



FACT SHEET

In re: Proposed Revisions to 250-RICR-120-05-01 “Visible Emissions”

Introduction

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to revise air pollution control regulation, 250-RICR-120-05-1 “Visible Emissions” (Part 1). Part 1 limits the opacity of visible emissions from sources of air contaminants.

Description of Proposed Amendments

On January 25, 2024, the United States Environmental Protection Agency (“USEPA”) posted in the Federal Register, Recent Postings of Broadly Applicable Alternative Test Methods, including an alternative test method ALT-152. ALT-152 is the alternative method of certification of a candidate in Method 9 opacity reading through use of a virtual reality (“VR”) headset. The EPA has accepted this alternative method to certify candidates in Method 9 smoke reading, and Rhode Island OAR intends to include this alternative certification method in the regulation. The VR headset-based alternative method to Method 9 certifications is an alternative to section 3.2 of 40 CFR 60, Appendix A, Method 9. This addition only allows for an alternative certification method, not an alternative to compliance options or testing method.

The proposed amendments are to add the alternative certification method as approved by the USEPA as an acceptable method of certification in the state of Rhode Island for Method 9.

The proposed amendments also remove outdated language.

Demonstration of Need

The changes to the regulation are needed, in part, to make portions of the regulation fully approvable by the U.S. Environmental Protection Agency. Portions of the visible emissions language in 250-RICR-120-05-1 will be submitted to the U.S. Environmental Protection Agency for approval in Rhode Island's State Implementation Plan when the amendments are finalized in Rhode Island. The proposed amendments will make Part 1 approvable by EPA for incorporation into the RI SIP, meeting all mandatory provisions of 40 CFR Part 51.

Alternative Approaches Considered

No other alternative approaches were considered.

Identification of Overlapped or Duplicated State Regulations

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

Determination of Significant Adverse Economic Impact on Small Business or Any City or Town

The proposed changes to the regulation have been determined to not have a significant adverse economic impact on small business, cities, or towns in the State. This additional alternative to certification methods allows a facility more options in certifying observers in Method 9.

For more information or copies of documents related to this proposal, contact:

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Or, visit the Public Notices section of the DEM Office of Air Resources website at:

<https://dem.ri.gov/environmental-protection-bureau/air-resources-oar>