

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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Legislative Document

No. 1557

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H. P. 1127

House of Representatives, March 16, 1971

Referred to Committee on Natural Resources. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Smith of Waterville.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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AN ACT Revising the Air Pollution Laws.

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Be it enacted by the People of the State of Maine, as follows:

**Sec. 1. R. S., T. 38, § 584, amended.** The second sentence of the fourth paragraph of section 584 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, is amended to read as follows:

The order shall state the date upon which such standards, or any of them, become effective, and such regions and standards shall thereafter be in effect ~~until 90 days after the date of adjournment of the next regular session of~~ unless the Legislature shall at its ~~unless such~~ next regular session shall adopt by legislative enactment ~~such different~~ air quality regions and standards.

**Sec. 2. R. S., T. 38, § 585, amended.** The last paragraph of section 585 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, is amended to read as follows:

Any emission standard or amendment thereto established by the commission shall thereafter be in effect ~~until 90 days after the date of adjournment of the next regular session of~~ unless the Legislature shall at its ~~unless such~~ next regular session shall adopt by legislative enactment ~~such different~~ emission ~~standard standards or amendment~~ amendments thereto.

**Sec. 3. R. S., T. 38, § 585-A, additional.** Title 38 of the Revised Statutes is amended by adding a new section 585-A, to read as follows:

§ 585-A. Establishment of standards

The commission may establish and amend reasonable standards and regulations relating to:

1. The burning of fossil fuels and other materials which result in the production of air contaminants;
2. Industrial processes which result in the production of air contaminants;
3. Other procedures and practices which result in the production of air contaminants.

Such standards and regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and the prevention of air pollution.

Prior to the establishment or amendment of such standards and regulations the commission shall conduct a public hearing thereon. Public notice of such hearing shall be given in the same manner as is provided in section 584 for notice of hearings with respect to establishment of ambient air quality standards. At such hearing the commission shall solicit and receive testimony concerning applicable ambient air quality and emission standards; the effects thereon of the process to be regulated; the availability, effectiveness and cost of any air pollution control apparatus designed to prevent or control air pollution or violations of ambient air quality or emission standards caused by such process; the availability, effectiveness and cost of alternative processes, and such other evidence as in the commission's judgment will enable it to determine and establish standards and regulations adequate to maintain applicable ambient air quality and emission standards.

After hearing the commission shall by order establish or amend reasonable standards and regulations which shall be designed to achieve the purposes set forth in the first paragraph of this section. The order shall state the date upon which such standards and regulations or any of them, become effective, and such standards and regulations shall thereafter be in effect unless the Legislature shall at its next regular session adopt by legislative enactment different standards and regulations or amendments thereto.

Sec. 4. R. S., T. 38, § 589, repealed and replaced. Section 589 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 589. Registration; penalties

The commission may require the registration with it of such persons or air contamination sources of the type it may by regulation prescribe engaged in activities which emit air contaminants, and may also require persons operating stationary air contamination sources to install, maintain and use such emission monitoring devices as the commission by regulation may prescribe.

The commission may also require such persons to make periodic reports to it containing information relating to location, size of outlet, height of outlet, rate and period of emission and composition of air contaminants, location and type of air pollution control apparatus, and such other information as the commission may by regulation prescribe.

Failure to register, to install, maintain and use emission monitoring devices or to file reports shall render the failing party liable to the penalties prescribed in sections 595 and 596 for violation of commission orders.

Sec. 5. R. S., T. 38, § 590, amended. Section 590 of Title 38 of the Revised Statutes, as enacted by section 1 of chapter 474 of the Public Laws of 1969, is amended to read as follows:

#### § 590. Licensing

After ambient air quality standards and emission standards have been established within a region, the commission may by regulation provide that no person shall operate or maintain therein any ~~additional~~ air contamination source or emit any ~~additional~~ air contaminants therein without an emission license from the commission.

Application for such licenses shall be made in such form and contain such information relating to the proposed air contamination source and emission of ~~additional~~ air contaminants as the commission may by regulation prescribe. Within 30 days of receipt of a properly completed application, the commission shall either grant the license, deny the license or order a hearing thereon. Within 10 days after notice of the grant or denial of any application under this section, the applicant may request a hearing thereon. All hearings under this section shall be held in some municipality within the region where the proposed emission is to be located within 30 days of receipt of an application where the commission orders a hearing thereon, or within 30 days of receipt by the commission of a request by the applicant for a hearing, ~~hold a hearing thereon in the municipality within the region where the proposed source or additional emission is to be located, and shall notify the applicant of the date, time and place thereof at least 14 days in advance~~ Public notice of the date, time and place of any such hearing shall be published in some newspaper of general circulation within the region where the proposed emission is to be located, once a week for 2 successive weeks, the last publication to be at least 3 days before the hearing, and notice thereof shall also be given to the applicant at least 14 days in advance. At such hearing, the commission shall solicit and receive testimony concerning the nature of the proposed emissions; their effect on existing ambient air quality standards within the region; the availability and effectiveness of air pollution control apparatus designed to maintain the emission for which license is sought at the levels required by law; and the expense of purchasing and installing such apparatus.

If after hearing the commission shall find that the proposed emission will be receiving the best practicable treatment, will not violate applicable emission standards, or can be controlled so as not to violate the same, and that such proposed emission, either alone or in conjunction with existing emissions, will not violate or can be controlled so as not to violate applicable ambient air quality standards, it shall grant the license, imposing such appropriate and reasonable conditions thereon as may, in the commission's judgment, be necessary to secure compliance with such standards.

Sec. 7. R. S., T. 38, § 591, amended. The 2nd paragraph of section 591 of

Title 38 of the Revised Statutes, as enacted by Section 1 of chapter 474 of the public laws of 1969, is amended to read as follows:

Where the commission, pursuant to section 590, has by regulation provided that no person shall operate or maintain within a region any ~~additional~~ air contamination source or emit any ~~additional~~ air contaminants without an emission license from the commission, such operation or maintenance without license is prohibited.

### STATEMENT OF FACT

Sections 1 and 2 of this bill provided that air quality and emission standards set by the Environmental Improvement Commission will remain in force until the Legislature enacts different standards.

Section 3 of the bill enables the commission to set certain standards and regulations. An example of standard which could be set is a sulphur-content standard for fuel oil.

Section 4 empowers the commission to require the use of emission monitoring devices and eliminates the confidential nature of air pollution control reports. This legislation is required for Maine to conform to the Federal Clean Air Act of 1970.

Section 5 revises and streamlines commission hearing procedures.

Section 6 gives the commission power to make on-site tests and inspection. This authority is also required by the Clean Air Act of 1970.

Section 7 empowers the commission to require a license for all emissions into air. Present law contains a "grandfather clause" exempting emissions which existed before the date the commission adopts a licensing procedure.