

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**AIR POLLUTION CONTROL REGULATION NO. 1**

**VISIBLE EMISSIONS**



*Effective 2 August 1967*

*Last Amended: 19 July 2007*

**AUTHORITY:** These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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**VISIBLE EMISSIONS**

**1.1 Definitions**

Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to the Rhode Island Air Pollution Control General Definitions Regulation.

**1.2 Limitations**

No person shall emit into the atmosphere from any source any air contaminant for a period or periods aggregating more than three minutes in any one hour which is greater than or equal to 20 percent opacity

**1.3 Test Procedure and Observer Qualifications**

- 1.3.1 All tests must be performed as per the Code of Federal Regulations, Title 40, Part 60, Appendix A, Method 9.
- 1.3.2 All observers must qualify as per the Code of Federal Regulations, Title 40, Part 60, Appendix A, Method 9.

**1.4 Exemptions**

Where the presence of uncombined water is the only reason for failure to meet the requirements of Section 1.2, such failure shall not be a violation of this regulation.

## **1.5 General Provisions**

### **1.5.1 Purpose**

The purpose of this regulation is to limit the opacity of visible emissions from sources of air contaminants.

### **1.5.2 Authority**

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(s) and 23-23, as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35

### **1.5.3 Application**

The terms and provisions of this regulation shall be liberally construed to permit the Department to effectuate the purposes of state law, goals and policies.

### **1.5.4 Severability**

If any provision of this regulation or the application thereof to any person or circumstance, is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulation shall not be affected thereby.

1.5.5 Effective Date

The foregoing regulation, "Visible Emissions", as amended, after due notice, is hereby adopted and filed with the Secretary of State this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 23-23, 42-35, 42-17.1, 42-17.6, of the General Laws of Rhode Island of 1956, as amended.

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W. Michael Sullivan, PhD., Director  
Department of Environmental Management

**Notice Given on: February 21, 2007**

**Public Hearing held: March 23, 2007**

**Filing Date: June 29, 2007**

**Effective Date: July 19, 2007**