

(Adopted February 4, 1977)(Amended April 1, 1977)(Amended August 4, 1978)  
(Amended September 7, 1979)(Amended February 1, 1980)(Amended July 11, 1980)  
(Amended October 15, 1982)(Amended March 2, 1984)(Amended February 5, 1988)  
(Amended April 7, 1989)(Amended September 11, 1998)  
(Amended November 9, 2001)

**RULE 401.            VISIBLE EMISSIONS**

(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 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.
- (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.