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TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 120 – AIR RESOURCES

SUBCHAPTER 05 - AIR POLLUTION CONTROL

PART 16 - Operation of Air Pollution Control Systems

16.1 Purpose and Authority

16.1.1 Purpose

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

16.1.2 Authority

These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and R.I. Gen. Laws Chapter 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.

16.2 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.

16.3 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 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).

16.5 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.

16.6 Malfunctions

- A. 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 twenty-four (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 R.I. Gen. Laws § 23-23-15, as amended. Such petition shall include, but is not limited to, the following:
1. Identification of the specific air pollution control system and source on which it is installed;
 2. The expected period of time that the air pollution control system will be malfunctioning or out of service;
 3. The nature and quantity of air contaminants likely to be emitted during said period;
 4. Measures that will be taken to minimize the length of said period;
 5. The reasons that it would be impossible or impractical to cease the source operation during said period.