

RULE 4101 VISIBLE EMISSIONS (Adopted May 21, 1992; Amended December 17, 1992; Amended June 21, 2001; Amended November 15, 2001, Amended February 17, 2005; Amended April 16, 2026)

1.0 Purpose

The purpose of this rule is to prohibit the emissions of visible air contaminants to the atmosphere.

2.0 Applicability

The provisions of this rule shall apply to any source operation which emits or may emit air contaminants.

3.0 Definitions

3.1 APCO: The Air Pollution Control Officer of the San Joaquin Valley Unified air Pollution Control District, or any person authorized to act on behalf of the APCO.

3.2 EPA: The United States Environmental Protection Agency

3.3 Observer:

3.3.1 A qualified human observer certified and trained in accordance with the procedures in EPA Method 9 or other alternative methods approved by EPA and the APCO.

3.3.2 A certified in-stack opacity monitoring system calibrated in accordance with the test method specified in Section 6.2.

3.4 Opacity: the degree to which emissions reduce the transmission of light and obscure the view of an object in the background. Determination of opacity shall be conducted in accordance with the test method specified in Section 6.1.

3.5 Visible Emissions: any particulate or gaseous matter which can be detected by the human eye.

4.0 Exemptions

The provisions of this rule do not apply to:

4.1 Smoke from fires set by or permitted by any public officer, if such fire is set or permitted in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

- 4.1.1 For the purpose of the prevention of a fire or health hazard which cannot be abated by any other means, or
- 4.1.2 For instruction of public employees in the methods of fighting fire.
- 4.2 Smoke from fires set pursuant to a permit on an industrial property used for the purpose of instructing employees in methods of fighting fire.
- 4.3 The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.
- 4.4 Any open burning, prescribed burning, or hazard reduction burning permitted or exempted by Rule 4103 (Open Burning) or Rule 4106 (Prescribed Burning and Hazard Reduction Burning).
- 4.5 Use of any aircraft to distribute seed, fertilizer, insecticides, or other agricultural aids over lands devoted to the growing of crops or raising of fowl or animals.
- 4.6 Open outdoor fires used only for cooking of food for human beings or for recreational purposes.
- 4.7 Emissions from equipment used for the instruction or certification of individuals in the evaluation of visible emissions upon approval from the APCO.
- 4.8 Wet plumes where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations of this rule. The burden of proof, which establishes the application of this rule, shall be upon the person seeking to come within its provisions.
- 4.9 Emissions from maritime vessels using steam boilers during emergency boiler shutdowns for safety reasons, safety and operational tests required by governmental agencies, and where maneuvering is required to avoid hazards.
- 4.10 Emissions from maritime vessels during a breakdown condition, as long as the discharge is reported in accordance with District requirements pursuant to Rule 1100 (Equipment Breakdowns) and breakdown relief is granted by the APCO.
- 4.11 The use of an obscurant for the purpose of training military personnel and the testing of military equipment by the United States Department of Defense on any military reservation.
- 4.12 Emissions subject to or specifically exempt from Regulation VIII (Fugitive PM10 Prohibitions).

5.0 Requirements

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant, other than uncombined water vapor, for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

- 5.1 As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.
- 5.2 Of such opacity as to obscure an observer's view to a degree equal to or greater than the smoke described in Section 5.1 of this rule.

6.0 Test Methods

The following test methods shall be used unless otherwise approved by the APCO and EPA.

- 6.1 EPA Method 9 for visual determination of the opacity of emissions.
- 6.2 40 Code of Federal Regulations (CFR) Part 60 Appendix B Performance Specification 1 for determination of certified, calibrated in-stack opacity monitoring system.

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