

**250-RICR-120-05-7**

## **TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 120 - AIR RESOURCES**

#### **SUBCHAPTER 05 - AIR POLLUTION CONTROL**

PART 7 - Emission of Air Contaminants Detrimental to Person or Property

##### **7.1 Purpose**

The purpose of this regulation is to prohibit the emission of air contaminants which may be injurious to human, plant or animal life, or cause property damage.

##### **7.2 Authority**

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 R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

##### **7.3 Application**

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.

##### **7.4 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.

##### **7.5 Definitions**

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).

##### **7.6 Standard**

No person shall emit any contaminant which either alone or in connection with other emissions, by reason of their concentration or duration, may be injurious to human, plant or animal life, or cause damage to property or which unreasonably interferes with the enjoyment of life and property.

##### **7.7 Existing Sources**

The operation of existing sources shall comply with the standard in § 7.2 of this Part.

## 7.8 New Sources or Modifications

- A. In the issuance of any approval under Air Pollution Control Regulation No. 9, the sole criteria for determination of compliance with the standard in § 7.6 of this Part with regard to human health shall be:
1. Compliance with all primary and secondary national ambient air quality standards.
  2. Compliance with the applicable requirements of § 22.3 of this Subchapter, Air Pollution Control Regulation No. 22 regarding the emission of listed toxic air contaminants.
  3. Compliance with a calculated ambient air level as required by §§ 9.3.3(a)(2), 9.4.2(g) and 9.5.2(e) of this Subchapter, Air Pollution Control Regulation No. 9.
  4. Compliance with the applicable procedures and criteria of the Guidelines for Assessing Health Risks from Proposed Air Pollution Sources.
- B. In the issuance of any approval under Air Pollution Control Regulation No. 9 the sole criteria for compliance with the standard in § 7.6 of this Part with regard to animal life shall be:
1. Compliance with all secondary national ambient air quality standards.
  2. Compliance with the applicable provisions of § 9.5.2(d) of this Subchapter.
- C. In the issuance of any approval under Air Pollution Control Regulation No. 9 the sole criteria for compliance with the standard in § 7.6 of this Part with regard to plant life and vegetation shall be:
1. Compliance with all secondary national ambient air quality standards.
  2. Compliance with the applicable provisions of § 9.5.2(d) of this Subchapter.
- D. In the issuance of any approval under Air Pollution Control Regulation No. 9 the sole criterion for compliance with the standard in § 7.6 of this Part with regard to damage to property shall be compliance with all secondary national ambient air quality standards.
- E. In the issuance of any approval under Air Pollution Control Regulation No. 9, the sole criteria for compliance with the standard in § 7.6 of this Part with regard to interference with the enjoyment of life and property shall be compliance with the applicable provisions of § 7.8(A) through (D) of this Part.