

Commonwealth of Puerto Rico
Office of the Governor
ENVIRONMENTAL QUALITY BOARD

2809

REGULATION OF THE ENVIRONMENTAL QUALITY BOARD
FOR THE CONTROL OF NOISE POLLUTION
AMENDED VERSION

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 Number 9, of June 18, 1970, as
Amended, the Puerto Rico Environmental Public
Policy Act

Commonwealth of Puerto Rico
Office of the Governor
ENVIRONMENTAL QUALITY BOARD

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Approved: Carlos S. Quirós
Secretary of State
By: *Sandra F. de la Haza*
Assistant Secretary of State - Int.

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ARTICLE I - DEFINITIONS

Air Horn

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

Background Noise (Ambient Noise)

The all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

Board

The Environmental Quality Board of the Commonwealth of Puerto Rico.

Construction

Any activity which may include site preparation, demolition, removal or disposal, excavation, building and finishing operations occurring on premises right-of-ways, public or private structures or similar property.

Daytime

Period between 7:01 A.M. and 10:00 P.M.

dB(A)

The total sound pressure in decibels of all sounds as measured by a sound level meter with a reference pressure of 20 micropascals using the A-weighted network of the sound level meter and the unit of measurements is expressed as dB(A).

Decibel (dB)

A unit for measuring the intensity of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

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.

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Emergency

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

Emission

Emanation of noise to the atmosphere from any emission source.

Emission Source

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

Existing Sound Generating Site

Any existing sound generating site at the effective date of this Regulation.

L₁₀

An A-weighted sound level, dB(A), that is exceeded 10 percent (10%) of the time for the period under consideration.

Equivalent Sound Level (Leq.)

The continuous equivalent sound level. The constant sound level, dB(A), that can generate the same sound pressure (measured in the A scale) than a fluctuating sound during a stated time period.

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 Number 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 and minibikes).

Motor Vehicle

Any motor vehicle, as defined in Law Number 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

Any device or equipment used for reducing the sound of escaping gases of an internal combustion engine.

New or Modified Sound Generating Site

Any sound generating site that is not in existence at the effective date of this Regulation.

Nighttime

Period between 10:01 P.M. and 7:00 A.M.

Noise

Any sound which annoys or disturbs humans psychologically 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 government corporations.

Property Boundary

The contiguous limit of the sound generating site.

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 weighted sound-pressure level measured by the use of a metering characteristics and weighting A, B. or C, as specified in the American National Standards Institute (ANSI) Specification for Sound-Level Meters, S1.4-1971 or the latest approved revision thereof.

Sound Level Meter

An instrument used for the measurement of sound levels, in accordance with the American National Standard Institute (ANSI) Specifications for Sound Level Meters, S1.4-1971; Type 2, or the latest approved revision thereof.

Sound Pressure Level

Quantity expressed in decibels obtained from the product of 20 times the logarithm to the base 10 ($20 \log_{10}$) of the proportion of the Sound Pressure measured 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 Generating Site

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

Sound Waves

The periodic undulatory variations of sound in the density and pressure of the medium.

Weekday

Any day, Monday through Friday, which is not an official Holiday.

Vibration

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

Zone I

Area where human beings live, and where noise levels can interfere with the enjoyment of such property; includes all residential houses, lands, and structures where humans live; this zone shall also include any place within the limits of the property, or that place within a distance of three feet from the principal surface of residences or structures, as 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. Correctional Institutions
4. Charity Institutions
5. Schools

Zone II

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

A. Commercial Food Establishments

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

B. Vehicle Service Stations

1. Gas Stations
2. Auto Sales, and Rental Business
3. Parking Lots
4. Car Washes
5. Auto Repair Services (Bodywork Shops, Painting, Mechanical Repair)

C. Property Unlived by Humans, Miscellaneous Commercial Services

1. Funeral Parlor
2. Dog Pounds, Kennels and Veterinary Clinics

D. Recreation and Entertainment (Property Unlived by Humans)

1. Theaters
2. Stadiums
3. Race Tracks
4. Golf Courses
5. Amusement and Recreation Parks
6. Beaches, Rivers, Lakes and Lagoons
7. Public Squares

E. Uninhabited Community Services

1. Churches
2. Cultural Centers
3. Hunting and Fishing Tracts
4. State or National Forests

Zone III

Area where 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
 - 2. Light and Heavy Industry
 - 3. Petrochemical Plants
 - 4. Refineries
 - 5. Extraction of Materials of the Earth Crust
 - 6. Foundries
 - 7. Quarries
 - 8. Thermoelectric Generating Plants
- C. Agriculture - Area Used to Produce or to Cultivate Crops, or:
 - 1. Poultry Farms
 - 2. Dairy Farms
 - 3. Greenhouses
 - 4. Barns

Zone IV (Quiet Zone)

A previously designated area where a need may exist for exceptional quietness, where the sound level in ten percent (10%) of the period of measurement (L_{10}) shall not exceed the limits established in Article IV. This definition includes, but is not limited, to areas such as the following:

- 1. Hospitals
- 2. Clinic
- 3. Mental Health Hospitals
- 4. Court of Justice

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 the requirements established through standards promulgated by the Board.

2.1.3 No person shall cause or permit from any "sound source site" or emission source, the emission of a sound level which exceeds the limits established in Article IV for a period greater than ten percent (10%) of the time (L_{10}), during any measurement period, which shall not be shorter than thirty (30) 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.

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

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

2.2 Right of Entry, Inspections

- A. The authorized representatives of the Board, shall enter and investigate any local, equipment, facilities, premises or property of any person subject to its jurisdiction, with the purpose of investigating and verifying compliance with the provisions of this Regulation, of taking any sound level measurements that 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 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 to the judgement of the Board.

2.4 Measurements

All the measurements and data analyses will be made in accordance with the methods and procedures 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 4.4.B.

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; 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

No person shall install, cause or permit the use or operation of any exterior loudspeaker, public address system, or similar device in a fixed or mobile position on the outside of any structure or motor vehicle, that exceeds the permitted maximum levels under Section 4.1, and such devices shall not be used for commercial purposes during the nighttime period.

3.1.5 Construction

- A. No person shall cause or permit the use or operation of any equipment for construction, repair or demolition work, in such a manner as to produce noise pollution, as defined in Article I of this Regulation; the use or operation of such equipment is hereby prohibited during the nighttime period, except for emergency work, as provided in Section 4.4 (B) of this Regulation.
- B. This section shall not apply to the use of domestic power tools subject to Section 3.1.12 of this Regulation.
- C. In such cases where construction equipment, or machinery are being used and its noise levels are covered under the regulations of the U.S. Environmental Protection Agency through its control of new manufacture products, such noise standards shall apply in Puerto Rico, instead of the ones set forth in Article IV of this Regulation.

3.1.6 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.

3.1.7 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 July 1983, in such a manner that during the compaction cycle, the sound level pressure of 76 dB(A) is exceeded, when measured at a distance of twenty three (23) feet, 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 or quiet zones.

3.1.8 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 fifteen (15) minutes from its activation.

3.1.9 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 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.

3.1.10 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, provided that the U.S. Environmental Protection Agency is not regulating the noise levels of the same through its regulations on the manufacture of the product.

3.1.11 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 set forth in Section 4.1 of this Regulation or the federal standards of the U.S. Environmental Protection Agency.

3.1.12 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 outdoors in residential zones between the hours of the nighttime period; or cause or permit the operation of such domestic power tools in such a manner as to violate the provisions of this Regulation.

3.1.13 Vibration by Noise

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.

3.1.14 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.

ARTICLE IV - NOISE EMISSION LEVELS AMONG ZONES

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 shall exceeds the limits set forth in Table I, as measured at or within the proper receiving zone, as these zones are defined in Article I:

TABLE I
NOISE LEVEL LIMITS
dB(A)
Noise Level Exceeded 10% of the
Measurement Period (L₁₀)

Emitting Source	R e c e i v i n g Z o n e s							
	Zone I (Res.)		Zone II (Com.)		Zone III (Indus.)		Zone IV (Quiet)	
	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time	Day Time	Night Time
Zone I (Res.)	60	50	65	55	70	60	50	45
Zone II (Com.)	65	50	70	60	75	65	50	45
Zone III (Indus.)	65	50	70	65	75	75	50	45

4.1.1 Correction for Background Noise (Ambient Noise)

- A. If the ambient noise is less than the level set forth in Table I by more than 5 dB(A), then the limits set forth in Table I shall applied.
- B. If the ambient noise is less than the level set forth in Table I by less than 5 dB(A), then 3 dB(A) shall be added to the limits shown in Table I.
- C. If the ambient noise is greater than the limits set forth in Table I, then 5 dB(A) shall be added to the levels shown in Table I.

4.2 Correction for Character of Impulsive Noise

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

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

- A. Daytime Period (7:01 A.M. to 10:00 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.
- B. Emergencies
 - 1. 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 when complying with their duties to make noises that are clearly unnecessary.

2. Electric power generating plants, substations, and water pumping equipment during cases of temporary emergency.

C. Other Exemptions

1. Sounds produced by accident prevention devices.
2. Sounds produced by assemblies, public acts and non-routine parades.
3. Sounds produced by the firing of small fire arms during the hunting season, in areas designated for such purposes.
4. Sounds emitted by the boilers of oil refineries and electric generating plants during the firing-up of such boilers.
5. Sounds caused by alarms, bells, chimes and carrillons, which operate for no more than fifteen (15) minutes.
6. Sound caused by the un-amplified human voice.
7. Sound caused by animals.

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 of 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 and the standards set forth by the U.S. Environmental Protection Agency for the manufacture of new products.

ARTICLE V - MOTOR VEHICLES, MOTORCYCLES ON PUBLIC RIGHT-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 that vehicle exceed the maximum permissible levels set forth in the following table, measured at a distance of fifty (50) feet from the center of the public right-of-way and at the specified speed limits.

TABLE II

MAXIMUM PERMISSIBLE LEVELS FOR MOTOR VEHICLES ON
PUBLIC RIGHT-OF-WAYS MEASURED AT A DISTANCE OF
FIFTY (50) FEET

Type of Vehicle	Speed 35 MPH or less	Speed Over 35 MPH	Stationary Idling
Motor vehicle of 10,000 lbs or more (gross weight)	86 dB(A)	90 dB(A)	88 dB(A)
Motorcycle (any)	80 dB(A)	84 dB(A)	88 dB(A)
Others (any other or combination)	76 dB(A)	80 dB(A)	88 dB(A)

- 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 night-time period.

This prohibition applies to additional equipment such as, but not limited to refrigeration equipment, electric portable generators, or similar equipment.

5.2 Maximum Permissible Levels for New Vehicles and New Motorcycles

No person shall sell or permit the selling of new motor vehicles (or new motorcycles), in such a manner that the noise emitted by such 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. In those cases where the noise levels emitted by vehicles and motorcycles are under the regulations of the Federal Environmental Protection Agency, through the controls on the manufacture of new products, such standards shall apply in Puerto Rico instead of the limits set forth in Table III.

TABLE III

MAXIMUM PERMISSIBLE LEVELS FOR NEW
VEHICLES AND MOTORCYCLES

Type of Vehicle	Maximum Permissible Level dB(A)
Motor vehicle with a gross weight of 10,000 lbs. or more manufactured between 1975-1977	86 dB(A)
Motor vehicle with a gross weight of 10,000 lbs. or more manufactured between 1978-1983	83 dB(A)
Motor vehicle with a gross weight of 10,000 lbs. or more manufactured between 1983-1985	80 dB(A)

Type of Vehicle	Maximum Permissible Level dB(A)
<hr/>	
Motor vehicle with a gross weight less than 10,000 lbs. manufactured after 1975	80 dB(A)
Street Motorcycles manufactured between 1975 and 1986	83 dB(A)
Street Motorcycles manufactured after 1986	80 dB(A)
Moped type street motorcycles manufactured after 1983	70 dB(A)
Off-Road Motorcycles	
A. Displacement 170 cc and below manufactured between 1983 and 1986	83 dB(A)
Manufactured after 1986	80 dB(A)
B. Displacement more than 170 cc manufactured between 1983 and 1986	86 dB(A)
Manufactured after 1986	82 dB(A)

5.3 Distance for Noise Measurement

For the purpose 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) or its equivalent from the center of the line of traffic. All other measurements will be made in accordance with the methods and procedures adopted by the Board.

ARTICLE VI - ADMINISTRATION

6.1 Compliance Plans

- A. Any owner or responsible person for an existing sound generating 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 provided for the installation of the necessary controls, and for the construction and modification of the facilities in order to comply with the requirement set forth in this Regulation.
- C. The Board shall make the pertinent inspections to verify that the sound source is implementing the compliance plan.

6.1.1 Compliance Plans Application

- A. Each application for approval of a compliance plan shall be signed by the owner or responsible person for the sound source or generating site, and shall be submitted to the Board.
- B. Each proposed compliance plan shall indicate a compliance date on which compliance with this Regulation is expected.
- 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 require to submit periodic reports at least every three months to demonstrate that the terms of the plan are being complied.

6.1.2 Standards for Granting Approval of Compliance Plan

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 according to the judgement of the Board.
- B. The sound generating site will be in compliance with this Regulation after taking all measures in the compliance plan.
- 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 24 month.

6.1.3 Action on Compliance Plans

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

6.1.4 Conditions for Plan Approval

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

6.1.5 Revocation of Approval of a Compliance Plan

- A. The Board may suspend or revoke the 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 judgment of the Board merit such suspension.
- B. The suspension or revocation of a compliance plan shall be effective after notice of this action served to the owner or operator of the sound generating site. The execution of these actions by the Board shall be subject to the right of public hearings and judicial review, as provided by Law.

6.2 Dispensations

6.2.1 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.

6.2.2 Application

- A. Each application for a dispensation shall include the following:
 - 1. If the proposed dispensation pertains to an existing sound generating site, the application for dispensation shall include:
 - a. A study of the noise levels at the property boundaries and;
 - b. An application for the approval of a proposed compliance plan, as required in Section 6.1.
 - 2. 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.

6.2.3 Standards for Granting Dispensations

No dispensation shall be granted unless the applicant shows the following, to the 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.

6.2.4 Action on Applications

- A. No dispensation shall be granted without previous hearing, in accordance with the requirements set forth in this Regulation.
- B. The Board shall notify the applicant in writing of the granting 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.

6.2.5 Conditions for Granting a Dispensation

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

6.2.6 Period of Validity

A dispensation shall be valid for the period determined by the Board, but shall not to exceed two (2) years. To seek renewal or extension of a dispensation, the owner or operator of the sound generating site shall file application for a new dispensation at least ninety (90) 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 application, in accordance with the rules and regulations in force. This dispensation could be revoked if the noise emission source cause an adverse environmental effect when so determined by the Board.

6.3 Amendments to Applicable Rules and Regulations

6.3.1 Effectiveness of Amendments

Amendments to this Regulations may be adopted by the Board, that shall become effective in conformity with law of Puerto Rico Number 112 of June 30, 1957, as amended.

Revisions with regard to limitations in noise emission set forth by the Federal Government, 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).

6.3.2 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 Subsection 6.4. Such notice of hearing shall indicate at least one location at which the full text of the proposed amendment shall be available for public inspection.

6.3.3 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, approval 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, approval 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.

6.4 Notification and 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 in the island; and
2. Mailing the required notice to the affected persons, as appears from the records before the Board.
3. Additional notice may be given in any manner the Board deems appropriate.

6.5 Notice of Violation (Summons)

The Board may issue a Notice of Violation or Summon for non compliance or 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 or the Police of Puerto Rico, may issue a 24-hour Notice of Violation or any other Summon which shall not exceed 30 days, which 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.

6.6 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

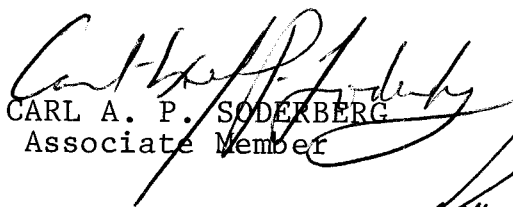
If the requirements established by any provision of this Regulation are more restrictive or less restrictive than the requirements established by any other provisions of this Regulation, whichever provision is more restrictive shall prevail. The Spanish version will prevail over the English translation.

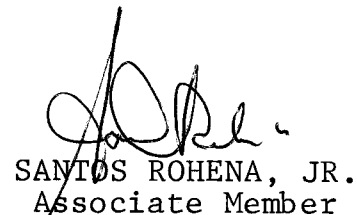
7.3 Separability Clause

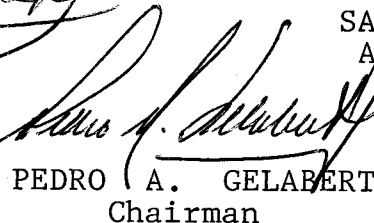
If any provision of this Regulation is declared illegal or unconstitutional by a court, such declaration will not affect the other provisions of this Regulation, each one being considered as separate in itself.

7.4 Effectiveness

This Regulation shall go into effect thirty (30) days after the date of its filing at the Department of State, in conformity with Law of Puerto Rico Number 112, of June 30, 1957, as amended, except otherwise established by the Governor.


CARL A. P. SODERBERG
Associate Member


SANTOS ROHENA, JR.
Associate Member


PEDRO A. GELABERT
Chairman