

State of Rhode Island
Department of Environmental Management
Office of Air Resources

In re: Proposed amendment to 250-RICR-120-05-1 “Visible Emissions”

DECISION

Introduction

On March 10, 2026, a notice was posted on the websites of the Rhode Island Department of Environmental Management (RI DEM) and the Rhode Island Department of State and was sent to interested parties announcing a proposed amendment to 250-RICR-120-05-1 (Part 1) “Visible Emissions.” Formal objections to this amendment were accepted until April 10, 2026.

The purpose of Part 1 is to limit opacity of visible emissions from sources of air contaminants. The changes to the regulation were to include an alternative method of certification to Method 9 opacity reading. 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 revision does not impose any new requirements on regulated entities including any small businesses or any city or town; therefore, there is no adverse economic impact.

Response to Objections

No objections were received.

Decision

It is the decision of the Department to amend 250-RICR-120-05-1, “Visible Emissions.” as proposed. The final amended regulation is appended to this Decision.

Date

Karen Slattery
Deputy Administrator