



ESTADO LIBRE ASOCIADO DE
PUERTORICO
DEPARTAMENTO DE ESTADO

25 de junio de 2014

Lcda. Laura M. Vélez Vélez
Presidenta
Junta de Calidad Ambiental
Apartado 11488
San Juan, Puerto Rico 00910

Estimada licenciada Vélez:

Tenemos a bien informarle que el 13 de junio de 2014, quedó radicado en este Departamento, a tenor con las disposiciones de la Ley Núm. 170 de 12 de agosto de 1988, según enmendada, el siguiente reglamento:

Número: 8484 **Enmienda al Reglamento para el Control de la Contaminación Atmosférica (Reglamento Núm. 5300, según enmendada) (Reglas 102 y 501). Estas enmiendas han sido promulgadas por la Resolución R12-9-6 del 30 de marzo, con el propósito de ajustar el umbral de aplicabilidad para requerir el permiso de gases de invernadero y la habilidad para emitir Permiso Título V a las Fuentes afectadas por los Gas de Invernadero (GHGs), en inglés), según establecido por la Agencia de Protección Federal Ambiental en la regla final, conocida como Regla de Adaptación Prevención de Deterioro Significativo y Título V para Gases de Efecto de Invernadero.**

Conforme a la Ley 149 de 12 de diciembre de 2005, el Departamento de Estado radicará una copia a la Biblioteca Legislativa. Incluimos copia del reglamento numerado.

Cordialmente,

Francisco J. Rodríguez Bernier
Secretario Auxiliar de Servicios

Anejos

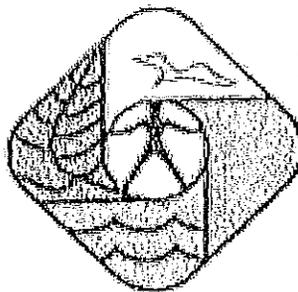
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ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

Número: 8484

Fecha: 13 de junio de 2014

Aprobado: Hon. David E. Bernier Rivera
Secretario de Estado



Francisco J. Rodríguez Bernier
Por: Francisco J. Rodríguez Bernier
Secretario Auxiliar de Servicios

ENMIENDA AL REGLAMENTO PARA EL CONTROL DE LA
CONTAMINACIÓN ATMOSFÉRICA

(Reglamento Núm. 5300, según enmendado)

(REGLAS 102 Y 501)



ESTADO LIBRE ASOCIADO DE
PUERTO RICO
JUNTA DE CALIDAD AMBIENTAL

ESTADO
SECRETARÍA DE ESTADO
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12 de junio de 2014

Hon. David Bernier
Secretario de Estado
Departamento de Estado
Calle San Jorge, Esq. San Francisco
San Juan, PR 00901

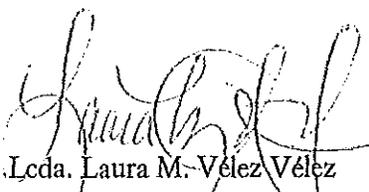
Honorable señor Secretario:

RE: **ADOPCIÓN DE ENMIENDAS AL REGLAMENTO PARA EL CONTROL DE LA
CONTAMINACIÓN ATMOSFÉRICA**

De conformidad con la Sección 2.8 de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 de 12 de agosto de 1988, según enmendada (3 L.P.R.A 2128), adjunto original y tres copias en español del Reglamento enmendado para su presentación ante el Departamento de Estado. Sírvase registrar el mismo según lo requiere la Ley Núm. 170, *supra*. Dicho reglamento fue aprobado por la Junta de Gobierno de la Junta de Calidad Ambiental mediante la Resolución R-12-9-6 de 30 de marzo de 2012.

Además, incluimos evidencia de la publicación de los Avisos Públicos en los periódicos y hacemos constar la certificación sobre publicación en la página electrónica de la agencia.

Cordialmente,


Lcda. Laura M. Vélez Vélez
Directora Ejecutiva

ESTADO LIBRE ASOCIADO DE PUERTO RICO
OFICINA DEL GOBERNADOR
JUNTA DE CALIDAD AMBIENTAL

VOLANTE SUPLETORIO

1. Título del Reglamento: Reglamento para el Control de la Contaminación Atmosférica (Enmiendas a las Reglas 102 y 501)
2. Fecha de Aprobación: 30 de marzo de 2012 (R-12-9-6)
3. Personas que lo aprobaron: Junta de Gobierno en pleno, compuesta por:

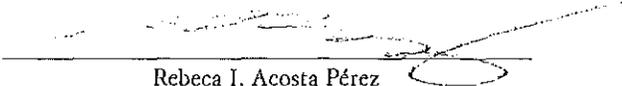
Lcdo. Pedro J. Nieves Miranda
Presidente

Reynaldo Matos Jiménez
Miembro Asociado

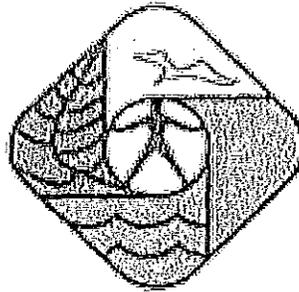
Blanche González Hodge
Miembro Asociado
4. Fecha de publicación del Aviso Público: 30 de diciembre de 2010. (El Vocero y Puerto Rico Daily Sun)
5. Agencia que lo aprobó: Junta de Calidad Ambiental
Edif. de Agencias Ambientales Cruz A. Matos
#1375, Carr. PR-8838, Sector El Cinco
San Juan, PR 00926
6. Referencia sobre autoridad estatutaria para promulgar el reglamento: Ley Sobre Política Pública Ambiental.
Ley Núm. 416 del 22 de septiembre de 2004, según enmendada.
7. Reglamento Número: _____
8. Fecha de Radicación en el Departamento de Estado: _____
9. Fecha de Vigencia: Treinta (30) días después de su radicación en el Departamento de Estado.
10. Referencia a todo reglamento que se enmiende o derogue mediante la Adopción del presente reglamento: Enmienda al Reglamento para el Control de la Contaminación Atmosférica, Reglas 102 y 501, Reglamento Núm. 5300 del 28 de agosto de 1995, según enmendado.

CERTIFICACIÓN

CERTIFICO que el procedimiento de reglamentación seguido en este caso, se llevó a tenor con las disposiciones de la Ley de Procedimiento Administrativo Uniforme, Ley Núm. 170 de 12 de agosto de 1988, según enmendada, y que el reglamento a que hace referencia este Volante Supletorio fue debidamente revisado y no contiene errores sustantivos, tipográficos o clericales.


Rebeca I. Acosta Pérez
Secretaría de la Junta de Gobierno de
la Junta de Calidad Ambiental

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD



AMENDMENT TO REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION

(Regulation No. 5300, as amended)

(RULES 102 AND 501)

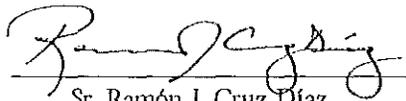
COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

Pursuant and in accordance with the Environmental Public Policy Act (Law No. 416 of September 22, 2004, as amended) the Uniform Administrative Procedure Act (Law No. 170 of August 12, 1988, as amended), and the Title 40 of Code of Federal Regulations, the following amendment of Rules 102 y 501 of the:

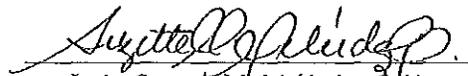
REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION

Has been promulgated by the Resolution Number R-12-9-6 of March 30, 2012, in order to adjust the applicability threshold of Green House Gases (GHGs) for permit requirements and the ability to issue Title V Permits to sources affected by GHG, as established by the Environmental Protection Agency (EPA) in the final rule known as Prevention of Significant Deterioration and Title V Greenhouse Gases Tailoring Rule.

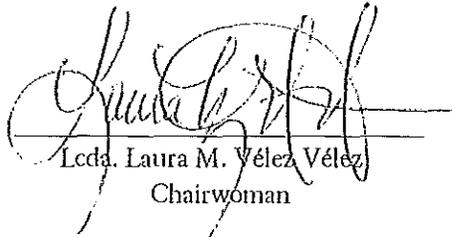
In San Juan, Puerto Rico, June 12, 2014.



Sr. Ramón J. Cruz Díaz
Associate Member



Lcda. Suzette M. Meléndez Colón
Associate Member



Lcda. Laura M. Vélez Vélez
Chairwoman

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD

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REGULATION FOR THE CONTROL OF
ATMOSPHERIC POLLUTION
(Regulation No. 5300, as amended)

Amendment to Rules 102 and 501

Date of effectiveness: Thirty (30) days after the filing of this amendment in the State Department.

<u>RULE</u>	<u>PAGE</u>
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AMENDMENT TO RULE 102 OF THE REGULATIONS FOR THE CONTROL OF ATMOSPHERIC POLLUTION

Major Source or 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 defined as:

- (i) Any of the following sources which have potential to emit one hundred tons per year or more of any regulated air pollutant, from the following types of stationary sources:
 - (1) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,
 - (2) coal cleaning plants (with thermal dryers),
 - (3) kraft pulp mills,
 - (4) portland cement plants,
 - (5) primary zinc smelters,
 - (6) iron and steel mill plants,
 - (7) primary aluminum ore reduction plants ,
 - (8) primary copper smelters,
 - (9) municipal incinerators capable of charging more than 50 tons of refuse per day,
 - (10) hydrofluoric acid plants,
 - (11) sulfuric acid plants,
 - (12) nitric acid plants,
 - (13) petroleum refineries,
 - (14) lime plants,
 - (15) phosphate rock processing plants,

- (16) coke oven batteries,
- (17) sulfur recovery plants,
- (18) carbon black plants (furnace process),
- (19) primary lead smelters,
- (20) fuel conversion plants,
- (21) sintering plants,
- (22) secondary metal production plants,
- (23) chemical process plants,
- (24) fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input,
- (25) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
- (26) taconite ore processing plants,
- (27) glass fiber processing plants,
- (28) charcoal production plants;
- (29) any other stationary source category regulated under section 111 or 112 of the Act

- (ii) Any other source with the potential to emit two hundred and fifty (250) tons per year or more of any regulated 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 100 tons per year or more of any air pollutant.
- (iii) Any physical change that would occur at a stationary source not otherwise qualifying under paragraph (A)(i), as a major stationary source if the change would constitute a major stationary source by itself.
- (iv) A major source that is major for volatile organic compounds or NO_x shall be considered major for ozone.

(B)- For the purpose of operating a source:

(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 regulated 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) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,
- (2) coal cleaning plants (with thermal dryers),
- (3) kraft pulp mills,
- (4) portland cement plants,
- (5) primary zinc smelters,
- (6) iron and steel mill plants,
- (7) primary aluminum ore reduction plants ,
- (8) primary copper smelters,
- (9) municipal incinerators capable of charging more than 50 tons of refuse per day,
- (10) hydrofluoric acid plants,
- (11) sulfuric acid plants,
- (12) nitric acid plants,

- (13) petroleum refineries,
- (14) lime plants,
- (15) phosphate rock processing plants,
- (16) coke oven batteries,
- (17) sulfur recovery plants,
- (18) carbon black plants (furnace process),
- (19) primary lead smelters,
- (20) fuel conversion plants,
- (21) sintering plants,
- (22) secondary metal production plants,
- (23) chemical process plants,
- (24) fossil-fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input,
- (25) petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels,
- (26) taconite ore processing plants,
- (27) glass fiber processing plants,
- (28) charcoal production plants;
- (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 of 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.

Regulated air pollutant or Regulated Substance

Means, for any air pollutant, that the pollutant is subject to either a provision in the Clean Air Act, or a nationally-applicable regulation codified by the Administrator in Subchapter C of Title 40 of the Code of Federal Regulations (40 CFR), that requires actual control of the quantity of emissions of that pollutant, and that such a control requirement has taken effect and is operative to control, limit or restrict the quantity of emissions of that pollutant released from the regulated activity. Except that:

- (A) For the purpose of construction:
 - (1) Greenhouse gases (GHGs), the air pollutant defined in §86.1818–12(a) of 40 CFR as the aggregate group of six greenhouse gases: Carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation except as provided in paragraphs (A)(3) or (A)(4).
 - (2) For purposes of paragraphs (A)(3) and (A)(4), the term tpy CO₂ equivalent emissions (CO₂e) shall represent an amount of GHGs emitted, and shall be computed as follows:
 - (a) Multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of part 98 of 40 CFR—Global Warming Potentials.

(b) Sum the resultant value from paragraph (A)(2)(a) of this section for each gas to compute a tpy CO₂e. For purposes of paragraphs(A)(2)(a) and (b) of this definition, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

(3) Beginning January 2, 2011, the pollutant GHGs is subject to regulation if:

- (a) The stationary source is a new major stationary source for a regulated air pollutant that is not GHGs, and is required to obtain a Prevention of Significant Deterioration (PSD) permit also will emit or will have the potential to emit GHGs in an amount equal to or more than 75,000 tpy CO₂e or
- (b) The stationary source is an existing major stationary source for a regulated air pollutant that is not GHGs, and also will undergo a major modification requiring a PSD permit for a regulated air pollutant, and an net emissions increase of GHGs from the modification that would be equal to or greater than 75,000 tpy CO₂e and any increase per year on a mass basis.

(4) Beginning July 1, 2011, in addition to the provisions in paragraph (A)(3) of this section, PSD will apply to the pollutant GHGs if:

- (a) At a new stationary source that will emit or have the potential to emit GHGs in an amount greater than or equal to 100,000 tpy CO₂e and greater than or equal to 100/250 tons per year on a mass basis;
- (b) At an existing stationary source that emits or has the potential to emit GHGs in an amount greater than or equal to 100,000 tpy CO₂e, and greater than or equal to 100/250 tons per year on a mass basis when

such stationary source undertakes a physical change or change in the method of operation that will result in an emissions increase of GHGs as 75,000 tpy CO₂e or more or any increase per year on a mass basis.

(B) For the purpose of operating a source:

(1) Greenhouse gases (GHGs), the air pollutant defined in section 86.1818–12(a) of 40 CFR as the aggregate group of six greenhouse gases: carbon dioxide, nitrous oxide, methane, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, shall not be subject to regulation unless, as of July 1, 2011, the GHG emissions are at a stationary source emitting or having the potential to emit 100,000 tpy CO₂ equivalent emissions, where the term tpy CO₂ equivalent emissions (CO₂e) shall represent an amount of GHGs emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A–1 to subpart A of part 98 of 40 CFR—Global Warming Potentials, and summing the resultant value for each to compute a tpy CO₂e. For purposes of this paragraph, prior to July 21, 2014, the mass of the greenhouse gas carbon dioxide shall not include carbon dioxide emissions resulting from the combustion or decomposition of non-fossilized and biodegradable organic material originating from plants, animals, or micro-organisms (including products, by-products, residues and waste from agriculture, forestry and related industries as well as the non-fossilized and biodegradable organic fractions of industrial and municipal wastes, including gases and liquids recovered from the decomposition of non-fossilized and biodegradable organic material).

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;

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

* The Board shall determine the fee for greenhouse gases or CO₂e by Resolutions issued by the Governing Board, as necessary, to assure that the annual payments are sufficient to cover all reasonable costs (direct or indirect) required to develop the Title V Operating Permit Program of Puerto Rico.

Global Warming Potential (GWP)

means the cumulative radiative forcing effects of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative effects to a reference gas. The global warming potential values are defined in Table A-1 of subpart A of part 98 of Title 40 of the Code of Federal Regulations (40 CFR).

Greenhouse Gases (GHG)

means the aggregate group of six greenhouse gases which are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

Tpy Carbon Dioxide Equivalent (CO₂e)

shall represent an amount of GHG emitted, and shall be computed by multiplying the mass amount of emissions (tpy), for each of the six greenhouse gases in the pollutant GHGs, by the gas's associated global warming potential published at Table A-1 to subpart A of part 98 of 40 CFR – Global Warming Potentials, and summing the resultant value for each to compute a tpy CO₂e.

AMENDMENT TO RULE 501(B)(1) OF THE REGULATIONS FOR THE CONTROL OF ATMOSPHERIC POLLUTION

An applicant who submits an application for any construction permit, approval or a modification to the permit to operate in regard to any source not covered by Part VI of these Regulations, shall pay a permit fee of \$10.00 per ton per pollutant. Those construction permits applications that are not affected by Prevention of Significant Deterioration are exempted of the permit fees under this paragraph. The Board will determine the GHG or CO₂e fee through a Governing Board Resolution as necessary, to assure that the permit fees are sufficient to cover all reasonable costs (direct or indirect) required to develop the major source construction or major modifications permits affected by Prevention of Significant Deterioration.