violation	9/28/95	.....do	
Rule 110—Revision of Applicable Rules and Regulations.	9/28/95	.....do	
Rule 111—Applications, Hearings, Public Notice	9/28/95	.....do	
Rule 113—Closure of a Source	9/28/95	.....do	
Rule 114—Compulsory and Optional Hearing ...	9/28/95	.....do	
Rule 115—Punishment	9/28/95	.....do	
Rule 116—Public Nuisance	9/28/95	.....do	
Rule 117—Overlapping or Contradictory Provisions.	9/28/95	.....do	