

**CHAPTER 101:                   VISIBLE EMISSIONS REGULATION**

**SUMMARY:** This regulation establishes opacity limitations for emissions from several categories of air contaminant sources.

1.     Scope

This section shall be effective in all ambient air quality control regions in the State of Maine.

2.     Prohibition

No person shall emit or cause to be emitted any visible air contaminants:

A. From any "Fuel Burning Equipment":

1. Whose rated input capacity is less than 250 million BTU/hr that exceeds an opacity of 30 per cent for more than 15 minutes in any continuous 3-hour period.
2. Whose rated input capacity is greater than 250 million BTU/hr that exceeds an opacity of 40 per cent for more than 15 minutes in any continuous 3-hour period.

B. From any "Solid Waste Fuel Burning Equipment" that exceeds an opacity of 40 per cent for more than 20 minutes in any two hour period.

C. From any "General Process" including "fugitive emission" source that exceeds an opacity of 20 per cent for more than five minutes in any one hour except:

1. Existing wood fired brick kilns whose opacity shall not exceed 40 per cent for more than 20 minutes in any 1 hour period.
2. Existing recovery boilers whose opacity shall not exceed 30 per cent for more than 5 minutes in any 3 hour period.

D. From any "air contaminant source" comprised of two or more of any combination of fuel burning, solid waste fuel burning or general process emitted through one stack that exceeds an opacity of 40 per cent for more than 20 minutes in any continuous two hour

period or 80 per cent for more than 10 minutes in any one hour.

3. Exemptions.

This section does not apply to:

A. Emissions of condensed, uncombined water vapor;

B. Incinerators;

C. Permitted open burning;

D. Air contaminants emitted for the purpose of training, research or recreation; and

E. For boilers whose rated input capacity is greater than 200,000,000 B.T.U. per hour, violations of the applicable provision of subsection 2 during the first 4 hours following the initiation of cold startup or planned shutdown, provided that operating records are available to demonstrate that the facility was being operated to minimize emissions. Any person claiming an exemption under this paragraph shall have the burden of proving that any excess emissions were not caused entirely, or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition.

4. Malfunctions

The department is authorized to exempt emissions occurring during periods of unavoidable malfunction or unplanned shutdown from civil penalty under section 349, subsection 2, if the malfunction was not caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition. In such a case, the burden of proof shall be on the person seeking the exemption.

After public hearing on June 16, 17, 18, 19, and 20, 1980 the above regulation is amended this 23rd day of July 1980.

**BASIS STATEMENT :** This regulation permits the direct evaluation of opacity of air emissions at the point of discharge to the ambient air. Opaque plumes indicate high particulate emissions or improperly operated or maintained fuel burning, process or air pollution control equipment and often create nuisance conditions or otherwise deleteriously effects local aesthetic values.

AUTHORITY: 38 M.R.S.A., Section 585

EFFECTIVE DATE: January 31, 1972  
October 10, 1979  
Amended