

250-RICR-120-05-1

TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – OFFICE OF AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL

PART 1 – Visible Emissions

1.1 Purpose

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

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1.2 Authority

A. These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 23-23, and have been promulgated pursuant to the procedures set forth in the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

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1.3 ~~Application~~Repealed

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

1.4 ~~Severability~~Repealed

~~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 Definitions

A. Unless otherwise expressly defined in this section, the terms used in this regulation shall be defined by reference to Part 0 of this Subchapter (General Definitions).

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1.6 Limitations

A. 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.

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1.7 Test Procedures and Observer Qualifications

A. All tests must be performed as per the 40 C.F.R. § 60 (2020), Appendix A-4, Method 9.

B. All observers must qualify as per: ~~the~~

1. 40 C.F.R. § 60 (2020), Appendix A-4, Method 9; or,

2. Alternative EPA approved method ALT-152 to the procedures of section 3.2 of 40 C.F.R. § 60 (2020), Appendix A-4 Method 9. ALT-152 is the alternative method of certification of a candidate in Method 9 opacity reading through use of a virtual reality ("VR") headset.

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1.8 Exemptions

A. Where the presence of uncombined water is the only reason for failure to meet the requirements of § 1.6 of this Part, such failure shall not be a violation of this regulation.

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