

2453

REGULATION FOR THE
PREVENTION AND CONTROL
OF NOISE POLLUTION

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
ENVIRONMENTAL QUALITY BOARD
SAN JUAN, PUERTO RICO

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Secretary of State

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Acting Secretary of State

REGULATION OF THE ENVIRONMENTAL QUALITY BOARD
FOR THE PREVENTION AND CONTROL OF
NOISE POLLUTION

AS PROMULGATED BY THE ENVIRONMENTAL QUALITY BOARD

To Establish Standards and Requirements for the Control,
Reduction or Elimination of Noises Hazardous
To Public Health and Public Welfare, Pursuant
To Law No. 9, of June 18, 1978
As Amended, the Puerto Rico Environmental Public
Policy Act

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ARTICLE I - DEFINITIONS

Air Horn

A device which is used to produce a noise signal by means of compressed air.

Board

The Environmental Quality Board of the Commonwealth of Puerto Rico.

Construction

Any activity which is necessary or incidental for earth moving, erection, assembly, remodeling, and installation of equipment in buildings or structures, or any similar activity on premises, right of ways, public or private structures, or similar property.

Daytime

Period between 7:01 A.M. and 9:00 P.M.

dB (A) (Decibel of A - weighted Sound Level)

The unit measure of sound level, measured with the A - frequency - weighting.

Decibel, dB

The unit measure of sound level and other kinds of levels.

Demolitions

Any dismantling, removal or intentional destruction of structures, such as, but not limited to: public or private buildings, right-of-way surfaces, or similar property.

Emergency

Any occurrence or set of circumstances which cause immediate or imminent danger to a person or to property, and which requires immediate attention.

Emission

Emanation or discharge of noise to the atmosphere from any sound source.

Emission Source

Any object, device, or sound wave originating thing, such as of a stationary type, mobile, or portable.

Existing Sound Source Site

Any existing sound source site at the effective date of this regulation.

Impulsive Sound

Sound of short duration, usually of less than one second and of high intensity, with an abrupt onset and rapid decay, such as, but not limited to: explosions, drop forge impacts and the discharge of fire arms.

L 10

The sound level, in decibels, which is exceeded 10% of the time during a stated time period.

L_{eq} (Equivalent Sound Level)

The level, in decibels, of the meansquare A-weighted sound pressure during a stated time period, with reference to the square of the standard reference pressure of 20 micro-pascals.

Motor Boat

Any vessel which is propelled by a motor, including, but not limited to: boats, ships, barges, amphibious vehicles, tugboats.

Motorcycles

As defined in the Motor Vehicle Law, Law No. 141 of 20 July, 1960, as amended, (an unenclosed motor vehicle having a saddle for the use of the operator, and two or three wheels, such as, but not limited to, motor scooters and minibikes).

Motor Vehicle

Any motor vehicle, as defined in Law No. 141 of 20 July 1960, as amended. (Any vehicle which is propelled or drawn on land by motor, such as, but not limited to: passenger cars, trucks, truck trailers, campers, go-carts, and racing vehicles).

Muffler

A device for abating the sound of escaping gases of an internal combustion engine.

New or Modified Sound Source Site

Any sound source site that is not in existence at the effective date of this regulation.

Nightime

Period between 9:01 P.M. and 7:00 A.M.

Noise

Any sound which annoys or disturbs humans psychologically and/or physiologically, and that exceeds the limitations established in this regulation.

Noise Pollution

Any emission of sound that endangers, or injures the safety or health of humans, affects real property or its lawful use and enjoyment of property, according to the standards set forth in this Regulation.

Person

Any natural or juridical person, or group of persons, private or public, including agencies, governmental instrumentalities, municipalities, and quasipublic corporations.

Public Right-of-Ways

Any street, avenue, boulevard, highway, sidewalk, or alley or similar space dedicated for public use.

Sound

An oscillatory phenomena in which the matter is set to vibrate in such a manner that its density is affected. The changes in the density of the matter (and for the same reason the pressure it exerts) will be rhythmical or periodic. The description of this will include all the sound characteristics such as the duration, wave amplitude, frequency, intensity and velocity.

Sound Level (Noise level)

The level, in decibels, measured by an instrument satisfying the requirements of the American National Standards Specifications for Sound Level Meters, S1.4-1971, Type 2. For the purpose of this Regulation, the sound level shall be measured using the A-frequency weighting and the Slow Dynamic Averaging Characteristics.

Sound Level Meter

Any instrument used to measure sound pressure levels.

Sound Pressure Level

20 times the logarithm to the base 10 (20 Log 10) of the ratio of the RMS Sound Pressure to the reference pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p and is expressed in decibels.

Sound Source Site

Place, site or premise of origin of sound wave, or any geographical area including all the land and nearby water bodies. The sound source site comprises all the individual sound sources located within the limits of such property, such as stationary type, mobile or portable.

Sound Waves

The periodic ondulatory variations in the density and pressure of the medium.

Weekday

Any day, Monday through Friday, which is not a Legal Holiday.

Vibration

Any oscillatory motion of solid bodies, of a random nature, characterized by displacement, velocity, and/or acceleration with respect to a given reference point.

Zone I

Area in which human beings live, and/or sleep, in which noise levels shall not interfere with rest or sleep: including all residential houses, lands, and structures where rest is accomplished; this zone shall include also any place within the limits of the property, or that place which is three feet distant from the principal surface of residences or structures, as it be applicable. This definition includes, but is not limited to, areas such as the following:

A. Residences

1. Permanent homes.
2. Rural or country homes.
3. Summer homes.

B. Commercial Dwellings

1. Hotels and Motels
2. Apartments
3. House trailer parks
4. Campsites
5. Cabins
6. Guest Houses
7. Student Dormitories

C. Community Services

1. Orphanages
2. Elderly asylums
3. Hospitals
4. Mental Health Hospitals
5. Correctional Institutions
6. Charity Institutions

Zone II

Area in which interpersonal communication is achieved by speech, where noise levels shall not interfere with such communication; said zone shall include any place within the property limits or that site or area which is at a distance of three feet from the surface of any structure, as it is applicable. This category includes, but is not limited to, the following:

A. Commercial Food Establishments

1. Restaurants
2. Luncheon Shops
3. Cafeterias
4. Ice-cream parlors
5. Night Clubs
6. Open-Air Cafeterias

B. Vehicle Service Stations

1. Gas stations
2. Auto sales, and rental business
3. Parking lots
4. Car washes
5. Auto repair services (Tin shops, Painting, Mechanical Repair)

C. Property not Live in by Humans, Miscellaneous Commercial Services.

1. Funeral parlor
2. Dog pounds, Kennels and Veterinary Clinics

D. Recreation and Entertainment (Property not lived in by humans)

1. Theaters
2. Stadiums
3. Race Tracks
4. Golf Courses
5. Amusement and recreation parks
6. Beaches
7. Public Squares

E. Community Services not Inhabited by Persons

1. Schools
2. Churches
3. Cultural Centers
4. Hunting and Fishing Tracts
5. Forests

Zone III

Area in which people stay for long periods of time engaged in economic activities of such nature that higher noise levels are anticipated than in the other zones. This definition includes, but is not limited to, areas such as the followings:

A. Loading and Unloading Establishments

1. Hardware Stores
2. Warehouses, Lumberyards, Wholesale Shops
3. Truck Terminals
4. Docks

B. Industrial Areas (Properties used in the production or manufacture of consumer goods)

1. Mining (Tentative)
2. Light and Heavy Industry
3. Petrochemical plants
4. Refineries
5. Quarries
6. Foundries
7. Excavations
8. Thermolectric Generating Plants

C. Agriculture - Area used to produce or to cultivate crops, or:

1. Poultry Farms
2. Dairy Farms
3. Greenhouses
4. Barns

Quiet Zone (Noise Sensitive Zones)

A previously designated area where a need may exist for exceptional quietness, where the equivalent sound level shall not exceed 45 dB (A).

ARTICLE II - GENERAL PROVISIONS

2.1 Generic Prohibitions

2.1.1 No person shall cause or permit noise pollution as defined in Article I.

2.1.2 No person shall cause or permit the production or emission of any noise in violation of applicable laws and regulations.

A. Such rules and regulations include:

1. All the requirements established by this Regulation or by other laws and regulations of the Commonwealth of Puerto Rico.

2. All provisions established through standards promulgated by the Board.

2.1.3 No person shall cause or permit from any "sound source site" the emission of a sound level which exceeds the limits established in Section IV for a period greater than ten percent (10%) of the time (L₁₀), or of an equivalent sound level (L_{eq}) which exceeds the limits established in Section IV, during any measurement period, which shall not be shorter than ten minutes.

2.1.4 Tampering

No person shall cause or permit:

- A. The tampering or destruction of any noise control equipment except for the purpose of repair or replacement of said equipment.

- B. Intentional tampering with, or alteration of any instrument or device used to measure sound placed by and/or for the Board, provided that said instrument or device or the area in which it is located are properly marked or labeled.

- C. The use of any product from which has been removed or rendered inoperative, its noise control system, any other such design element, or its sound level label, has been removed.

2.2 Inspections

- A. The representatives of the Board, after properly identifying themselves, shall be able to enter and investigate any local, equipment, facilities, premises or property of any person

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subject to its jurisdiction, with the purpose of investigating and verifying compliance with the provisions of this Regulation, of taking any sound level measurements the Board deems necessary, or having access to books or documents related to any matter under investigation.

B. If the owners, holders, their representatives or officials in charge, refuse the entry and/or examination, the Board or its representatives may use all the legal remedies available to gain access to the premises, equipment or said property.

2.3 Records

The Board may require the owner or caretaker of any commercial or industrial sound source site or sound emission source to establish and maintain whatever records, and prepare whatever reports, which seem reasonable in the judgement of the Board.

2.4 Measurements

All the measurements and data analyses will be made in accordance with the methods and guidelines adopted by the Board.

2.5 Equipment

All equipment for noise pollution control shall fulfill the requirements established by the Board. The equipment must be installed, maintained and operated in a satisfactory and reasonable manner, in accordance with the manufacturers specifications and the requirements established by the Board.

ARTICLE III - PROHIBITED NOISES

3.1 Specific Prohibitions

The following actions among other, are declared by this Regulation to be polluting, excessive, annoying and strident noises.

3.1.1 Horns, sirens

No person shall cause or permit the sounding of horns and sirens of any motor vehicle on any public right-of-way or sound source site unnecessarily, except as a warning of danger, or in case of emergency, as set forth in Section 6.4.

3.1.2 Air Horns

No person shall cause or permit the use, sale or installation of any air horn, as defined in Article I, after 60 days have elapsed from the effectiveness of this Regulation; and/or of any type of horn which is not the type normally installed on motor vehicles and motorcycles.

3.1.3 Radio, musical instruments, juke boxes, amplifiers and similar devices.

No person shall cause or permit the use or operation of any radio, musical instrument, juke box, sound amplifier or any similar device for the production or reproduction of sound in such a manner that it may cause noise pollution across a property boundary, or within quiet zones, in violation of the noise level limits set forth in Section 4.1.

3.1.4 Exterior loudspeakers, public address systems, and similar devices

A. For noncommercial purposes

No person shall cause or permit the use or operation of any exterior loudspeaker, public address system, or similar device, wherever it may be located, between the nighttime period, in such a manner that the sound therefrom creates noise pollution across residential zones or within quiet zones.

B. For commercial purposes

No person shall operate or permit the operation for commercial purposes of any loudspeaker, public address system, or similar

device, in a fixed or movable position, on the outside of any building, or motor vehicle, in such a manner that the noise emission exceeds the maximum permissible noise level limits set forth in Section 4.1; it is hereby prohibited the use or operation of such devices, for commercial purposes during the nighttime period.

3.1.5 Street Sales (Venta por pregoneo)

No person shall cause or permit the sale of any product by shouting or "outcry" by means of the use of amplifier systems within any residential or commercial area of the city or municipality, in such a manner that the noise emission exceeds the maximum permissible noise level limits set forth in Section 4.1; street sales by shouting or "outcry" are hereby prohibited during the nighttime period.

3.1.6 Construction

- A.** No person shall cause or permit the use or operation of any equipment for construction, repair and/or demolition work, in such a manner as to produce noise pollution, as defined in Section I of this Regulation; the use or operation of such equipment is hereby prohibited during the weekdays nighttime period, except for emergency work, as provided in sections 4.4 A (1), and 6.4 of this Regulation.
- B.** This section shall not apply to the use of domestic power tools subject to Section 3.1.13 of this Regulation.

3.1.7 Motor Vehicle Racing Events

No person shall cause or permit the operation of any motor vehicle racing event in any place, in violation of the standards set forth in Section 4.1 of this Regulation, except in a duly authorized racetrack, and in the manner prescribed by the Board.

3.1.8 Refuse Collection Vehicles

- A.** No person shall cause or permit the operation of the refuse compacting mechanism of any motor vehicle after the 1st of January 1979, in such a manner that during the compaction cycle, the sound level pressure of 65 dBA is exceeded, when measured at a distance of 50 feet, and/or its equivalent, from any point on the vehicle.
- B.** No person shall cause or permit the collection of refuse between the hours of 10:00 P.M. to 6:00 A.M. of the following day, in residential zones and/or quiet zones.

3.1.9 Alarms

No person shall cause or permit the sounding of any exterior alarm on any building or motor vehicle unless such alarm ceases its operation within five (5) minutes of activation.

3.1.10 Quiet Zone (Noise Sensitive Zone)

No person shall cause or permit the emission of any unnecessary, unexpected or unusual noise in violation of this Regulation, close to a school, or any other educational institution, hospital, nursing home, court of justice, or designated area where exceptional quiet is necessary while such institution is in use; provided that conspicuous signs and posters are displayed on adjacent or contiguous streets indicating the presence of the quiet zone.

3.1.11 Machinery, Equipment, Fans, Air Conditioners

No person shall cause or permit the operation of machinery, equipment, fans and air conditioners in such a manner that they exceed the maximum sound pressure levels set forth in Section 4.1 of this Regulation. The operation of any machinery, equipment, pump, air conditioner, or similar device shall be subject to the maximum permissible noise levels in the zone in which the source is located.

3.1.12 Repairs and Testing of Motor Vehicles, Motorcycles

The repair, remodeling, rebuilding, or manufacturing of any motor vehicle, or motorcycle shall be subject to the maximum permissible noise levels of the zone in which the source is located.

3.1.13 Domestic Power Tools

No person shall cause or permit the operation of domestic power tools such as powered saws, sanders, drills, lawnmowers, or garden equipment, or tools of any kind used primarily for domestic purposes outdoor in residential zones between the hours of the nighttime period; or cause or permit the operation of such domestic power tools in such manner as to violate the provisions of this Regulation.

3.1.14 Vibration

No person shall cause or permit the operation of any device which generates vibrations which can be felt without instruments, or which are above the vibration perception threshold of an individual, at or beyond the boundary of any adjacent property from the source.

3.1.15 Animals

Maintaining and possessing any animal which frequently or continuously howls, barks, meows, squawks, whistles, or caws, or makes other sounds which produce noise pollution across the property lines, or within quiet zones, will be considered a violation of this Regulation (except for public and private zoological parks).

ARTICLE IV - NOISE EMISSION LEVELS AMONG ZONES
(Sound Levels in Receiving Land)

4.1 Sound Level Limits

No person shall permit or cause the emission of any sound, which upon crossing the property boundaries of the sound source site, exceeds the limits set forth in the following table, as measured at or within the proper receiving zone, as these zones are defined in Article I:

TABLE I

NOISE LEVEL LIMITS

dB (A)

(Equivalent Sound Level (L_{eq}) and/or
Level Exceeded During 10% of the
Measurement Period (L₁₀)

Receiving Zones	Day time period 7:01 a.m. to 9:00 p.m.	Nightime period 9:01 p.m. to 7:00 a.m.
Zone I - (Residential)	65	45
Zone II - (Commercial)	70	60
Zone III - (Industrial)	75	75
Zone IV - (Quiet Zone)	45	45

4.1.1 Sounds among zones

When the sound source site or noise emission source can be identified and the measured noise affects more than one zone, the sound level of the most restricted zone will be applied.

4.1.2 The maximum permissible limit of sound pressure of the commercial zone shall also apply to land zoned for agriculture.

4.2 Correction for Character of Sound

The limits set forth in Section 4.1 shall be reduced by 5 dB(A) for any stationary source of sound which emits a pure tone, noise in fluctuating cycles or repetitions of impulsive noise.

4.3 Monitoring

The Board may require from any sound source site or noise emission source to install, operate and maintain monitoring equipment and the preparation and radication of reports on the same.

4.4 Exemptions, others

The following actions shall be exempted from the requirements set forth in Section 4.1.

A. Daytime Period (7:01 a.m. to 9:00 p.m.)

1. Sounds produced by temporary projects for the repair and maintenance of homes and their subdivisions.
2. Sounds produced by the firing of small fire arms in authorized firing ranges.
3. Sounds produced during the installation and repair of essential public service utilities.
4. Electric Generating Plants for emergency work in hospitals and/or emergency wards.

B. Nighttime Period (9:01 p.m. to 7:00 a.m.)

Noise emitted by electric power generating substations and by equipment used for water transportation, in cases of emergency.

C. Other Exemptions

1. Sounds produced by accident prevention devices.
2. Sounds produced by assemblies, public acts and non-routine parades duly authorized.
3. Sounds produced by the firing of small fire arms during the hunting season, in areas duly designated and for such hunting purposes.
4. Sounds emitted by the boilers of oil refineries and/or electric generating plants provided that the firing-up of such boilers, be accomplished during the daytime period.

6. Sounds caused by alarms which operate for no more than 5 minutes, and/or bells, chimes, or carillons.
7. Sound caused by the un-amplified human voice.

4.5 Nothing contained in this Section shall be construed as to impede the Board from requiring the installation of the best available noise control technology in the market to the activities declared exempted from the dispositions of this Regulation.

4.6 Without violating their constitutional right to free worship, religious institutions shall discipline themselves by establishing noise control measures in churches, which shall be submitted by an AD HOC Advisory Council in a reasonable term of time for the evaluation and approval of the Environmental Quality Board, provided that when a controversy arises in which noise complaints are involved against religious institutions, the same shall be submitted to the consideration of a special investigating panel, selected by the AD HOC Advisory Council and approved by the Board. Such special investigating panel shall submit its recommendations to the Environmental Quality Board for the final resolution of the case.

The AD HOC Advisory Council shall be appointed by the Environmental Quality Board and the same will be composed of representatives from religious interest groups duly established in Puerto Rico.

4.7 This Regulation shall not apply to civilian aircraft to the extent such aircraft flight is controlled under Federal Law by the Federal Aviation Administration.

ARTICLE V - MOTOR VEHICLES, MOTORCYCLES ON PUBLIC RIGHTS-OF-WAY
(Motor Vehicles Sound Emission Levels)

5.1 General Prohibitions

5.1.1 No person shall operate or permit the operation of a motor vehicle, motorcycle or any other on a public right-of way at any time, in such a manner that the sound pressure levels emitted by the motor vehicle or motorcycle exceed the maximum permissible levels set forth in the following table, measured at a distance of 50 feet from the center of the public right-of-way and at the specified speed limits.

TABLE II

**MAXIMUM PERMISSIBLE SOUND LEVELS FOR MOTOR VEHICLES ON
PUBLIC RIGHT-OF-WAYS, MEASURED AT A DISTANCE OF 50 FEET**

Vehicle Class	Speed Limit 35 MPH or less	Speed Limit Over 35 MPH	Stationary Run-up
Motor vehicle of 10,000 lbs or more (gross weight)	86 dBA	90 dBA	88 dBA
Any motorcycle	80 dBA	84 dBA	—
Any other vehicle or any combination of vehicles	76 dBA	80 dBA	—

5.1.2 No person shall operate or permit the operation of a motor vehicle or motorcycle in a public right-of-way, at any time, which is not equipped with a system device or sound muffler in good working order.

5.1.3 No person shall leave operating or permit the operation of any motor vehicle or any auxiliary towing equipment parked on a public right-of-way or public or private parking lot at a distance of less than 150 feet from the zone designated as residential zone or quiet zone during the nighttime period. This prohibition applies to additional equipment such as, but not limited to refrigeration equipment, electric portable generators, and/or similar equipment.

5.2 Maximum permissible levels for new motor vehicles and new motorcycles

No person shall sell or permit the selling of new motor vehicles (or new motorcycles), in such a manner that such motor vehicle or motorcycle exceed the maximum permissible levels measured at a distance of 50 feet from the vehicle or motorcycle, during an acceleration test as specified in Table III.

TABLE III

MAXIMUM PERMISSIBLE LEVELS FOR
NEW VEHICLES AND MOTORCYCLES

Type of vehicle	Maximum permissible Level (dBA)
Motor vehicle of gross weight of 10,000 lbs. or more manufactured between 1975-1977	86 dBA
Motor vehicle with a gross weight less than 10,000 lbs. manufactured after 1975	80 dBA
Motorcycles (any) made after 1975	83 dBA

5.3 Distance For Noise Measurement

For the purposes of Section 5.1 the Noise Level Measurements shall be made at a height of 1.2 meters (4 feet) over ground level and at a horizontal distance of 15 meters (50 feet) and/or its equivalent from the center of the line of traffic.

ARTICLE VI - ADMINISTRATION

6.1 Permits

- A. No person shall establish, possess, operate and/or cause the establishment of a sound source site or emission source without previously obtaining a permit from the Board.
- B. The Board may award such permits as may be required in accordance with the provisions established by any section of this Regulation.

6.1.1 Applications

Each application for a permit shall include those plans, specifications and any other detailed information about the noise levels emitted, and the noise control measures to be established from the sound source site or emission source.

6.1.2 Conditions on Permit

The Board may impose any reasonable condition upon a permit necessary for the operation of the sound source site or emission source within the limits set forth by this Regulation.

6.1.3 Lapse of Permit

The Board shall determine the term of duration for each permit in accordance with pertinent administrative rules and regulations which are in effect, but in no case a permit will be awarded for a period over five years.

6.2 Compliance Plans

- A. Any owner or responsible person of an existing sound source site or emission source on the effective date of this Regulation which does not comply with its provisions shall be in compliance within the next 180 days after its effective date or in such shorter time as may be set by the Board. A compliance plan may be accepted by the Board if it is presented in accordance with the provisions set forth in this Regulation. Nothing contained herein should be construed to prevent the Board from requiring immediate compliance with this Regulation.
- B. At the discretion of the Board sufficient time shall be conceded for the installation of the necessary controls, and/or for the construction, and/or modification of the facilities in order to be in compliance with the provisions set forth in this Regulation.

6.2.1 Application

- A. Each application for approval of a compliance plan shall be signed by the owner or responsible person for the source or sound source site, and shall be submitted within a 180 days of the effective date of this Regulation.
- B. Each proposed compliance plan shall indicate a compliance date, on, or before which, compliance shall be attained.

- C. Each proposed compliance plan shall indicate the control measures that shall be taken to attain compliance by the settled date.
- D. Each proposed compliance plan shall contain a schedule indicating the dates of completion of engineering works, and of the purchase, building, installation, and adjustment of noise control equipment required to accomplish the objectives of the Plan.
- E. Each proposed compliance plan shall include provisions for submitting periodic reports, at least quarterly, in order to demonstrate continued compliance with the terms of the plan.

6.2.2 Standards For Granting Approval of Compliance Plans

No compliance plan shall be approved unless the applicant shows, to the satisfaction of the Board that:

- A. The Plan provides for compliance with the provisions of this Regulation as expeditiously as possible, in the judgement of the Board.
- B. The sound source site will be in compliance with this Regulation after all measures in the compliance plan have been taken.
- C. The plan provides for periodic reports to the Board, in order to demonstrate continuing compliance with the terms of the Plan.
- D. The final compliance date will not exceed 18 month from the date of the approval.

6.2.3 Action on Compliance Plans

- A. The Board shall act on the proposed compliance plan within a reasonable time that shall not exceed ninety (90) days after submittance.
- B. It shall be understood that any sound source site which has a plan approved by the Board is in compliance with applicable rules and regulations, as long as it is with the terms of the plan.

6.2.4 Conditions For Plan Approval

The Board may impose any additional conditions and/or modifications which it deems reasonable for the approval of a compliance plan.

6.2.5 Revocation of Approval of a Compliance Plan

- A. The Board may suspend or revoke its approval of a compliance plan due to a failure to comply with any of the terms of the plan, or if other conditions arise which in the judgement of the Board merit such suspension.
- B. The suspension or revocation of approval of a compliance plan shall become final ten (10) days after service of notice of this action to the owner or operator of the sound source site. The execution of these actions by the Board shall be subject to the right of public hearings and of appeal, as provided by law.

6.3 Dispensations

6.3.1 Authorization of dispensations

The Board may grant dispensations from the strict compliance of the provisions set forth in this Regulation, only through the process set forth in this Section

6.3.2 Reserved

6.3.3 Application

- A. Each application for a dispensation shall include the following:
 1. If the proposed dispensation pertains to a new or modified sound source site, the application for dispensation shall include a noise study with noise levels predictions on the outside, and a study of the necessary noise control measures.
 2. If the proposed dispensation pertains to an existing sound source site, the application for dispensation shall include:
 - a. A study of the noise levels at the property boundaries and/or;
 - b. An application for the approval of a proposed compliance plan, as required in Section 3.2.
 3. The application shall specify each regulated provision to be exempted by the dispensation, and shall express the nature and scope of the exemption, and the reasons why the applicant cannot comply with the applicable provisions of this Regulation.

6.3.4 Standards For Granting Dispensations

No dispensation shall be granted unless the applicant shows the following, to the full satisfaction of the Board:

- A. That the implementation of the best reasonable available technology

is not enough to comply with the provisions of this Regulation.

- B. That the dispensation will not cause significant adverse impact on the quality of the environment.
- C. That there exist special circumstances that justify the granting of the dispensation.

6.3.5 Board Action on Applications

- A. No dispensation shall be granted without previous hearing, in accordance with the requirements set forth in this Regulation.

The Board shall notify the applicant in writing of its grant or denial of a dispensation. In its notice, the Board shall set forth the reasons for its action, including the reasons for determining that the standards for granting the dispensation were or were not met.

6.3.6 Conditions For The Granting of a Dispensation

When granting a dispensation, the Board may impose any reasonable conditions it deems necessary for the protection of health and public safety.

6.3.7 Period of Validity

- A. Dispensation shall be valid for the period that the Board determines, but not to exceed two (2) years. To seek renewal or extension of a dispensation, the owner or operator of the sound source site shall file application for a new dispensation at least 120 days before it expires. From the date that the application for renewal or extension of a dispensation is received, the Board shall thereafter take action on such renewal or extension application. The Board shall take action on such application, applying the rules and regulations applicable at the time of its action. Failure to apply for a new dispensation within the 120 days period afore-mentioned, shall obligate the applicant to cease operations after the term of the original dispensation is up, and until a new dispensation is approved.

6.4 Exceptions (Emergencies)

Noise produced during emergency work necessary to protect the immediate health, safety or welfare of the community, or of individuals, shall not be considered noise, as defined in Article I, nor work performed to restore property to a safe condition after a public disaster. Nothing contained in this section shall be construed as permitting emergency personnel, police, firemen, or ambulance drivers, and others that produce noise while complying with their duties to make noises that are clearly unnecessary.

6.5 Amendments and Revisions of the Applicable Rules and Regulations

6.5.1 Effectiveness of Revisions

Amendments to this Regulation may be adopted by the Board. Such amendments shall become effective in conformity with law of Puerto Rico No. 112 of June 30, 1957, as amended.

Revisions with regard to limitations in noise emission levels that may be established by the Federal Government and promulgated pursuant to section No. 18 of the Federal Noise Pollution Act of 1972, shall become effective immediately as part of applicable rules and regulations when they are promulgated by the Administrator of the Federal Environmental Protection Agency (EPA).

6.5.2 Notice and Hearings on Amendments to this Regulation

No amendments to this Regulation shall be approved without public hearings and compliance with the provisions for notice set forth in Sub-section 6.6. Each notice of hearing shall indicate at least one location at which the full text of the proposed amendment shall be available for public inspection.

6.5.3 Effect on Outstanding Government Authorizations, Plans and Dispensations

Amendments to the applicable rules and regulations shall not impair the validity of any authorization, compliance plan, location permit, or dispensation lawfully granted or approved prior to the effective date of such amendment. Notwithstanding, the Board may revoke or impose conditions to any of such authorizations, plans, location permits or dispensations, already granted, when the Board considers that such action is necessary to obtain compliance with any new or revised noise control standard at the right moment.

6.6 Notification, Public Notice

- A. Notice of the date, time, place, and nature of the public hearing must be given, at least thirty (30) days before the hearing. The notice shall be given by:
 1. Publishing the notice at least once in two of the newspapers of largest circulation on the island; and
 2. Mailing the required notice to the affected persons, if appears from the records before the Board.
 3. Additional notice may be given in any manner the Board deems appropriate.

6.7 Notice of Violation (Summons)

The Board may issue a Notice of Violation or Summons for Violations to this Regulation.

The violation of the applicable rules and regulations will be sufficient cause to order immediate citation; providing, nevertheless, that if the noise source is a motor vehicle in the public right-of-way, instead of an order and citation, the Board and/or the Police of the Commonwealth of Puerto Rico, may issue a 24 hour Notice of Violation or any other Summon which shall not exceed 30 days, which shall be in writing, and can be served personally or by certified letter to the last known address of the person to whom is served, with a request for return receipt addressed to the owner, or responsible person or in control of the source to abate the violation. Failure to comply with the order served will constitute a violation of this Regulation.

6.8 Penalty

Any violation of this Regulation will be subject to the penalty fixed by the Public Policy Environmental Act. Moreover, the Board may, in case of infraction of any of the applicable rules and regulations, suspend, or revoke any approval, dispensation, or other authorization issued under this Regulation.

ARTICLE VII - ADDITIONAL PROVISIONS

7.1 Public Nuisance

- A. Nothing in this Regulation shall be construed to authorize or legalize the creation or maintenance of a public nuisance, as defined in Article 329 of the Penal Code of Puerto Rico.
- B. This section shall not be understood as limiting or restricting other prohibitions established in other parts of this Regulation.

7.2 Contradictory Dispositions

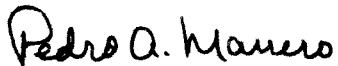
If the requirements established by any provision of this Regulation are more restrictive or less restrictive than the requirements established by any other provision of this Regulation, whichever provision is more restrictive shall prevail.

7.3 Separability Clause

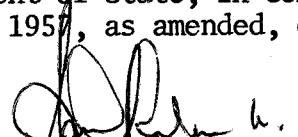
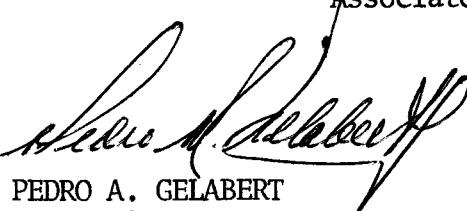
If any provision of this Regulation is declared illegal or unconstitutional by a court, such declaration will not affect the other provisions of this Regulation, each one being considered as separate in itself.

7.4 Effectiveness

This Regulation shall go into effect thirty (30) days after the date of its filing at the Commonwealth Department of State, in conformity with Law of Puerto Rico No. 112, of June, 1957, as amended, except otherwise established by the Governor.



PEDRO A. MARRERO
Vice President


SANTOS ROHENA, JR.
Associate Member
PEDRO A. GELABERT
President