

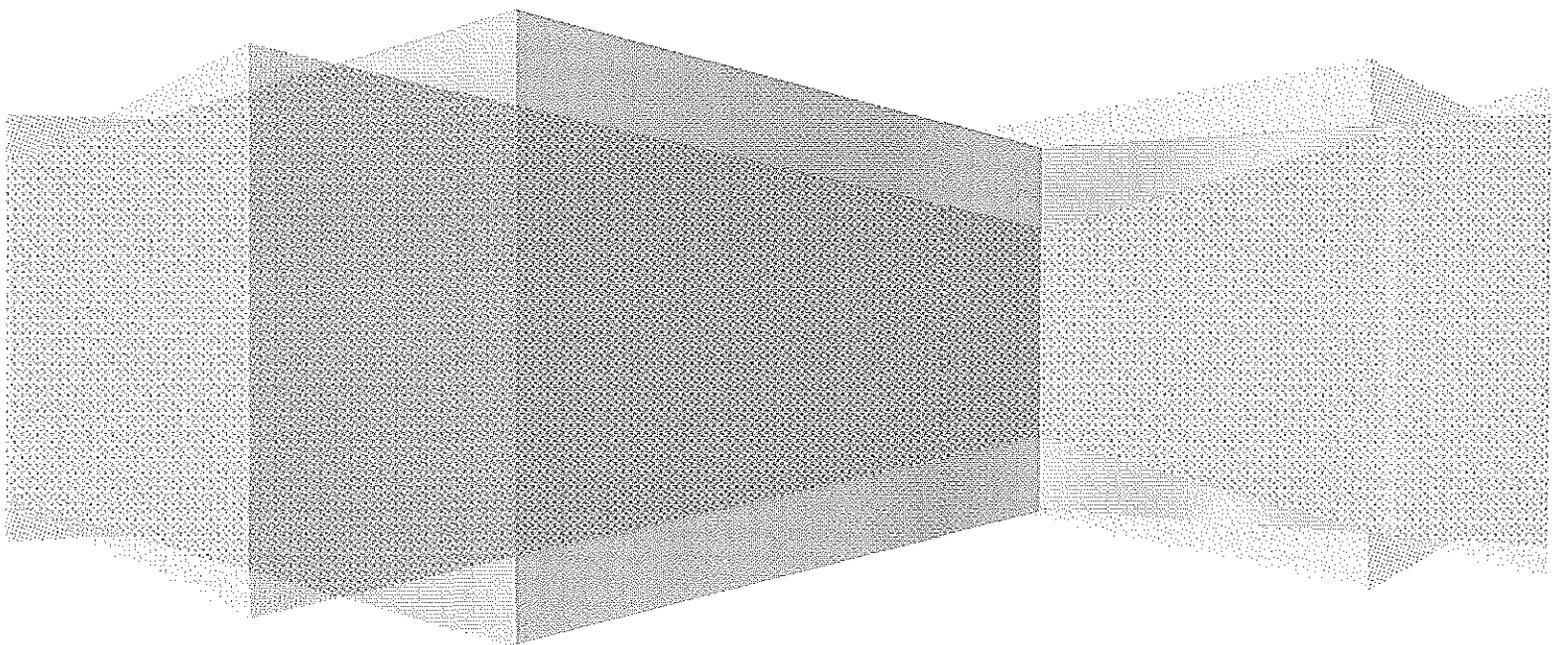


GOVERNMENT OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD



AIR QUALITY AREA

Proposed Amendments:
Regulation for the Control of Atmospheric
Air Pollution



Proposed Amendments Regulation for the Control of Atmospheric Air Pollution

Introduction

The Puerto Rico Environmental Quality Board is amending the definition of volatile organic compounds (VOC) in the Regulation for the Control of Atmospheric Pollution. We are also reviewing some rules that mention Law 9 of June 18, 1970, which was revoked by Law 416 of September 22, 2004. Finally, we are reviewing the List of HAP located in Appendix A of the Regulation for the Control of Atmospheric Pollution.

The purpose of the review is to make consistent with the new definitions approved by the Environmental Protection Agency. Once approved, the amendments will be sent to the EPA in order to update the Puerto Rico State Implementation Plan and the Title V operating permits program.

AMMENDMENT TO RULE 102 OF THE RCAP

We are reviewing some definitions in Rule 102 of the Regulation for the Control of Atmospheric Pollution (RCAP) in order to make them consistent with the definitions approved by the Environmental Protection Agency. We are also reviewing some definitions that cite Law 9 of June 18, 1970, which was revoked by Law 416 of September 22, 2004.

Definition of VOC

In order to be consistent with the federal regulations and 40 CFR section 51.100, we are proposing the amendment of the definition of Volatile Organic Compounds (VOC). The amendment consists in the inclusion of all organic compounds that EPA excluded from the VOC definition. You will find in bold and underline the compounds added as excluded of the VOC definition.

Proposed amendment

Any chemical substance which contains compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or 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); **parachlorobenzotrifluoride (PCBTF)**; **cyclic, branched, or linear completely methylated siloxanes**; **acetone**; **perchloroethylene (tetrachloroethylene)**; **3,3-dichloro-1,1,1,2,2-pentafluoropropane** (HCFC-225ca); **1,3-dichloro-1,1,2,2,3-pentafluoropropane** (HCFC-225cb); **1,1,1,2,3,4,4,5,5,5-decafluoropentane** (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); **1,1,1,3,3,3-hexafluoropropane** (HFC-236fa); **1,1,2,2,3-pentafluoropropane** (HFC-245ca); **1,1,2,3,3-pentafluoropropane** (HFC-245ea); **1,1,1,2,3-pentafluoropropane** (HFC-245eb); **1,1,1,3,3-pentafluoropropane** (HFC-

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245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃ or HFE-7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅ or HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CFCF₂OC₂H₅); methyl acetate, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C₃F₇OCH₃, HFE-7000), 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500), 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea), methyl formate (HCOOCH₃), (1) 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); propylene carbonate; dimethyl carbonate; 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.

Definition of Applicable Rule and Regulation.

We are reviewing the definition of Applicable Rule and Regulation in order to mention Law 416 instead of Law 9. In red and strikethrough you will find the deleted text and in blue underlined the added text.

Proposed amendment

All rules and regulations promulgated under the ~~Public Policy Environmental Act~~ Environmental Public Policy Act (~~Law No.9, June 18, 1970~~ Law No.416, September 22, 2004, as amended) and the "Clean Air Act" for the control of atmospheric pollution, including but not limited to:

AMMENDMENT TO RULES 111, 115 AND 116 OF THE RCAP

The EQB is proposing the amendments of Rules 111 and 115 of its State Implementation Plan (SIP) in order to correct the name of the law that is mentioned in the Rule from Law No. 9 to Law No. 419. Law No. 416 revokes Law No. 9 on September 22, 2004. Also, EQB revised Rule 116 in order to correct the proper citation of the Law. In red and strikethrough you will find the deleted text and in blue underlined the added text.

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Rule 111, paragraph (A)(4)(b)

Proposed amendment:

A) Applications

(4) Decision and Notification of Applications

(a) ...

(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)~~ 4 (B)(3) of the "~~Environmental Public Policy Law of Puerto Rico~~ Public Policy Environmental Act" (~~Law No. 9 of June 18, 1970~~ Law No. 416 of September 22, 2004, as amended) have not been satisfied.

Rule 115

Proposed amendment

Any violation of this Regulation will constitute a misdemeanor, and will be subject to the penalty established in the "~~Public Policy Environmental Act~~ Environmental Public Policy Law of Puerto Rico" (~~Law No. 9 of June 18, 1970~~ Law No. 416 of September 22, 2004, 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 (A)

Proposed amendment

Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance as defined in Article ~~329~~ 277 of the ~~Penal Code of Puerto Rico~~ Civil Prosecution Code of Puerto Rico.

AMENDMENT OF RULE 609 OF TITLE V OPERATING PERMIT PROGRAM

The EQB is proposing the amendments of Rule 609 in order to correct the name of the law that is mentioned in the Rule from Law No. 9 to Law No. 419. In red and strikethrough you will find the deleted text and in blue underlined the added text.

Rule 609, paragraph (g)(1)

Proposed amendment

(g) Confidential information

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(1)As provided in Article ~~1817~~ (Confidential Documents) of Puerto Rico's ~~Law No. 9~~ Law No. 416, material that may be designated as confidential includes any information:

AMENDMENTS TO APPENDIX A

The Regulation for the Control of Atmospheric Air Pollution (RCAP) refers to Appendix A when defining the hazardous air pollutants (HAP) in Rule 102. Since appendix A contains the original 189 list of HAPS contained in the Clean Air Act. We are reviewing Appendix A in order to incorporate changes already approved by EPA to the original list of HAP.

The modification consists in the following:

1. Removal of Caprolactam (CAS # 105602)- EPA remove Caprolactam from CAA HAP list: On June 18, 1996.
2. Removal of Methyl ethy ketone (CAS# 78933) - EPA remove Methyl ethy ketone from CAA HAP list on December 19, 2005.
3. Review of Glycol Ethers- EPA remove the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) (Chemical Abstract Service (CAS) No. 111-76-2) from the group of glycol ethers on November 29, 2004.

Appendix A should read as follows. In red and strikethrough you will find the deleted text and in blue underlined the added text.

APPENDIX A

Hazardous Air Pollutants - Section 112 (b) of the Clean Air Act

Chemical Name	Chemical Abstract Service (CAS) Number
Acetaldehyde	75070
Acetamide	60355
Acetonitrile	75058
Acetophenone	98862
2-Acetylaminofluorene	53963
Acrolein	107028
Acrylamide	79061
Acrylic acid	79107

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Chemical Name	Chemical Abstract Service (CAS) Number
Acrylonitrile	107131
Allyl chloride	107051
4-Aminobiphenyl	92671
Aniline	62533
o-Anisidine	90040
Asbestos	1332214
Benzene (including benzene from gasoline)	71432
Benzidine	92875
Benzotrichloride	98077
Benzyl chloride	100447
Biphenyl	92524
Bis (2-ethylhexyl)phthalate (DEHP)	117817
Bis (chloromethyl)ether	542881
Bromoform	75252
1,3-Butadiene	106990
Calcium cyanamide	156627
Caprolactam (Removed) ¹	105602
Captan	133062
Carbaryl	63252
Carbon disulfide	75150
Carbon tetrachloride	56235
Carbonyl sulfide	463581
Catechol	120809
Chloramben	133904
Chlordane	57749
Chlorine	7782505
Chloroacetic acid	79118
2-Chloroacetophenone	532274
Chlorobenzene	108907
Chlorobenzilate	510156

¹ EPA removes Caprolactam from CAA HAP list: On June 18, 1996. Refer to Federal Register 61FR30816, June 18, 1996.

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Chemical Name	Chemical Abstract Service (CAS) Number
Chloroform	67663
Chloromethyl methyl ether	107302
Chloroprene	126998
Cresols/Cresylic acid (isomers and mixture)	1319773
o-Cresol	95487
m-Cresol	108394
p-Cresol	106445
Cumene	98828
2,4-D, salts and esters	94757
DDE	3547044
Diazomethane	334883
Dibenzofurans	132649
1, 2-Dibromo-3-chloropropane	96128
Dibutylphthalate	84742
1,4-Dichlorobenzene(p)	106467
3,3-Dichlorobenzidene	91941
Dichloroethyl ether (Bis(2-chloroethyl)ether)	111444
1,3-Dichloropropene	542756
Dichlorvos	62737
Diethanolamine	111422
N,N-Diethyl aniline (N,N-Dimethylaniline)	121697
Diethyl sulfate	64675
3,3-Dimethoxybenzidine	119904
Dimethyl aminoazobenzene	60117
3,3'-Dimethyl benzidine	119937
Dimethyl carbamoyl chloride	79447
Dimethyl formamide	68122
1,1-Dimethyl hydrazine	57147
Dimethyl phthalate	131113
Dimethyl sulfate	77781
4,6-Dinitro-o-cresol, and salts	534521
2,4-Dinitrophenol	51285

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Chemical Name	Chemical Abstract Service (CAS) Number
2,4-Dinitrotoluene	121142
1,4-Dioxane (1,4-Diethyleneoxide)	123911
1,2-Diphenylhydrazine	122667
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106898
1,2-Epoxybutane	106887
Ethyl acrylate	140885
Ethyl benzene	100414
Ethyl carbamate (Urethane)	51796
Ethyl chloride (Chloroethane)	75003
Ethylene dibromide (Dibromoethane)	106934
Ethylene dichloride (1,2-Dichloroethane)	107062
Ethylene glycol	107211
Ethylene imine (Aziridine)	151564
Ethylene oxide	75218
Ethylene thiourea	96457
Ethylidene dichloride (1,1-Dichloroethane)	75343
Formaldehyde	50000
Heptachlor	76448
Hexachlorobenzene	118741
Hexachlorobutadiene	87683
Hexachlorocyclopentadiene	77474
Hexachloroethane	67721
Hexamethylene-1,6-diisocyanate	822060
Hexamethylphosphoramide	680319
Hexane	110543
Hydrazine	302012
Hydrochloric acid	7647010
Hydrogen fluoride (Hydrofluoric acid)	7664393
Hydroquinone	123319
Isophorone	78591
Lindane (all isomers)	58899
Maleic anhydride	108316

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Chemical Name	Chemical Abstract Service (CAS) Number
Methanol	67561
Methoxychlor	72435
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Methyl chloroform (1,1,1-Trichloroethane)	71556
Methyl ethyl ketone (2-Butanone) (Removed) ²	78933
Methyl hydrazine	60344
Methyl iodide (Iodomethane)	74884
Methyl isobutyl ketone (Hexone)	108101
Methyl isocyanate	624839
Methyl methacrylate	80626
Methyl tert butyl ether	1634044
4,4-Methylene bis(2-chloroaniline)	101144
Methylene chloride (Dichloromethane)	75092
Methylene diphenyl diisocyanate (MDI)	101688
4,4'-Methylenedianiline	101779
Naphthalene	91203
Nitrobenzene	98953
4-Nitrobiphenyl	92933
4-Nitrophenol	100027
2-Nitropropane	79469
N-Nitroso-N-methylurea	684935
N-Nitrosodimethylamine	62759
N-Nitrosomorpholine	59892
Parathion	56382
Pentachloronitrobenzene (Quintobenzene)	82688
Pentachlorophenol	87865
Phenol	108952
p-Phenylenediamine	106503
Phosgene	75445

² EPA removes Methyl ethyl ketone from CAA HAP list on December 19, 2005. Refer to Federal Register 70FR75047, December 19, 2005.

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Chemical Name	Chemical Abstract Service (CAS) Number
Phosphine	7803512
Phosphorus	7723140
Phthalic anhydride	85449
Polychlorinated biphenyls (Aroclors)	1336363
1,3-Propane sultone	1120714
beta-Propiolactone	57578
Propionaldehyde	123386
Propoxur (Baygon)	114261
Propylene dichloride (1,2-Dichloropropane)	78875
Propylene oxide	75569
1,2-Propylenimine (2-Methyl aziridine)	75558
Quinoline	91225
Quinone	106514
Styrene	100425
Styrene oxide	96093
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746016
1,1,2,2-Tetrachloroethane	79345
Tetrachloroethylene (Perchloroethylene)	127184
Titanium tetrachloride	7550450
Toluene	108883
2,4-Toluene diamine	95807
2,4-Toluene diisocyanate	584849
o-Toluidine	95534
Toxaphene (chlorinated camphene)	8001352
1,2,4-Trichlorobenzene	120821
1,1,2-Trichloroethane	79005
Trichloroethylene	79016
2,4,5-Trichlorophenol	95954
2,4,6-Trichlorophenol	88062
Triethylamine	121448
Trifluralin	1582098
2,2,4-Trimethylpentane	540841

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Chemical Name	Chemical Abstract Service (CAS) Number
Vinyl acetate	108054
Vinyl bromide	593602
Vinyl chloride	75014
Vinylidene chloride (1,1-Dichloroethylene)	75354
Xylenes (isomers and mixture)	1330207
o-Xylenes	95476
m-Xylenes	108383
p-Xylenes	106423
Antimony Compounds	0
Arsenic Compounds (inorganic including arsine)	0
Beryllium Compounds	0
Cadmium Compounds	0
Chromium Compounds	0
Cobalt Compounds	0
Coke Oven Emissions	0
Cyanide Compounds ¹	0
Glycol ethers ² (Modified) ³	0
Lead Compounds	0
Manganese Compounds	0
Mercury Compounds	0
Fine mineral fibers ³	0
Nickel Compounds	0
Polycyclic Organic Matter ⁴	0
Radionuclides (including radon) ⁵	0
Selenium Compounds	0

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listing are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical infrastructure.

³ EPA remove the compound ethylene glycol monobutyl ether (EGBE) (2-Butoxyethanol) (Chemical Abstract Service (CAS) No. 111-76-2) from the group of glycol ethers on November 29, 2004. Refer to Federal Register 69FR69320.

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1. X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or CA(CN)₂.
2. Glycol ethers include moni- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol R-(OCH₂CH₂)_n-OR' where
n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, ~~alkyl C7 or less~~; or groups which, when removed, yield glycol ethers with the structure: n R-(OCH₂CH₂)_n-OH. Polymers are excluded from the glycol category.
3. Includes mineral fiber emissions from facilities manufacturing or processing glass, rock, or slag fibers (or other mineral derived fibers) of average diameter 1 micrometer or less.
4. Includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C.
5. A type of atom which spontaneously undergoes radioactive decay.