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(Amended June 5, 2026)(Amended TBD)

PROPOSED AMENDED RULE 401. **VISIBLE EMISSIONS**

(RULE INDEX TO BE ADDED AFTER ADOPTION)

(a) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) KEROSENE FUEL is petroleum distillate fuel meeting diesel grade 1-D per ASTM D975-78, fuel oil grade No. 1 per ASTM D396-79, or kerosene by conventional commercial specifications.
- (2) AN APPROVED SMOKE-REDUCING FUEL ADDITIVE is as approved by the Executive Officer.
- (3) A SYNTHETIC ENGINE LUBRICATING OIL is as approved by the Executive Officer.

(b) Requirements

- (1) 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 three minutes in any one hour which is:
 - (A) As dark or darker in shade as that designated 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 subparagraph (b)(1)(A) ~~of this rule.~~
- (2) ~~Notwithstanding~~ Notwithstanding the provisions of paragraph (b)(1) ~~of this rule,~~ a person shall not discharge into the atmosphere from a commercial charbroiler, excluding those operating with control equipment and those which are chain-driven, or equipment for melting, heating, or holding asphalt or coal tar pitch for on-site roof construction or repair; any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

- (A) As dark or darker in shade as that designated No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
 - (B) Of such an opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subparagraph (b)(2)(A) ~~of this rule~~.
- (3) Notwithstanding the provisions of paragraph (b)(1) ~~of this rule~~, a person shall not discharge into the atmosphere from any diesel pile-driving hammer, operating exclusively using kerosene fuel, containing approved smoke-reducing fuel additives, as the sole fuel, and using only synthetic engine lubrication oil, or other method deemed technologically and economically feasible by the Executive Officer, any air contaminant for a period or periods aggregating more than four minutes during the driving of a single pile which is:
 - (A) As dark or darker in shade as that designated No. 2 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 subparagraph (b)(3)(A) ~~of this rule~~.
- (4) Notwithstanding the provisions of paragraph (b)(1), a person conducting a smoke test on external combustion equipment and their associated air pollution control equipment at a petroleum refinery or facilities with related operations to petroleum refineries as defined in Rule 1109.1 – Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Operations shall:
 - (A) Not discharge into the atmosphere any air contaminant for a period or periods aggregating more than 30 minutes in any one hour which is:
 - (i) As dark or darker in shade as that designated No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines; or
 - (ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in clause (b)(4)(A)(i).
 - (B) Ensure a smoke test is conducted solely during turnarounds; and

(C) Notify the Executive Officer at least 72 hours prior to conducting a smoke test by calling 1-800-CUT-SMOG and providing the date and start time of the smoke test.

(c) Exemptions

- (1) The provisions of this rule shall not apply to the following operations:
 - (A) Asphalt pavement heater operations;
 - (B) Abrasive blasting operations;
 - (C) The use of visible emission generating equipment in training sessions conducted by governmental agencies necessary for certifying persons to evaluate visible emissions for compliance with this rule and with the California Health and Safety Code, Section 41704 (l).
 - (D) Visible emissions from ships which perform emergency boiler shutdowns, tests required by governmental agencies or maneuvers for safety purposes;
 - (E) Agricultural operations.
- (2) The provisions of paragraph (b)(2) shall not apply to a commercial charbroiler, as described in paragraph (b)(2), on or after November 9, 2005; and thereafter, the provisions of paragraph (b)(1) shall apply to such equipment.
- (3) The provisions of this rule shall not apply to air curtain incinerators and prescribed fire vehicles subject to Rule 444.1 – Particulate Matter Emission Reductions from Forestry and Agricultural Waste.
- (4) The provisions of this rule shall not apply to smoke tests required by South Coast AQMD.