

RULE 401 **Visible Emissions** - Adopted 4/18/72, Amended 11/29/93

I. Limits

A person shall not discharge into the atmosphere, from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than 3 minutes in any one hour which is:

- A. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or
- B. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection A.

II. Exceptions

The provisions of Section I shall not apply to:

- A. An emission source for which the owner or operator of such source shows that the source was, at the time of violation of Section I, in compliance with all other applicable emission standards of Regulation IV.
- B. Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer and such fire in the opinion of such officer is necessary:
 - 1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or
 - 2. For the instruction of public employees in the methods of fighting fire.
- C. Smoke from fires set pursuant to a valid burning permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.
- D. Agricultural operations necessary for the growing of crops or raising of fowls or animals.
- E. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
- F. The use of other equipment in agricultural operations necessary for the growing of crops, or raising of fowls or animals.

III. Wet Plumes

Where the presence of uncombined water is the only reason for failure of an emission to meet the limits of Section I, that Section shall not apply. The burden of proof establishing the application of this Section shall be upon the person seeking to come within its provisions.