

CHAPTER 2401-71 AIR POLLUTION CONTROL REGULATIONS

GENERAL PROVISIONS

2401-71-01 Authority
2401-71-02 Purpose
2401-71-03 Definitions
AIR QUALITY STANDARDS
2401-71-04 Introduction
2401-71-05 Air Quality Standards
2401-71-06 Antidegradation
PERMITS
2401-71-07 Permit to Construct
2401-71-08 Permit to Operate
2401-71-09 Exemptions
2401-71-10 Application
2401-71-11 Standards for Approval, Conditional Approval, or Denial of Permit Applications
2401-71-12 Conditional Approval
2401-71-14 Public Notice
2401-71-15 Action on Applications
2401-71-16 Performance Testing
2401-71-17 Revoking of Permits
2401-71-18 Transfer of Permit
2401-71-19 Reporting Information
2401-71-21 Reporting Discontinuance or Dismantlement
2401-71-22 Posting of Permits
MONITORING, RECORDS, AND REPORTING
2401-71-25 Stationary Source Emission Report Procedures
2401-71-26 Shutdown for Maintenance of Air Pollution Control Equipment
2401-71-27 Malfunction, Breakdown, Shutdown
2401-71-28 Compliance with National Ambient Air Quality Standards and Enforcement
SAMPLING AND TESTING METHODS
2401-71-29 Procedures
2401-71-30 Authority to Conduct Tests; Assistance
2401-71-31 Buffer Zone
CONTROL OF FUGITIVE DUST
2401-71-32 Control of Fugitive Dust
2401-71-33 Alternate Controls
2401-71-34 Processing, Handling, Transportation, and Storage
2401-71-35 Construction and Sandblasting Operations
2401-71-36 Grading and Clearing
2401-71-37 Roads and Parking Lots
2401-71-38 Compliance Schedule
2401-71-39 Report Regarding Compliance
CONTROL OF OPEN BURNING
2401-71-40 Open Burning Prohibited
2401-71-41 Exceptions
2401-71-42 Preparation of Food
STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES
2401-71-43 General
2401-71-44 Designated Standards of Performance
2401-71-45 Word and Phrase Substitutions
CONTROL OF PARTICULATE EMISSION
2401-71-46 Process Industries
2401-71-47 Fuel Burning Installations
CONTROL OF PARTICULATE EMISSION FROM INCINERATOR: DESIGN AND OPERATION
2401-71-48 Application
2401-71-49 Prohibitions
2401-71-50 Emission Tests and Burning Capacities
2401-71-51 Multiple Chamber-Cylinders Required
CONTROL OF VISIBLE EMISSIONS OF PARTICULATES FOR STATIONARY SOURCES
2401-71-52 Visible Emission Restrictions for Stationary Sources
CONTROL OF ODORS IN CLEAN AIR
2401-71-53 Prohibition on Odors
2401-71-54 Exceptions
CONTROL OF SULFUR DIOXIDE EMISSIONS
2401-71-55 Sulfur Emissions Limit
2401-71-56 Intermittent Control Strategy
2401-71-57 Monitoring and Sampling of SO₂
MOTOR VEHICLE POLLUTION CONTROL
2401-71-58 Prohibitions
2401-71-59 Penalties
2401-71-60 Waiver
NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS
2401-71-61 General
2401-71-62 Designated Emission Standards
2401-71-63 Word and Phrase Substitutions
AIR POLLUTION EMERGENCIES
2401-71-64 Purpose
2401-71-65 Episode Criteria
2401-71-67 Episode Termination
2401-71-68 Extrapolation Authorized
APPEAL AND CIRCUMVENTION
2401-71-70 Appeal
2401-71-71 Circumvention
MISCELLANEOUS PROVISIONS
2401-71-72 Severability

2401-71-73 Repealer
2401-71-74 Protected Areas

GENERAL PROVISIONS

2401-71-01 Authority

These regulations are promulgated by the Republic of Palau Environmental Quality Protection Board, to provide for the control of the discharge of pollutants into the air, pursuant to the authority granted it by RPPL 1-58 (24 PNC §100, et seq.), the Republic of Palau Environmental Quality Protection Act. These regulations shall have the force and effect of law.

(Effective May 26, 1996)

2401-71-02 Purpose

(A) WHEREAS, it is recognized that there has been and may further be a growth in the amount and complexity of air pollution brought about by increasing population and industrial development resulting in dangers to the public health and welfare and the environment, including injury to agricultural crops and livestock, damage to and deterioration of property, and hazardous to air and ground transportation; and
(B) WHEREAS, it is the responsibility of the Palau Environmental Quality Protection Board to control the quality of air for the purpose of maintaining and protecting public health, safety and welfare and the environment in the Republic; and
(C) WHEREAS, in order to accomplish air quality control, it is necessary to prevent or control the emission of air contaminants at their source; and
(D) WHEREAS, it is the purpose of these Standards and Regulations to control air quality of the Republic to the extent that it is feasible and consistent with the growth of the area; and
(E) NOW, THEREFORE, the Board does hereby order compliance with the following Regulations to be known as "Republic of Palau Environmental Quality Protection Board Air Pollution Control Regulations."

(Effective May 26, 1996)

2401-71-03 Definitions

The following words and terms, when used in these Regulations, shall have the following meanings, unless the context clearly indicates otherwise:

(A) "Air Contaminant" shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
(B) "Air Pollution" shall mean the presence in the clean air of one or more contaminants in such amounts and length of time as is or tends to be harmful to human health or welfare, animal or plant life, property, or interferes with the enjoyment of life or property.

(C) "Annual Average Capacity Factor" shall mean the ratio of the average load on a machine or equipment for a period of one (1) year (8760 hours) to the capacity rating of the machine or equipment.

(D) "Applicant" shall mean owner or designated representative.

(E) "Board," shall mean the Republic of Palau Environmental Quality Protection Board or its authorized representative.

(F) "Buffer Zone" shall mean the area surrounding a stationary source, access to which is effectively prohibited to persons other than employees of the stationary source. The boundaries and areas outside the buffer zone shall be used for clean air quality sampling.

(G) "CFR" shall mean the United States Code of Federal Regulations.

(H) "Chairman" shall mean the Chairman of the Environmental Quality Protection Board or the Chairman's authorized representative.

(I) "Clean Air" shall mean the outdoor air or atmosphere, outside to buildings, stacks, or exterior ducts, which surrounds the earth.

(J) "Complex Sources" shall mean any stationary source, including buildings, structures, or installations, which affect air quality by indirect means, primarily be means of mobile source activity associated with them. For the purpose of these Regulations "Complex Sources" shall be defined as, but not limited to, the following:

(1) Projects requiring Environmental Impact Statements or Assessments such as roads and airports;

(2) Parking facilities with a capacity of 10-50 vehicles or one half (1/2) acre of surface area;

(3) Drive-in facilities;

(4) Commercial buildings with over ten thousand (10,000) square feet of floor space;

(5) Sports complexes with a capacity of over fifty (50) persons;

(6) Amusement parks and other recreational facilities with a capacity of over fifty (50) persons;

(7) Commercial, industrial, institutional or public buildings employing and accommodating a total of more than fifty (50) persons in any eight (8) hour period;

(8) Hotels, motels, and multi-family dwellings with accommodations for more than twenty-five (25) persons;

(9) Residential subdivisions consisting of over eight (8) dwelling units.

(K) "Excess Emission" shall mean an emission rate which exceeds any applicable emission limitation prescribed by Sections 2401-71-46 through 2401-71-57, inclusive of these Regulations.

(L) "Existing Source" shall mean those point and complex sources which emit air contaminants from equipment, machines, devices, or installations which are in existence on December 25, 1981; except, any point and complex source or their existing equipment, machines, devices, or installations which are modified after June 25, 1980.

(M) "Fuel-Burning Equipment" shall mean any furnace, boiler, apparatus, stack, and all attachments thereto, used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

(N) "Fugitive Dust" shall mean any air-borne solid matter emitted from any source other than a stack or chimney.

(O) "Garbage" shall mean animal or vegetable matter originating in homes, restaurants, and food service and processing establishments.

(P) "Malfunction" shall mean any sudden and unavoidable failure of air pollution control equipment or process equipment, or a process, or a unit operation, to operate in a normal and usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any preventable condition or preventable equipment breakdown shall not be considered malfunctions.

(Q) "Mobile Source" shall mean any vehicle air contaminant source, including but not limited to, automobiles, trucks, buses, other motor vehicles, aircraft, ships, boats, and other water craft, but not including any source attached to a vehicle whether such attachment is permanent or temporary, when this source is not used to supply power to the vehicle.

(R) "Modify" shall mean any physical change in, or change in method or hours of operation of an existing facility which changes the amount of any air pollutant emitted by such sources or which results in the emission of any air pollutant not previously emitted, including the installation, alteration, or removal of air pollution control devices, except that routine maintenance, repair and replacement shall not be considered physical changes.

(S) "Multiple-Chamber Incinerator" shall mean any machine, equipment, structure or part of a structure, used to dispose of burnable waste, such as hazardous hospital waste, by burning and consisting of three or more refractory lined combustion furnaces in series which are physically separated by refractory walls and inter-connected by gas passage openings or ducts and employing adequate design features necessary for maximum combustion of the material to be burned.

(T) "New Motor Vehicle" shall mean any self-propelled vehicle manufactured on the current calendar or model year to be used on public roads and highways for the purpose of transportation or conveyance of material.

(U) "New Motor Vehicle Engines" shall mean engines manufactured on the current calendar or model year to be used for providing power to motor vehicles.

(V) "New Source" shall mean those point and complex sources including their equipment, machines, devices, or installations built or installed or for which a legal agreement to construct or modify is entered into after June 25, 1980, and any point or complex source moved to another site, or which is purchased and is to be operated by a new owner, or which is to be operated by a new lessee after June 25, 1980.

(W) "Nuisance" shall mean anything which is dangerous to life, harmful to health, or makes soil, air, water or food impure or unwholesome.

(X) "Odor" shall mean those amounts of matter which make it noticeable to the smelling senses of man.

(Y) "Opacity" shall mean a condition which makes material partly or totally block out the rays of light or causes obstruction of an observer's view.

(Z) "Open Burning" shall mean the burning of any matter in such a manner that the remaining material resulting from the burning are emitted directly into the clean air without passing through a stack, duct, or chimney determined by the Chairman to be adequate.

(AA) "Owner or Operator" shall mean any person who owns, leases, operates, controls, or supervises a facility, machine, equipment, or other source of air contaminant. With sources where a legal agreement to construct or modify is entered into, the contractor is also liable for violation of these Regulations during construction of the facility.

(BB) "Particulate Matter" shall mean any material, except water in pure form, that is or has become airborne and exists as a liquid or as solid at normal conditions.

(CC) "Person" shall mean the Republic of Palau, a state, a political subdivision, a public or private institution, corporation, partnership, joint venture, association, firm, or company organized or existing under the laws of the Republic or of any state or country, a lessee or other occupant or property, or an individual, singly or as a group.

(DD) "Point Source" shall mean any source which emits air contaminants through a stack or chimney or from processing, handling, or storage of materials.

(EE) "Process Industries" shall mean industries which involve physical and chemical changes of the material as it passes through the different process units or operation stages, as a result of which, air contaminants may be emitted to the atmosphere. Process industries include but are not limited to rock processing industries, portland cement plants, concrete batching plants, asphaltic concrete batching plants, and concrete block plants.

(FF) "Refuse" shall mean any burnable waste material, commercial waste, or animal or vegetable garbage.

(GG) "Ringlemann Chart" shall mean the chart, published and described in the United States Bureau of Mines Information Circular No. 8333.

(HH) "Road" shall mean any public or private access or easement used for motor vehicle travel.

(II) "Seal" shall mean to protect a surface so that it is secure from erosion.

(JJ) "Shutdown" shall mean the stopping of operation of any stationary source, air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(KK) "Soiling Index" shall mean a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as

COH's/1,000 linear feet. "COH" shall mean coefficient of haze, a unit of measurement of visibility interference.

(LL) "Source" shall mean any property, public or private, real or person contributing to air pollution.

(MM) "Stack or Chimney" shall mean any flue, conduit, or duct arranged to conduct emissions.

(NN) "Stationary Source" shall mean all air contaminant sources, except mobile sources, and shall include both complex and point sources.

(OO) "Start-Up" shall mean the setting into operation of any stationary source, air pollution control equipment or process equipment for any purpose, except routine phasing out of process equipment.

(Effective May 26, 1996)

AIR QUALITY STANDARDS

2401-71-04 Introduction

(A) The following air quality standards are the desirable levels of clean air quality for the Republic of Palau. Based on present knowledge, these levels are not expected to produce health hazards or impairment, injury to agricultural crops and livestock, damage to or deterioration of property, and hazards to air and ground transportation, or in any manner, interfere with the protection of the public welfare.

(B) No person shall cause, permit, or allow any discharge or release of air pollutants that causes the air to fail to meet any air quality standard.

(Effective May 26, 1996)

2401-71-05 Air Quality Standards

(A) Air Quality Standards for designated pollutants shall be:

Pollutant	Levels Not to Exceed
(1) Sulfur Oxides	60 micrograms/m ³ (0.02ppm) ^a 365 micrograms/m ³ (0.12ppm) ^b 1,300 micrograms/m ³ (0.5ppm) ^e 650 micrograms/m ³ (0.25ppm) ^g
(2) Particulate Matter	60 micrograms/m ^{3c} 150 micrograms/m ^{3b} 360 micrograms/m ^{3d}
(3) Carbon Monoxide	10 milligrams/m ³ (9ppm) ^d 40 milligrams/m ³ (35ppm) ^e
(4) Photochemical	160 micrograms/m ³ (0.08ppm) ^e
(5) Oxidants	
(6) Hydrocarbon	160 micrograms/m ³ (0.24ppm) ^f
(7) Nitrogen Oxides	160 micrograms/m ³ (0.05ppm) ^{aa}

^a Annual arithmetic mean.

^b Annual geometric mean.

^c Maximum 8-hour concentration not to be exceeded more than once a year.

^d Maximum 1-hour concentration not to be exceeded more than once a year.

^e Maximum 3-hour concentration not to be exceeded more than once a year.

^f Maximum 4-hour concentration not to be exceeded more than once a year.

(B) All measurements of air quality are corrected to a standard temperature of 25°C (77°F) and to a

standard pressure of 760 millimeters of mercury (1,013.2 millibar).

(Effective May 26, 1996)

2401-71-06 Antidegradation

The promulgation of these air quality standards shall not be considered in any manner to allow significant deterioration of existing air quality of any portion of the Republic.

(Effective May 26, 1996)

PERMITS

2401-71-07 Permit to Construct

No person shall cause or allow the construction or modification of any stationary source without first obtaining a Permit to Construct from the Chairman as to the location and design of such stationary source to comply with applicable Regulations. This Permit is for construction or modification only and shall be terminated upon start up of operation of the source. *The construction of any new or existing stationary source subject to the provisions of this Chapter shall comply with the terms, conditions, provisions, and management plans for any National, State or traditional conservation area, preserve or other protected area as established by law.**

(Effective May 26, 1996)

*(Amendment Effective March 12, 1999)

2401-71-08 Permit to Operate

(A) No person shall cause or allow the operation of a new stationary source without obtaining a Permit to Operate from the Chairman. Application shall be made to the Chairman at least thirty (30) days prior to the anticipated date of operation.

(B) No person shall cause or allow the use or operation of any existing stationary source without obtaining a Permit to Operate from the Chairman.

(C) No owner or operator shall cause or allow the operation of a new or existing stationary source if the Chairman denies or revokes a Permit to Operate.

(D) The Permit to Operate shall be valid for 365 days or for such shorter periods as the Board may specify in the operating permit. Application for renewal of a Permit to Operate shall be submitted to the Board at least sixty (60) days prior to the expiration of the Permit.

(E) *The operation of any new or existing stationary source subject to the provisions of this Chapter shall comply with the terms, conditions, provisions, and management plans for any National, State or traditional conservation area, preserve or other protected area as established by law.**

(Effective May 26, 1996)

*(Amendment Effective March 12, 1999)

2401-71-09 Exemptions

Permits to construct and to operate shall not be required for:

(A) The installation or alteration of an air contaminant detector, air contaminant recorder, combustion controller, or combustion shutoff.

(B) Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.

(C) Mobile internal combustion engines.

(D) Laboratory equipment used exclusively for chemical or physical analyses.

(E) Other sources of minor significance specified by the Board.

(Effective May 26, 1996)

2401-71-10 Application

(A) Application for Permit to Construct or Permit to Operate shall be made by the source owner, operator, or other responsible person on forms furnished by the Chairman, and shall be accompanied by two copies of complete data, citing information including vicinity maps and plot plans, the dimensions and boundaries of the buffer zone, plan descriptions, and specifications, drawings and other detailed information necessary to determine how the new source or existing source is designed and in what manner it will be operated and controlled.

(B) A separate application is required for each source. To aid in evaluating a source, supplemental applications may be required by the Board Chairman.

(C) Each application shall be signed by the applicant. The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for the construction, modification, and/or use of the source concerned in accordance with these Regulations.

(Effective May 26, 1996)

2401-71-11 Standards for Approval, Conditional Approval, or Denial of Permit Applications

The Chairman shall not approve an application for a Permit to Construct or for a Permit to Operate, unless the applicant shows to the satisfaction of the Chairman that:

(A) The source is designed and built and will be maintained and operated so as not to violate any of the applicable Regulations.

(B) Air conditioning or ventilating systems not designed to remove air contaminants generated by or released from equipment.

(C) Mobile internal combustion engines.

(D) Adequate precautions will be taken to prevent the emission of fugitive dust and to prevent the violation

of any Air Quality Standards during construction of the source.

(E) The source has been constructed or modified and will be operated and maintained in accordance with the requirements and conditions contained in the Permit to Construct and the Permit to Operate.

(Effective May 26, 1996)

2401-71-12 Conditional Approval

The Chairman may grant conditional approval to construct, modify, or operate if it appears likely from the information submitted in the permit application, the source will satisfy the requirements of Section 2401-71-11 but testing, inspection, or sampling is required to verify that the requirements of Section 2401-71-11 are met and/or maintained. To aid in this verification, the Chairman may:

(A) Require the source owner or operator to provide such facilities as are necessary for sampling and testing to determine the air pollutants discharged into the atmosphere. These sampling and testing facilities may consist of the following:

- (1) Sampling ports of a size, number and location as specified by the Chairman.
- (2) Safe access to each port.
- (3) Instrumentation to monitor and record emission data.
- (4) Any other sampling and testing facilities specified by the Chairman.

(B) Require performance testing as outline in Section 2401-71-16.

(C) Make any necessary inspections, samples or tests.

(D) Specify conditions to be met which will bring the operation of any source within the approval requirements.

(Effective May 26, 1996)

2401-71-13 Permit Denial

(A) The Chairman shall deny an application for a Permit to Construct or for a Permit to Operate if the information submitted shows that the source described in the application cannot meet the requirements of Sections 2401-71-11 or 2401-71-12.

(B) The Chairman shall deny an application for a Permit to Operate if the source has not been constructed or modified in accordance with the approved application, plans, or other limiting conditions of the Permit to Construct.

(Effective May 26, 1996)

2401-71-14 Public Notice

All complex sources require official notice of an application for a Permit to Construct to afford opportunity for public comment. In addition, a public hearing may be held on any application for a Permit to Construct a complex or point source if requested by

the Chairman. Notices shall be by prominent advertisement and shall specify a location at which information submitted by the applicant, and the Board's analysis and proposed approval or disapproval is available for public inspection. The notice shall allow at least a thirty (30) day period for submittal of public comment.

(Effective May 26, 1996)

2401-71-15 Action on Applications

(A) Before acting on an application for a Permit to Construct or for a Permit to Operate the Chairman may require the applicant to furnish additional information, plans or specifications.

(B) The Chairman shall act within ninety (90) days on application for a Permit to Construct and within sixty (60) days on an application for a Permit to Operate and shall notify the applicant in writing of his approval, conditional approval or denial of the application. Should additional information, plans or specifications be requested, the ninety (90) or sixty (60) day limitation will begin on the latest date of receipt of requested data.

(C) If an application is conditionally approved or denied, the Chairman shall set forth his reasons for conditional approval or denial in a written notice to the applicant.

(D) The Chairman shall not further consider the application unless the applicant has satisfactorily addressed the objections and complied with requirements specified by the Chairman as his reasons for conditional approval or denial of the permit application.

(E) The applicant may reapply if the facility is redesigned to attain compliance with the Regulations.

(F) The applicant may request the Chairman to reconsider the application by submitting written evidence or information (in duplicate), within thirty (30) days of the conditional approval or denial of the application, which shows the source will comply with these Standards and Regulations.

(G) The applicant may appeal the Chairman's decision to the full Board within thirty (30) days after the conditional approval or denial of the permit application.

(H) If the Chairman issues to the applicant a conditional approval of the application, commencing work under a Permit to Construct, or operating under a Permit to Operate shall be deemed acceptance by the applicant of all conditions so specified.

(I) Any Permit to Construct or to Operate shall be subject to revision in response to changes in the applicable law, regulations, or other factors affecting the compliance of the source or control facility with the standards or conditions of the original permit.

(Effective May 26, 1996)

2401-71-16 Performance Testing

(A) If required by the Chairman, the source owner or operator shall conduct performance tests in order to determine compliance with applicable Regulations in accordance with test methods approved by the Chairman, the tests being made at the expense of the applicant. The Chairman may monitor performance tests conducted by the applicant and may conduct additional performance tests.

(B) Within sixty (60) days after achieving the maximum production rate at which the affected facility will be operated, but not later than one hundred and eighty (180) days after the initial start up of such facility the owner or operator of such facility shall conduct performance test(s) and submit to the Chairman a written report of the results of such performance test(s), within thirty (30) days.

(Effective May 26, 1996)

2401-71-17 Revoking of Permits

(A) A Permit to Construct is revoked if the construction or modification is not begun within one (1) year of the date of issuance, or if the work involved in the construction or modification is suspended for one year or more after the date of issuance, unless the applicant secures an extension of the expiration date by written request to the Chairman stating the reasons for the request. Extensions may be granted in writing for a period of not more than six (6) months.

(B) The Chairman shall revoke a Permit to Construct if the construction or modification is not in compliance with the approved application, plans, or limiting conditions of the permit.

(C) The Chairman shall revoke a Permit to Operate for willful or continued violation of these Regulations or permit conditions.

(D) Revocation of a Permit to Construct or of a Permit to Operate shall become final ten (10) days after service of Notice on the holder of the Permit.

(E) A Permit to Operate which has been revoked pursuant to these Regulations shall be surrendered forthwith to the Chairman.

(Effective May 26, 1996)

2401-71-18 Transfer of Permit

A Permit to Construct or a Permit to Operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(Effective May 26, 1996)

2401-71-19 Reporting Information

No owner or operator shall cause or permit the operation of any source without furnishing such performance test results, information, and records as may be required by the Chairman.

(Effective May 26, 1996)

2401-71-20 Responsibility of the Permit Holder

Possession of a Permit to Construct or a Permit to Operate shall not relieve any person of the responsibility to comply with the applicable emission limitations, permit conditions, Air Pollution Control or other Regulations.

(Effective May 26, 1996)

2401-71-21 Reporting Discontinuance or Dismantlement

It shall be required of that person to whom a Permit to Operate was issued to report to the Chairman within thirty (30) days of the discontinuance or dismantlement of that machine, equipment, or other article for which the Permit to Operate had been issued. The Permit to Operate shall then be surrendered forthwith to the Chairman.

(Effective May 26, 1996)

2401-71-22 Posting of Permits

Upon granting an approval for a Permit to Construct or for a Permit to Operate, the Chairman shall issue to the applicant a certificate referred to as a Permit to Construct or as a Permit to Operate which shall be posted in a conspicuous place at or near the machine, equipment, or other article for which the permit was issued.

(Effective May 26, 1996)

2401-71-23 Falsifying or Altering Permits

No person shall deface, alter, forge, counterfeit, or falsify a Permit to Construct or a Permit to Operate.

(Effective May 26, 1996)

MONITORING, RECORDS, AND REPORTING

2401-71-24 Monitoring, Record Keeping and Reporting Required

The Chairman may require the owner or operator of any air contaminant source to install, use and maintain such monitoring equipment, sample such emissions in accordance with methods as the Chairman shall prescribe, establish and maintain such records, and make such periodic emission reports as required in Section 2401-71-25.

(Effective May 26, 1996)

2401-71-25 Stationary Source Emission Report Procedures

(A) The owner or operator of any stationary source shall, upon notification from the Chairman, maintain

records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Chairman to determine whether such source is in compliance with applicable emission limitations or other requirements.

(B) The information recorded shall be summarized each month and be submitted within fifteen (15) days after the end of the month, except that the initial reporting period shall start on the date the Chairman issues notification of the record-keeping requirements.

(C) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Chairman shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

(D) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other requirements and will be made available to the public during normal business hours at the Environmental Quality Protection Board Office.

(Effective May 26, 1996)

2401-71-26 Shutdown for Maintenance of Air Pollution Control Equipment

In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shutdown such equipment shall be received by the Chairman in writing at least twenty-four (24) hours prior to the planned shutdown. Such prior notice shall include, but is not limited to the following:

(A) Identification of the specific facility to be taken out of service as well as its location and permit number;

(B) The expected length of time that the air pollution control equipment will be out of service;

(C) The type and amount of emissions of air contaminants likely to occur during the shutdown period;

(D) Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and,

(E) The reasons that it would be impossible or impractical to shutdown the source operation during the maintenance period.

(Effective May 26, 1996)

2401-71-27 Malfunction, Breakdown, Shutdown

(A) In the event that any emission source, air pollution control equipment or related facility malfunctions, breaks down or will be shutdown in such a manner as to cause excess emission of air contaminants, it is in violation of these Regulations and subject to prosecution.

(B) In order to enable the Chairman to carry out his statutory duties, the owner or operator of the stationary source is required to furnish the Board with the following information within ten (10) days after the occurrence of excess emissions:

(1) Identification of emission points.

(2) The magnitude of the excess emission.

(3) The identity of the process or control equipment causing excess emissions.

(4) A description of the steps taken by the owner or operator of the subject stationary source to remedy the situation causing the emissions, prevent a recurrence and limit the excess emissions.

(Effective May 26, 1996)

2401-71-28 Compliance with National Ambient Air Quality Standards and Enforcement

Nothing in these Regulations relieves the source of its obligation to attain and maintain any National Ambient Air Quality Standards nor precludes the Chairman from initiating any allowable enforcement actions or remedies.

(Effective May 26, 1996)

SAMPLING AND TESTING METHODS

2401-71-29 Procedures

All sampling and testing shall be made and the results calculated in accordance with procedures approved by the Chairman.

(Effective May 26, 1996)

2401-71-30 Authority to Conduct Tests; Assistance

The Chairman may conduct tests of emissions of air contaminants from any source. Upon request of the Chairman, the person responsible for the source to be tested shall provide assistance as necessary, including personnel, holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants.

(Effective May 26, 1996)

2401-71-31 Buffer Zone

Clear air quality sampling shall be conducted at the boundaries of a buffer zone. The boundaries and dimensions of this buffer zone shall be submitted by the owner or operator on an accurate plot plan of the property and approved by the Chairman. The owner or operator of an existing stationary source must submit this information by July 15, 1980.

(Effective May 26, 1996)

CONTROL OF FUGITIVE DUST

2401-71-32 Control of Fugitive Dust

(A) No person shall cause, allow, or permit the emission of fugitive dust from any source, which violates these Regulations.

(B) No person shall cause or permit the discharge of visible emissions beyond the lot line of the property, or the boundaries of the buffer zone if applicable, on which the emissions originate.

(Effective May 26, 1996)

2401-71-33 Alternate Controls

(A) The Chairman may approve alternate controls other than those specified within these Regulations taken to control any source of fugitive dust upon the written application by the operator, and upon a determination of the adequacy of any such alternate controls.

(B) Applications shall describe the proposed alternate controls and demonstrate that applicable Regulations will not be violated.

(Effective May 26, 1996)

2401-71-34 Processing, Handling, Transportation, and Storage

(A) When dust, noxious gas or vapor, odor or any combination thereof escape from the processing, handling or storage of any material in an amount as to cause a nuisance or to cause or contribute to a violation of any applicable Regulation or Air Quality Standard, the Chairman may order that the source of these emissions be tightly enclosed and that the venting of such enclosure be controlled to the extent necessary to meet these Standards and Regulations. Alternate control measures submitted to the Chairman, in compliance with such orders, shall comply with Section 2401-71-33.

(B) All crushing, aggregate screening and conveying operations of material likely to become airborne shall be enclosed and the venting of such enclosure shall be controlled to the extent necessary to prevent visible emissions or the violation of any Standard or Regulation.

(C) Stockpiles of materials which are likely to become airborne shall be enclosed or the surface of such stockpile stabilized through compacting, sprinkling with water, chemical, or asphalt sealing.

(D) All loads carried by motor vehicles shall be adjusted, secured, covered, contained or otherwise treated so as to prevent loss or spillage of such material and/or the generation of airborne dust.

(Effective May 26, 1996)

2401-71-35 Construction and Sandblasting Operations

(A) All construction operations including but not limited to the clearing, grading or leveling of land, earthmoving, excavation, demolition, or the movement of trucks or constructions equipment over

cleared land or temporary access or haul roads shall water all vehicle travel areas or roads at the site for dust suppression a minimum of the beginning of every two (2) operating hours with a minimum watering rate for each application of 0.5 gallons per square yard, or by other equivalent methods approved by the Chairman as needed to prevent visible emissions or contribute to the violation of applicable Standards or Regulations.

(B) All sandblasting operations which can be conducted within an enclosed area shall be done so and the venting of such enclosure shall be controlled to the extent necessary to prevent visible emission as prohibited by these Standards and Regulations.

(C) All sandblasting which cannot be done within an enclosure shall be conducted using wet sand.

(Effective May 26, 1996)

2401-71-36 Grading and Clearing

(A) Use of vegetation, including planting, mulch or selective retention of natural vegetation, as ground cover, providing windbreaks, sprinkling with water, and covering or compacting the ground surface shall be used to prevent visible emissions or the violation of any Air Quality Standard or Regulation where topsoil has been disturbed during the clearing of land.

(B) No owner, operator, or lessee of any real property in the Republic shall allow disturbed topsoil to remain undeveloped, unplanted, untreated, or otherwise uncovered for a period exceeding two (2) months.

(Effective May 26, 1996)

2401-71-37 Roads and Parking Lots

(A) All roads, road shoulders, and areas used for parking specified in this Section, shall be sealed and maintained so as to prevent the exposure of such surface to wind, water or vehicular travel erosion:

(1) All public and private roads within the Republic which average a vehicular load of one hundred (100) or more vehicle-trips per day.

(2) The road shoulders of all public and private roads within the Republic which average a vehicle load of one hundred (100) or more vehicle-trips per day.

(B) Earth and other erodible material which has been deposited on a sealed vehicular travel surface by trucking, earthmoving equipment, erosion, or landslide shall be promptly removed.

(Effective May 26, 1996)

2401-71-38 Compliance Schedule

The following compliance schedule shall apply to those sources not in compliance with Divisions (A) and (B) of Section 2401-71-34 and Divisions (B) and (C) of Section 2401-71-35 of these Regulations on June 25, 1980:

(A) No later than December 31, 1980 all necessary contracts and/or purchase orders required to attain compliance shall be awarded.

(B) No later than March 31, 1981 construction or all facilities necessary for attaining compliance shall be started.

(C) No later than March 31, 1982 construction of all facilities necessary for attaining compliance shall be completed.

(D) No later than June 30, 1982 compliance with the aforementioned Divisions of these Regulations shall be achieved.

(Effective May 26, 1996)

2401-71-39 Report Regarding Compliance

No later than five (5) working days after the passing of the date for achieving each incremental milestone noted above, each source subject to this schedule shall report to the Chairman regarding the status of compliance with the schedule. Failure to achieve any portion of this schedule or to report on the status of compliance shall make the source liable to enforcement action immediately.

(Effective May 26, 1996)

CONTROL OF OPEN BURNING

2401-71-40 Open Burning Prohibited

No person shall dispose of burnable refuse by open burning, or cause, allow, or permit open burning of refuse including grass, weeds, wire, twigs, branches, insulation, vehicle bodies and their contents, paper, garbage, tires, waste materials, tar products, rubber products, oil, and similar smoke producing materials, within the territorial limits of the Republic of Palau. In areas where no public or commercial refuse collection service is available as of June 25, 1980, open burning of refuse on residential property, or refuse originating from dwelling units on such property shall be allowed until such refuse collection becomes available provided such burning does not violate any existing laws of the Republic.

(Effective May 26, 1996)

2401-71-41 Exceptions

Exceptions from the Section 2401-71-40 prohibition on open burning may be allowed upon application and approval by the Chairman provided the burning is not prohibited by, or is conducted in compliance with, other applicable laws, ordinances, and regulations. Exceptions to conduct open burning under this Section do not excuse a person from the consequences, damages, or injuries which may result therefrom. The following are exceptions for which application may be made:

(A) Fires purposely set for the purpose of prevention of a fire hazard which cannot be abated by any other means;

(B) Fires set for instruction in the method of fighting fires;

(C) Fires for ceremonial and recreational purpose;

(D) The burning of hydrocarbons which must be wasted through the use of atmospheric flares or open burning;

(E) Fires for prevention or control of disease or pests;

(F) Fires for the disposal of dangerous materials, where there is no alternate method of disposal; or,

(G) The burning of trees, brush, grass and other vegetable matter in the clearing of land, right-of-way maintenance operations and agricultural crop burning is permitted under the following conditions:

(1) The location of burning must not be within 500 feet of an occupied residence other than those located on the property on which the burning is conducted;

(2) The burning must not be conducted within 500 feet of any road, except those privately owned and used, and in any event must be controlled so that a traffic hazard is not created;

(3) Oils, rubber or other similar material which produce unreasonable amounts of air contaminants may not be burned;

(4) The burning shall be performed between 9:00 AM and one hour before sunset;

(5) Weather conditions within the vicinity of the burning will allow good and proper diffusion and dispersion of air pollutants;

(6) The piles of materials to be burned shall be of such size that the burning will be completed within the designated times given in 2401-71-41(G)(4);

(7) The moisture content and composition of material to be burned shall be favorable to good burning which will minimize air pollution; and,

(8) The starter fuel and materials to be ignited shall not emit excessive visible emissions when burned.

(Effective May 26, 1996)

2401-71-42 Preparation of Food

Nothing in Sections 2401-71-40 and 2401-71-41 shall be interpreted to prohibit or make unlawful the construction and use of barbecue pits, grills, or outdoor fire places for the preparation of food for consumption by individuals, nor shall any permit from the Chairman be required therefore.

(Effective May 26, 1996)

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

2401-71-43 General

(A) The U.S. Environmental Protection Agency Regulations on Standards of Performance for New Stationary Sources (40 CFR, Part 60) designated in Section 2401-71-44 are incorporated by reference as they exist on the date of promulgation by the Board

into those Regulations as amended by the word or phrase substitutions given in Section 2401-71-45.

(B) In the event of any conflict between the Regulations contained in Sections 2401-71-43 through 2401-71-45, inclusive, and Regulations contained in other Sections, the Regulations of Sections 2401-71-43 through 2401-71-45, inclusive, will take precedence for standards of performance for new stationary sources, unless the existing Regulations are more stringent.

(C) For purposes of Sections 2401-71-43 through 2401-71-45, inclusive, the definitions listed in Section 60.2 Subpart A, Part 60, Title 40 of the Code of Federal Regulations will apply.

(Effective May 26, 1996)

2401-71-44 Designated Standards of Performance

(A) Subpart I - Asphalt Concrete Plants (drying; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer and storage systems associated with emission control systems.

(B) Subpart K - Storage vessels for Petroleum Liquids (storage vessels with a capacity greater than 40,000 gallons).

(Effective May 26, 1996)

2401-71-45 Word and Phrase Substitutions

In all the standards designated in Section 2401-71-44 substitute:

- (A) Chairman for Federal EPA Administrator.
- (B) Environmental Quality Protection Board for US Environmental Protection Agency.

(Effective May 26, 1996)

CONTROL OF PARTICULATE EMISSION

2401-71-46 Process Industries

(A) No person shall cause, allow, or permit the emission of particulate matter in any one hour from any process industry in excess of the amount shown in Table 1 for the process weight rate allocated to such source.

(B) Process weight per hour is the total weight of all materials introduced into any specification process that may cause any discharge of particulate matter. Solid fuel charges will be considered as part of the process weight; but liquid and gaseous fuels and combustion air will not. For a periodic or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per

hour will be derived by dividing the process weight for a typical period of time.

(C) Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this Regulation, the interpretation that results in the minimum value for allowable emission shall apply.

(D) For purposes of this Regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks.

(Effective May 26, 1996)

Process Weight Rate (lbs/hr)	Emission Rate (lbs/hr)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in Table 1 for the process weight rates up to 60,000 lbs/hr. shall be accomplished by the use of the equation:

$$E=3.59 P^{0.62} \quad P<30 \text{ tons/hr.}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr. shall be accomplished by use of the equation:

$$E=17.31 P^{0.16} \quad P>30 \text{ tons/hr.}$$

Where: E = Emissions in pounds per hour.
P = Process weight rate in tons per hour.

2401-71-47 Fuel Burning Installations

No source shall cause, allow, or permit the emission of particulate matter resulting from the combustion of fuel in excess of the quantity set forth in Table 2.

(Effective May 26, 1996)

**CONTROL OF PARTICULATE EMISSION FROM
INCINERATOR: DESIGN AND OPERATION**

2401-71-48 Application

These Regulations apply to any incinerator used to dispose of refuse by burning or the processing of reclaimable material by burning. Notwithstanding definitions in other Regulations, as used in Sections

2401-71-48 through 2401-71-51, inclusive, the word "refuse" includes garbage, rubbish, commercial waste, hospital waste, leaves, reclaimable material, and agricultural wastes. The word "incinerator", as used in Sections 2401-71-48 through 2401-71-51, inclusive, includes incinerator, and other devices or structures used to burn refuse or to process refuse by burning.

(Effective May 26, 1996)

**TABLE 2
PARTICULATE EMISSION ALLOWABLE BASED
ON COMBUSTION OF FUEL:**

Operating Rate in Million BTU's per hour	Maximum allowable emissions of particulate in pounds per million BTU's heat input
5	0.07
10	0.60
250	0.28
500	0.24
1,000	0.21

For heat input greater than 1 million BTU per hour but less than 1000 million BTU per hour, the allowable emissions shall be calculated using the following equation:

$$Y = 1.02X - 0.231$$

Where: X = Operating rate in million BTU's per hour.
Y = Allowable rate of emission in pounds per million BTU's.

2401-71-49 Prohibitions

- (A) No person shall cause or permit to be emitted into the open air from any incinerator, particulate matter in the exhaust gases to exceed 0.20 pounds per 100 pounds of refuse burned.
- (B) No residential or commercial single-chamber incinerator shall be used for the burning of refuse beyond December 25, 1981.
- (C) Incinerators shall be designed and operated in such manner as is necessary to prevent the emission of objectionable odors.
- (D) No person shall burn or permit the burning of refuse in any installation which was designed for the sole purpose of burning fuel.

(Effective May 26, 1996)

2401-71-50 Emission Tests and Burning Capacities

- (A) Emission tests shall be conducted at maximum burning capacity of the incinerator.
- (B) The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the Chairman in accordance with good engineering practices. In cases of conflict, the determination made by the Chairman shall govern.

(C) For the purposes of these Regulations, the total of the capacities of all furnaces within one system shall be considered as the incinerator capacity.

(Effective May 26, 1996)

2401-71-51 Multiple Chamber-Cylinders Required

All new incinerators and all existing incinerators shall, by December 25, 1981 be multiple-chamber incinerators, provided that the Chairman may approve any other type of incinerator if it is demonstrated such design provides equivalent performance.

(Effective May 26, 1996)

**CONTROL OF VISIBLE EMISSIONS OF
PARTICULATES
FOR STATIONARY SOURCES**

2401-71-52 Visible Emission Restrictions for Stationary Sources

- (A) No person shall continuously discharge into the atmosphere from any single source of emission whatsoever any air contaminant of a shade of density equal to or darker than that designated as No. 1 on the Ringlemann Chart of 20 percent opacity.
- (B) No person may discharge into the atmosphere from any single source of emission, for a period or periods adding up to more than 3 minutes in any 60 minutes, air contaminants of a shade of density darker than No. 3 on the Ringlemann Chart, or 60 percent opacity.

(Effective May 26, 1996)

CONTROL OF ODORS IN CLEAN AIR

2401-71-53 Prohibition on Odors

- (A) No person shall discharge into the atmosphere, or cause to be discharged into the atmosphere, from any source whatsoever any amount of odorous or gaseous emission, material, or air contaminant of any kind or description, which is injurious or detrimental to health or safety, or which in any way unduly interferes with or prevents the comfortable enjoyment of life or property.
- (B) An odor occurrence shall be deemed a violation per se when a complaint is received and verified by the Chairman. The Chairman shall deem the odor occurrence a violation per se if he is able to make two odor measurements within one period, these measurements being separated by at least fifteen (15) minutes. An odor measurement shall consist of a detectable odor after the odorous air has been diluted with seven (7) volumes of odor-free air as determined by a scentometer as manufactured by the Barneby-Cheney Company or any other instrument, device, or techniques designated by the Chairman as producing equivalent results.

(Effective May 26, 1996)

2401-71-54 Exceptions

The odor of growing vegetation, chemical fertilizers and insecticides, shall not be considered objectionable within the meaning of these Regulations.

(Effective May 26, 1996)

CONTROL OF SULFUR DIOXIDE EMISSIONS

2401-71-55 Sulfur Emissions Limit

No person shall cause or permit the burning of fuel with a sulfur content greater than 3.14% at any time and in no event shall the average over the immediate past twelve month period, including the latest month's reading, exceed 2.84% by weight provided the stacks are of sufficient height, as determined by modeling techniques approved by the Chairman, to prevent aerodynamic downwash and provide for good dispersion of emissions.

(Effective May 26, 1996)

2401-71-56 Intermittent Control Strategy

An intermittent control strategy shall be required of any stationary source when winds blow to populated areas.

(Effective May 26, 1996)

2401-71-57 Monitoring and Sampling of SO₂

If compliance with these Standards is to be accomplished by means of removal of sulfur dioxide from the stack gases, the owner or operator of the source must provide for the necessary monitoring equipment, and sample such emissions in accordance with methods approved by the Chairman.

(Effective May 26, 1996)

MOTOR VEHICLE POLLUTION CONTROL

2401-71-58 Prohibitions

(A) No person shall import, operate, lease or sell, any new motor vehicle or new motor vehicle engine in the Republic, unless such new motor vehicle or new motor vehicle engine complies with US EPA Regulations on Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines.

(B) No person shall intentionally remove, alter or otherwise render ineffective or inoperative, exhaust emission control, crank case ventilation or any other air pollution control device or system which has been installed on a motor vehicle or stationary internal

combustion engine as a requirement of any Law or Regulation.

(C) No person shall operate a motor vehicle or other internal combustion engine originally equipped with air pollution devices or systems as required by any Law or Regulation, unless such devices or systems are in place and in operating conditions.

(D) No person shall cause or permit the emission of visible air contaminants from gasoline-powered motor vehicles for longer than five (5) consecutive seconds.

(E) No person shall cause or permit the emission of visible air contaminants from diesel-powered motor vehicles of a shade of density equal to or darker than that designated as No. 1 on the Ringlemann Chart, or 20 percent opacity, for longer than five (5) consecutive seconds.

(F) No person shall cause or permit the use of any motor vehicle which becomes mechanically deficient so as to cause the emission of visible air contaminants.

(Effective May 26, 1996)

2401-71-59 Penalties

(A) The owner of any motor vehicle in violation of Section 2401-71-58 shall be subject to prosecution, however, penalties shall not exceed \$50.00 per day of each violation.

(B) In addition to any other remedies available to the Board, the failure to comply with Section 2401-71-58 shall subject the vehicle owner to suspension or cancellation of the registration inspection sticker for the vehicle.

(Effective May 26, 1996)

2401-71-60 Waiver

The violator can apply for waiver of prosecution by the Chairman, not to exceed forty-five (45) days in duration. To be considered for a waiver, the violator shall immediately notify the Chairman of the deficiency, and provide a statement giving all pertinent facts, including the reasons for the violation, the attempts made to correct the deficiency, any difficulties encountered correcting the situation, and the estimated date of correction of the deficiency.

(Effective May 26, 1996)

NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

2401-71-61 General

(A) The US Environmental Protection Agency Regulations on National Emission Standards for Hazardous Air Pollutants (40 CFR, Part 61) designated in Section 2401-71-62 are incorporated by reference as they exist on the date of adoption by the Board into these Regulations as amended by the

word or phrase substitutions given in Section 2401-71-63.

(B) In the event of any conflict between the Regulations contained in Sections 2401-71-61 through 2401-71-63, inclusive and Regulations contained in other Sections, the Regulations of Sections 2401-71-61 through 2401-71-63, inclusive will take precedence for National Emission Standards for Hazardous Air Pollutants, unless existing Regulations are more stringent.

(C) For purposes of this Section, the definitions listed in Section 61.02 Subpart A, Part 61, Title 40, of the Code of Federal Regulations will apply.

(Effective May 26, 1996)

2401-71-62 Designated Emission Standards

- (A) Subpart B - Asbestos.
- (B) Subpart C - Beryllium.
- (C) Subpart E - Mercury
- (D) Subpart F - Vinyl Chloride.

(Effective May 26, 1996)

2401-71-63 Word and Phrase Substitutions

In all of the standards designated in Section 2401-71-62, substitute:

- (A) Chairman for Federal EPA Administrator.
- (B) Environmental Quality Protection Board for US Environmental Protection Agency.

(Effective May 26, 1996)

AIR POLLUTION EMERGENCIES

2401-71-64 Purpose

Notwithstanding any other provision of the Air Pollution Control Regulations, Sections 2401-71-64 through 2401-71-69, inclusive, of these Regulations are designated to prevent the excessive build-up of air contaminants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these contaminants on the health of the public.

(Effective May 26, 1996)

2401-71-65 Episode Criteria

(A) Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Chairman determines that the accumulation of air contaminants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a threat to the health of the public.

(B) In making a determination of the existence of an episode, the Chairman will be guided by any forecast by an appropriate agency predicting or indicating wind

direction, speed, or other weather conditions which may result in the attainment of episode level concentrations of air contaminants in any human access area.

(Effective May 26, 1996)

2401-71-66 Episode Categories

(A) "Alert" The Alert level is that concentration of pollutants at which first stage control action is to begin. An Alert will be declared when:

(1) Any one of the following levels is reached at any monitoring site:

- (a) SO₂: 800 ug/m³(0.3ppm), 24-hour average;
- (b) Particulate: 3.0 COHs or 375ug/m³, 24 hour average;
- (c) SO₂ and particulate combined: product of SO₂ ppm, 24-hour average, and COHs equal to 0.2 or product of SO₂ ug/m³, 24-hour average, and particulate ug/m³, 24 hour average equal to 65 x 10³;
- (d) CO: 17 mg/m³(15ppm)₃, 8-hour average;
- (e) Oxidant (O₃): 200 ug/m³(0.1ppm), 1-hour average;
- (f) NO₂: 1130 ug/m³(0.6ppm), 1-hour average; 282 ug/m³(0.15ppm), 24-hour average; and,

(2) Weather conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(B) "Warning." The Warning level indicates that air quality is continuing to degrade and that additional abatement actions are necessary. A Warning will be declared when:

(1) Any one of the following levels is reached at any monitoring site:

- (a) SO₂: 1,600 ug/m³(0.6ppm), 24-hour average;
- (b) Particulate: 5.0 COHs or 625 ug/m³, 24-hour average;
- (c) SO₂ and particulate combined: product of SO₂ ppm, 24-hour average and COHs equal to 0.8 or product of SO₂ ug/m³, 24-hour average and particulate ug/m³, 24-hour average equal to 261 x 10³;
- (d) CO: 34 mg/m³(30ppm), 8-hour average;
- (e) Oxidant (O): 800 ug/m³(0.4), 1-hour average;
- (f) NO₂: 2,260 ug/m³(0.4ppm), 24-hour average; and,

(2) Weather conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(C) "Emergency." The Emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent actions are necessary. An Emergency will be declared when:

(1) Any one of the following levels is reached at any monitoring site:

- (a) SO₂: 2,100 ug/m³(0.8ppm), 24-hour average;
- (b) Particulate: 7.0 COHs or 875 ug/m³, 24-hour average;
- (c) SO₂ and particulate combined: product of SO₂ ppm, 24-hour average and COHs equal to 1.2 or product of SO₂ ug/m³, 24-hour average and

particulate ug/m³, 24 hour average equal to 393 x 103;
(d) CO: 46 mg/m³(40ppm), 8-hour average;
(e) Oxidant (O₃): 1,200 ug/m³(0.6ppm), 1-hour average;
(f) NO₂: 3,000 ug/m³(1.6ppm), 1-hour average; 750 ug/m³(0.4ppm), 24-hour average; and,
(2) Weather conditions are such that this condition and be expected to continue for twelve (12) or more hours.

(Effective May 26, 1996)

2401-71-67 Episode Termination

Episodes will be terminated when weather conditions are such that clean air concentrations of air contaminants in affected human access areas fall below episode levels and the appropriate agency forecast predicts these non-episode conditions will continue for twenty-four (24) or more hours.

(Effective May 26, 1996)

2401-71-68 Extrapolation Authorized

Nothing in these Regulations shall be interpreted to prevent or invalidate the extrapolation of a pollutant concentration based on a shorter sampling period to an equivalent concentration for the time period specified in the Standards when existing atmospheric and wind conditions are not expected to change as to lessen pollution levels. This extrapolation shall be used to forecast the possibility of an episode to initiate corrective action.

(Effective May 26, 1996)

2401-71-69 Emission Reduction Plan

After the issuance of an episode forecast or at any episode level, the Chairman shall take any of the actions listed below and any others he deems necessary to reduce air pollution below episode levels and to protect the public health and welfare:

- (A) Prohibit or limit the emission of any air contaminant contributing to the episode condition.
- (B) Notify sources having contingency plans approved by the Board, to follow the provisions of their plans.

(Effective May 26, 1996)

APPEAL AND CIRCUMVENTION

2401-71-70 Appeal

Any person aggrieved by a decision of the Chairman, may appeal to the Board within thirty (30) days after notification of the Chairman's decision.

(Effective May 26, 1996)

2401-71-71 Circumvention

No person shall cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these Regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing a material which would violate an emission Regulation if released to the atmosphere, so long as the facility in which the material is used does not violate applicable emission Regulations.

(Effective May 26, 1996)

MISCELLANEOUS PROVISIONS

2401-71-72 Severability

If any provision of these regulations or the application of any provision of these regulations to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of these regulations shall not be affected thereby.

(Effective May 26, 1996)

2401-71-73 Repealer

The regulations contained herein shall replace the Republic of Palau Environmental Quality Protection Board's Air Pollution Control Standards and Regulations currently in effect in the Republic of Palau.

(Effective May 26, 1996)

2401-71-74 Protected Areas

*All activities subject to the provisions of this Chapter shall comply with the terms, conditions, provisions and management plans for any National, State or traditional conservation area, preserve or protected area as established by law.**

**(Amendment Effective March 12, 1999)*