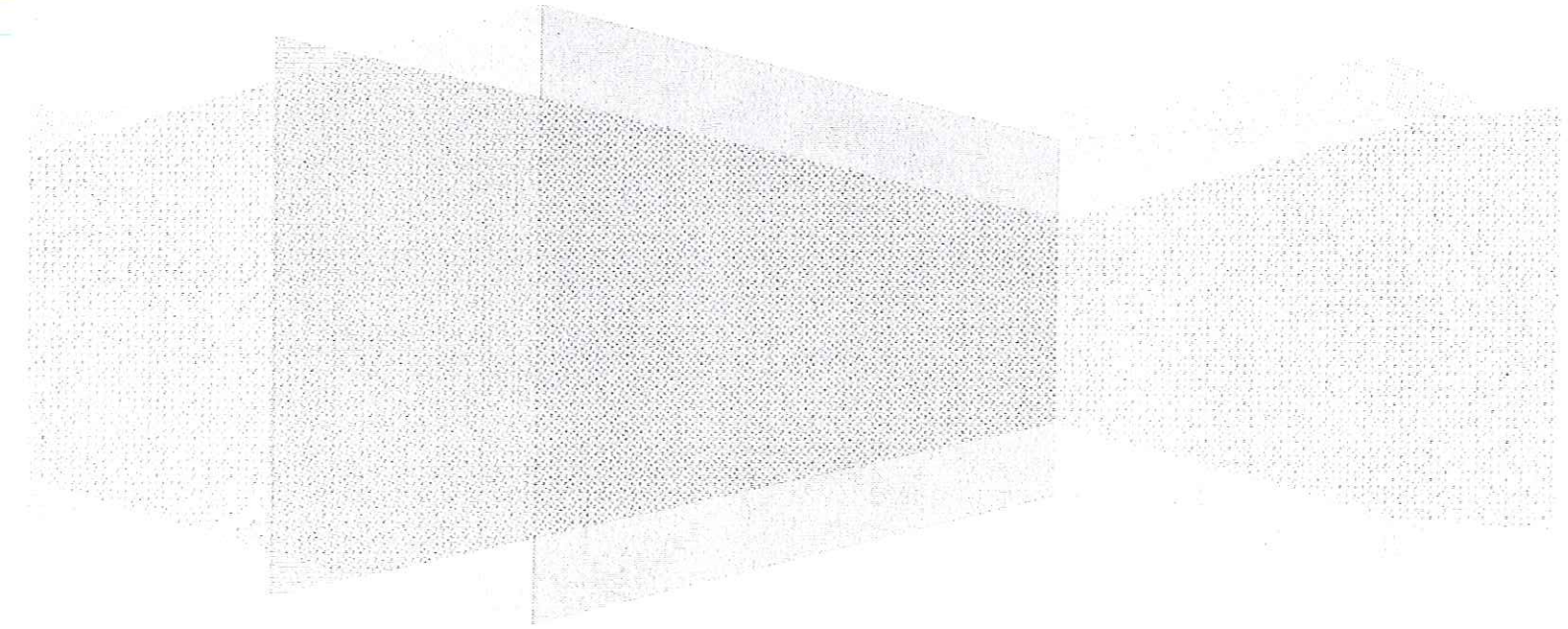
Puerto Rico Government
Office of the Governor
Environmental Quality Board

DEPARTAMENTO DE ESTADO
CERTIFICACIONES Y
REGLAMENTOS
11 JUN 19 AM 10:50

Amendments for the Rules 102, 111, 115, 116, 609 and Appendix A of the Regulation for the Control of Atmospheric Air Pollution

Regulation No. 5300, as amended



SUPPLETORY SHEET

Title of Regulation:	Regulation for the Control of Atmospheric Pollution
Date of approval:	November 3, 2010 R-10-39-5).
Officials whom approved:	EQB Government Board composed by: Mr. Reynaldo Matos Associate Member Edwin A. Irizarry Lugo, Esq Vice-President Pedro J. Nieves Miranda, Esq. Chairman
Date of Public Notice:	July 31, 2010 El Vocero and Primera Hora.
Office where approved:	Environmental Quality Board Government of Puerto Rico Environmental Agencies Building Cruz A. Matos San José Industrial Park 1375 Ponce de León Ave. San Juan, Puerto Rico 00926-2604
Reference of the legal authority to promulgate this regulation:	Law. No 416 of September 22, 2004, as amended, known as Public Policy Environmental Act.
Regulation Number:	_____
Date of Filing:	_____
Date of effectiveness:	Thirty (30) days after filing this regulation in the State Department
Reference to all other Regulations which has been amended by the adoption of this regulation:	Regulation for the Control of Atmospheric Pollution (Regulation No. 5300)

CERTIFICATION

I certify that the procedures followed for the amendments of this regulation where performed in accordance with the provisions of the Puerto Rico Uniform Administrative procedure Act, Law. No 170 of August 12, 1988, as amended, 3 LPRA §1121 *et seq.* and the regulation object of this Suppletory Sheet has been duly reviewed and does not contain any substantive, typographic or clerical errors.

Edmée Zeidan Cuebas, Esq.
Secretary of the Government Board

INDEX

Rule 102	Definitions	1
Rule 111	Applications, Public Hearings and Public Notice	2
Rule 115	Penalties	2
Rule 116	Public Nuisance	2
Rule 609	Permit Review	2
Appendix A	Section 112	2

RULE 102 DEFINITIONS

Volatile Organic Compounds (VOC)

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–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 (C4F9OCH3or 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 (C4F9OC2H5or 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.

Applicable Rule and Regulation.

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

RULE 111 APPLICATIONS, PUBLIC HEARINGS AND PUBLIC NOTICE

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 (B)(3) of the " Public Policy Environmental Act " Law No. 416 of September 22, 2004, as amended have not been satisfied.

RULE 115 PENALTIES

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. 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 PUBLIC NUISANCE

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

RULE 609 PERMIT REVIEW

(g) Confidential information

(1)As provided in Article 17 (Confidential Documents) of Puerto Rico's Law No. 416, supra, material that may be designated as confidential includes any information:

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

Chemical Name	Chemical Abstract Service (CAS) Number
Acrylic acid	79107
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
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
Chloroform	67663
Chloromethyl methyl ether	107302
Chloroprene	126998
Cresols/Cresylic acid (isomers and mixture)	1319773
o-Cresol	95487
m-Cresol	108394
p-Cresol	106445

Chemical Name	Chemical Abstract Service (CAS) Number
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
2,4-Dinitrotoluene	121142
1,4-Dioxane (1,4-Diethyleneoxide)	123911
1,2-Diphenylhydrazine	122667
Epichlorohydrin (l-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

Chemical Name	Chemical Abstract Service (CAS) Number
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
Methanol	67561
Methoxychlor	72435
Methyl bromide (Bromomethane)	74839
Methyl chloride (Chloromethane)	74873
Methyl chloroform (1,1,1-Trichloroethane)	71556
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

Chemical Name	Chemical Abstract Service (CAS) Number
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
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

Chemical Name	Chemical Abstract Service (CAS) Number
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
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 Compounds1	0
Glycol ethers2 (Modified)[1]	0
Lead Compounds	0
Manganese Compounds	0
Mercury Compounds	0
Fine mineral fibers3	0
Nickel Compounds	0
Polycylic Organic Matter4	0
Radionuclides (including radon)5	0
Selenium Compounds	0

[1] 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.

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.

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) -OR' where

n = 1, 2, or 3

R = alkyl or aryl groups

R'= R, H, or groups which, when removed, yield glycol ethers with the structure: n R-(OCH2CH)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.

GOVERNMENT OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

Pursuant and in accordance with the Environmental Public Policy Act (Law No. 416 of September 22, 2004, as amended) and the Uniform Administrative Procedure Act (Law. No. 170 of August 12, 1988, as amended), the following rules 102, 111, 115, 116, 609 of the Regulation 5300 have been amended:

Regulation for the Control of Atmospheric Pollution (RCAP)

The amendments of the rules 102, 111, 115, 116, 609 and Appendix A of the Regulation had been promulgated by Resolution R-10-39-5 of November 3, 2010, in order to review the definition of Volatile Organic Compounds (VOC) and the List of Hazardous Air Pollutants (HAP); and properly cite the Environmental Public Policy Act.

Under Section 2.08 of the Uniform Administrative Procedure Act, as amended, (3 L.P.R.A section 2128), this amendments will be effective in thirty (30) days after its presentation in the State Department.

In San Juan Puerto Rico, January 14, 2011.

Mr. Reynaldo Matos Jiménez
Associate Member

Mr. Pedro J. Nieves Miranda, Esq.
Chairman