

REGULATION FOR THE CONTROL OF ATMOSPHERIC POLLUTION—Continued

Puerto Rico regulation	Commonwealth effective date	EPA approval date	Comments
Rule 209—Modification of the Allowed Sulfur-in-Fuel Percentage. Rule 210—(Reserved) Part III, "Variance".	9/28/95	.....do	
PART III, VARIANCE			
Rule 301—Variances Authorized	9/28/95	.....do	
Rule 302—Emergency Variances	9/28/95	.....do	
PART IV, PROHIBITIONS			
Rule 401—Generic Prohibitions	9/28/95	.....do	
Rule 402—Open Burning	9/28/95	.....do	
Rule 403—Visible Emissions	9/28/95	.....do	
Rule 404—Fugitive Emissions	9/28/95	.....do	
Rule 405—Incineration	9/28/95	.....do	
Rule 406—Fuel Burning Equipment	9/28/95	.....do	
Rule 407—Process Sources	9/28/95	.....do	
Rule 408—Asphaltic Concrete Batching Plants	9/28/95	.....do	
Rule 409—Non-Process Sources	9/28/95	.....do	
Rule 410—Maximum Sulfur Content in Fuels	9/28/95	.....do	
Rule 412—Sulfur Dioxide Emissions: General ...	9/28/95	.....do	
Rule 413—Sulfuric Acid Plants	9/28/95	.....do	
Rule 414—Sulfur Recovery Plants	9/28/95	.....do	
Rule 415—Non-Ferrous Smelters	9/28/95	.....do	
Rule 416—Sulfite Pulp Mills	9/28/95	.....do	
Rule 417—Storage of Volatile Organic Compounds.	9/28/95	.....do	
Rule 423—Limitations for the Guaynabo PM ₁₀ Nonattainment Area.	4/2/94	5/31/95; 60 FR 28333.	
PART V, FEES			
Rule 501—Permit Fees	9/28/95	1/22/97; 62 FR 3213.	
Rule 502—Excess Emission Fees	9/28/95	.....do	
Rule 503—Test Fees	9/28/95	.....do	
Rule 504—Modification	9/28/95	.....do	

[62 FR 3213, Jan. 22, 1997; 62 FR 6619, Feb. 12, 1997]

§ 52.2724 [Reserved]

§ 52.2725 General requirements.

(a) The requirements of § 51.116(c) of this chapter are not met, since section 2.4 of the Puerto Rico Regulation for Control of Atmospheric Pollution could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, section 2.4 is disapproved.

(b) Regulation for public availability of emission data. (1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public, as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Adminis-

trator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions

§ 52.2726

from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

[39 FR 34537, Sept. 26, 1974, as amended at 40 FR 55334, Nov. 28, 1975; 51 FR 40676, Nov. 7, 1986]

§ 52.2726 Legal authority.

(a) The requirements of § 51.230(f) of this chapter are not met, since Article 17 of Puerto Rico Act 9 could, in some circumstances, prohibit the disclosure of emission data to the public. Therefore, Article 17 is disapproved.

[39 FR 34537, Sept. 26, 1974, as amended at 51 FR 40676, Nov. 7, 1986]

§§ 52.2727–52.2728 [Reserved]

§ 52.2729 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Air Act are not met, since the plan does not include approvable procedures for preventing the significant deterioration of air quality.

(b) Regulations for preventing significant deterioration of air quality. The provisions of § 52.21 except paragraph (a)(1) are hereby incorporated

40 CFR Ch. I (7–1–07 Edition)

and made a part of the applicable State plan for the State of Puerto Rico.

[43 FR 26410, June 19, 1978, as amended at 45 FR 52741, Aug. 7, 1980; 68 FR 11325, Mar. 10, 2003; 68 FR 74491, Dec. 24, 2003]

§ 52.2730 [Reserved]

§ 52.2731 Control strategy and regulations: Sulfur oxides.

(a) The requirements of subpart G of this chapter are not met since the Puerto Rico plan does not provide for attainment and maintenance of the national standards for sulfur oxides in the areas of Aguirre, Barceloneta, Trujillo Alto-Dorado and Ensenada.

(b) Article 6, as submitted to EPA on January 3, 1975, of the Puerto Rico Regulations for Control of Atmospheric Pollution, as it applies to those areas listed in paragraph (a) of this section is disapproved for the following facilities: Puerto Rico Water Resources Authority—Aguirre Complex, Abbott, Merck and Company, Bristol Meyers, Pfizer, Union Carbide, Upjohn, located in the Barceloneta air basin, and Central Guanica, located in the Aquada air basin. Accordingly, these sources, with the exception of the Puerto Rico Water Resources Authority—Aguirre Complex, are required to conform to the sulfur in fuel limitations contained in Article 6 of the Puerto Rico implementation plan as submitted to EPA on January 31, 1972.

(c) On and after the effective date of this paragraph, the maximum allowable sulfur in fuel limitation, by weight, for the Puerto Rico Water Resources Authority Aguirre complex shall be 2.5 percent.

(d) The requirements of section 110 of the Clean Air Act are not met since Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution would permit the use of stack height increases in lieu of available methods for emission reduction. Therefore, Section H of Appendix A of Article 6 of the Puerto Rico Regulation for Control of Atmospheric Pollution is disapproved to the extent that it would permit increases in stack height in lieu of available methods of emission reduction.

[40 FR 42194, Sept. 11, 1975. Correctly designated at 41 FR 24586, June 17, 1976, and amended at 51 FR 40676, Nov. 7, 1986]