

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 2207

H. P. 2034

House of Representatives, February 11, 1976

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

EDWIN H. PERT, Clerk

Presented by Mr. Peterson of Windham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SIX

AN ACT to Amend the Protection and Improvement of Air Statutes.

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

Sec. 1. 38 MRSA § 583, sub-§ 1-A is enacted to read:

§ 1-A. Portland Peninsula Air Quality Region. The Portland Peninsula Air Quality Region shall consist of that section of the City of Portland bordered on the west by Interstate 95, on the south and east by the Fore River and on the north by Casco Bay and the inlet to Back Bay.

Sec. 2. 38 MRSA § 601, sub-§ 1, ¶ B, as enacted by PL 1973, c. 438, § 8, is amended to read:

B. June 1, 1975 for all existing incinerators, except existing wood waste teepee incinerators; and

Sec. 1. 38 MRSA § 601, sub-§ 1, ¶ C is enacted to read:

C. June 1, 1980 for all existing wood waste teepee incinerators.

Sec. 4. 38 MRSA § 603, as enacted by PL 1973, c. 438, § 8, is repealed and the following enacted in place thereof:

§ 603. Low sulfur fuel

1. Prohibitions.

A. In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Regions, no person shall sell, distribute, buy or use any fuel with a sulfur content greater than 2.5% by weight anytime after November 1, 1973. In the Metropolitan Portland Air Quality Region outside the Portland Peninsula Air Quality Region, no person shall sell, distribute, buy or use any fuel with a sulfur content greater than 2.5% by weight anytime after June 1, 1975.

B. In the Portland Peninsula Air Quality Region, no person shall use any fuel with a sulfur content greater than 1.5% by weight anytime after November 1, 1975.

C. In the Portland Peninsula Air Quality Region after June 1, 1975, no person shall commence construction or expansion of any fuel-burning facility to burn other than #2 oil or its equivalent in sulfur and ash content.

D. In the Portland Peninsula Air Quality Region, no person shall use any fuel with a sulfur content greater than 1.0% by weight anytime after November 1, 1985.

2. Records. Any person importing residual oil or coal into the State of Maine shall submit to the Department of Environmental Protection a record of the sulfur content of each shipment of such fuel. Any person blending oil for use within the Portland Peninsula Air Quality Region shall submit to the Department of Environmental Protection on a monthly basis a report indicating the total volume and average sulfur content actually supplied.

3. Exemptions.

A. A source that installs one or more sulfur collecting devices that reduce sulfur dioxide emissions to the equivalent level allowed in that air quality region shall be exempt from this regulation.

B. If, during periods of energy crisis or equipment outage, an oil supplier is unable to supply conforming fuel, that supplier may apply for a temporary variance to the Commissioner of Environmental Protection. The commissioner may without hearing issue that variance for a period not to exceed 60 days if the application in his judgment meets the criteria of the applicable statutory variance requirements. Such temporary variance cannot be renewed.

Sec. 5. 38 MRSA § 608 is enacted to read:

§ 608. Stationary source performance standards

1. New stationary source of air emissions shall be subject to the best practicable treatment requirements promulgated in 40 Code Federal Regulations Part 60.

2. All stationary sources of hazardous air pollutants shall be subject to the best practicable treatment requirements promulgated in 40 Code Federal Regulations Part 61.

STATEMENT OF FACT

The purposes of this bill are:

Sections 1 and 4:

In 1972 the Environmental Improvement Commission, now the Board of Environmental Protection, adopted a low sulfur fuel strategy for attaining the ambient air quality, sulfur, standards for the State of Maine. This low sulfur fuel strategy was enacted into law by the 106th Maine Legislature in 1973. This low sulfur fuel strategy generally required users of fossil fuel in the Metropolitan Portland Air Quality Region to utilize fuels with no more than 1.5% sulfur after November 1, 1974.

The Board of Environmental Protection, in 1974 and 1975 as a result of the energy and economic crisis, reexamined the low sulfur fuel strategy for the Metropolitan Portland Air Quality Region and concluded that a reasonable low sulfur fuel strategy would be the use of 2.5% sulfur fuel in the Metropolitan Portland Air Quality Region except in the newly created Portland peninsula area. The acceptable low sulfur fuel for the Portland peninsula area is 1.5% sulfur until 1985 and 1.0% sulfur after November 1, 1985.

The Board of Environmental Protection conducted a public hearing on April 16, 1975 in Portland and following this hearing on May 21, 1975, adopted a new low sulfur fuel strategy for the Metropolitan Portland Air Quality Region and established the Portland Peninsula Air Quality Region with a slightly more stringent low sulfur fuel strategy. This revised low sulfur fuel strategy was promulgated as regulation and has been in effect since June 1, 1975 for the Metropolitan Portland Air Quality Region and since November 1, 1975 for the Portland Peninsula Air Quality Region.

In 1972 the Environmental Improvement Commission, now the Board of Environmental Protection, adopted a regulation after public hearing establishing incinerator particulate emission standards. The particulate emission standards were effective for all new incinerators constructed after January 31, 1975 and for existing incinerators after June 1, 1975. These standards were enacted into law by the 106th Legislature in 1973.

Wood burning teepees are a class of incinerators. The staff of the Bureau of Air Control, Department of Environmental Protection, in cooperation with existing owners of wood-burning teepees have evaluated the particulate emission standard as they apply to wood-burning teepees and have concluded that technology does not exist at this time that will enable these units to achieve the particulate emission standards.

The Board of Environmental Protection conducted public hearings on August 25, 1975 in Augusta; August 28, 1975 in Bangor; September 2, 1975 in Presque Isle; September 3, 1975 in Bingham; and September 8, 1975 in Portland and following these hearings on September 24, 1975, revised the effective date by which wood-waste teepees would have to meet the incinerator particulate emission standards. This effective date was changed from June 1, 1975 to June 1, 1980, a 5-year extension. The additional time will permit owners of teepees to recoup their investment and allow the development of alternate means of using wood waste.

In general, this Act is less stringent than existing statutes, but its provisions are in keeping with the long range ambient air quality goals of the State of Maine.

This Act is presented to the special session, since Title 38, § 585-A requires air quality regulations to be revised by the Legislature. Otherwise, these regulations become void 90 days after the legislative session adjourns.

Section 5.

The Board of Environmental Protection on October 8, 1975 officially adopted by regulation the best practicable treatment requirements promulgated by Environmental Protection Agency for stationary sources of air emis-

sions. These requirements are published in the Federal Register prior to being adopted by the Environmental Protection Agency. The Environmental Protection Agency solicits comments nationally and after evaluating the comments submitted promulgates final regulations.

The Board of Environmental Protection chose to adopt the best practical treatment requirements by reference to the Code of Federal Regulations because the independent development of these complex requirements are very expensive and the Board of Environmental Protection would be unable to devote the time, money and manpower resources necessary. In addition, the Environmental Protection Agency is able to obtain responses from air quality experts nationwide while the Board of Environmental Protection would generally be limited to comments from Maine people in the air quality field.

At the present time, there are only 3 hazardous air pollutants subject to these regulations—*asbestos*, *mercury* and *beryllium*. There are no known sources of *asbestos* and *beryllium* in the State of Maine and only one source of *mercury*. The *mercury* source is now in compliance with these regulations and it is possible that its *mercury* emission control system is one of the best in the country.

There are 12 classes of new stationary sources presently subject to these regulations:

1. Fossil-fuel fired steam generators
2. Incinerators
3. Portland cement plants
4. Nitric acid plants
5. Sulfuric acid plants
6. Asphalt concrete plants
7. Petroleum refineries
8. Storage vessels for petroleum liquids
9. Secondary lead smelters
10. Secondary brass and bronze ingot production plants
11. Iron and steel plants
12. Sewage treatment plants

The regulations not only specify the class, but also the emissions to be controlled within each class as well as the test procedure to be used to measure the emissions.

The adopting of Section 5 of this Act will not create any greater burden of parties emitting air emissions. It will merely continue existing practices and satisfy the requirements of the Environmental Protection Agency for delegation of authority under the Federal Clean Air Act and related regulations.