

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

AIR POLLUTION CONTROL REGULATION NO. 16

OPERATION OF AIR POLLUTION CONTROL SYSTEMS



Effective: 22 February 1977

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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16.1. 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

16.2. Approved Operation

Any air pollution control system shall be operated according to its design specifications whenever the source on which it is installed is in operation or is emitting air contaminants.

16.3. Malfunctions

In the case of malfunction of any air pollution control system, all reasonable measures shall be taken to assure resumption of the designed control efficiency as soon as possible. In the event that the malfunction of an air pollution control system is expected or may reasonably be expected to continue for longer than 24 hours and if the owner or operator wishes to operate the source on which it is installed at any time beyond that period, the Director shall be petitioned for a variance under Section 23-23-15 of the General Laws of Rhode Island, as amended. Such petition shall include, but is not limited to, the following:

- (a) Identification of the specific air pollution control system and source on which it is installed;
- (b) The expected period of time that the air pollution control system will be malfunctioning or out of service;
- (c))The nature and quantity of air contaminants likely to be emitted during said period;
- (d) Measures that will be taken to minimize the length of said period;

- (e) The reasons that it would be impossible or impractical to cease the source operation during said period.

16.4. General Provisions

16.4.1. Purpose

The purpose of this regulation is to specify the requirements for the operation of and response to malfunction of air pollution control systems.

16.4.2. 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

16.4.3. 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.

16.4.4. 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.

16.4.5. Effective Date

The foregoing regulation, "Operation of Air Pollution Control Systems", 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.

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