

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-846)  
109TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1690, L.D. 1800, Bill,  
"AN ACT to Establish Visible Emissions Standards and to Adopt  
and Revise Certain Definitions under the Environmental Laws."

Amend the Bill by striking out all of the title and inserting  
in its place the following: 'AN ACT to Establish Visible Emission  
Standards and to Delete Certain Definitions under the Environmental  
Laws.'

Further amend the Bill by striking out everything after the  
enacting clause and inserting in its place the following:

'Sec. 1. 38 MRSA §582, sub-§5-B, as enacted by PL 1979,  
c. 381, §1, is repealed.

Sec. 2. 38 MRSA §582, sub-§7-C, as repealed and replaced  
by PL 1979, c. 381, §2, is repealed.

Sec. 3. 38 MRSA §582, sub-§7-E-1, as enacted by PL 1979,  
c. 381, §4, is repealed.

Sec. 4. 38 MRSA §582, sub-§7-F, as enacted by PL 1973,  
c. 438, §3, is repealed.

Sec. 5. 38 MRSA §582, sub-§9-B, as enacted by PL 1979,  
c. 381, §5, is repealed.

Sec. 6. 38 MRSA §598, as amended by PL 1979, c. 476, §3,  
is repealed and the following enacted in its place:

§598. Visible emissions

1. Scope. This section shall be effective in all ambient  
air quality control regions in the State.

2. Prohibition. No person may emit or cause to be emitted any visible air contaminants:

A. From any fuel burning equipment:

(1) Whose rated input capacity is equal to or less than 250,000,000 B.T.U. per hour that exceeds an opacity of 30% for more than 15 minutes in any continuous 3-hour period; or

(2) Whose rated input capacity is greater than 250,000,000 B.T.U. per hour that exceeds an opacity of 40% for more than 15 minutes in any continuous 3-hour period;

B. From any solid waste fuel burning equipment that exceeds an opacity of 40% for more than 20 minutes in any 2-hour period;

C. From any general process including fugitive emission source that exceeds an opacity of 20% for more than 5 minutes in any one hour, except:

(1) Existing wood-fired brick kilns whose opacity may not exceed 40% for more than 20 minutes in any one-hour period; or

(2) Existing recovery boilers whose opacity may not exceed 30% for more than 5 minutes in any 3-hour period;  
or

D. From any air contaminant source comprised of 2 or more of any combination of fuel burning, solid waste fuel burning or general process emitted through one stack that exceeds an opacity of 40% for more than 20 minutes in any continuous 2-hour period or 80% for more than 10 minutes in any one hour.

3. Exemptions. This section does not apply to:

A. Emissions of condensed, uncombined water vapor;

B. Incinerators;

C. Permitted open burning;

D. Air contaminants emitted for the purpose of training, research or recreation; and

E. For boilers whose rated input capacity is greater than 200,000,000 B.T.U. per hour, violations of the applicable provision of subsection 2 during the first 4 hours following the initiation of cold startup or planned shutdown, provided that operating records are available to demonstrate that the facility was being operated to minimize emissions. Any person claiming an exemption under this paragraph shall have the burden of proving that any excess emissions were not caused entirely, or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition.

4. Malfunctions. The department is authorized to exempt emissions occurring during periods of unavoidable malfunction or unplanned shutdown from civil penalty under section 349, subsection 2, if the malfunction was not caused, entirely or in part, by poor maintenance, careless operation, poor design or any other reasonably preventable condition. In such a case, the burden of proof shall be on the person seeking the exemption.

Statement of Fact

This / amendment deletes several definitions related to the prevention of significant deterioration of air quality. These include "baseline

concentration," "fugitive dust," "major emitting source," "potential emissions" and "modification." The federal definitions are undergoing change and this will allow the department to make any required changes in state regulations with a minimum of disruption. In the meantime, these definitions remain in the state regulations. The amendment follows the original bill in establishing visible emission standards for fuel burning equipment, solid waste fuel burning equipment, general process equipment and any combination of equipment connected to one stack. Exemptions from the standards are provided for incinerators, open burning, training, research and recreation. The department was instructed to develop these revised standards by the first regular session of the 109th Legislature.

In addition, in order to recognize the technical difficulty in avoiding smoke during cold startup or shutdown of large boilers, a 4-hour exemption from visible emission standards is provided for those periods, according to the amendment.

Finally, the department is authorized, on a case-by-case basis, to give exemptions from civil penalties in case of unavoidable malfunction.