

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1800**

H. P. 1690

House of Representatives, January 15, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mr. Kiesman of Fryeburg.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Establish Visible Emissions Standards and to Adopt and Revise  
Certain Definitions under the Environmental Laws.**

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

**Sec. 1.** 38 MRSA § 582, sub-§ 7-C, as repealed and replaced by PL 1979, c. 381, § 2, is amended to read:

**7-C. Fugitive dust.** "Fugitive dust" means ~~solid-airborne~~ particulate matter **composed of soil** which is uncontaminated ~~resulting from~~ **by industrial activity** air contaminants.

**Sec. 2.** 38 MRSA § 582, sub-§ 7-E-1, as enacted by PL 1979, c. 381, § 4, is repealed.

**Sec. 3.** 38 MRSA § 582, sub-§ 7-E-2 is enacted to read:

**7-E-2. Lesser source.** "Lesser source" means any fuel burning equipment, burning fuel oils or combination of B.T.U. equipment at one location, that has a total heat input capacity of  $50 \times 10^6$  B.T.U. per hour or less, and uses less than 500,000 gallons of oil annually.

**Sec. 4.** 38 MRSA § 582, sub-§ 7-E-3 is enacted to read:

**7-E-3. Major emitting source.** "Major emitting source" means any of the

following emission sources of air contaminants which omit, or have the potential to emit, 100 tons per year or more of any air contaminants:

- A. Fossil-fuel fired steam electric plants of more than 250 million B.T.U. per hour heat input;
- B. Primary zinc smelters;
- C. Coal cleaning plants, thermal dryers;
- D. Iron and steel mill plants;
- E. Kraft pulp mills;
- F. Portland cement plants;
- G. Primary aluminum ore reduction plants;
- H. Primary copper smelters;
- I. Municipal incinerators capable of charging more than 250 tons of refuse per day;
- J. Hydrofluoric, sulfuric and nitric acid plants;
- K. Petroleum refineries;
- L. Lime plants;
- M. Phosphate rock processing plants;
- N. Coke oven batteries;
- O. Sulfur recovery plants;
- P. Carbon black plants;
- Q. Sintering plants;
- R. Secondary metal production facilities;
- S. Chemical process plants;
- T. Fossil-fuel boilers of more than 250 million B.T.U. per hour heat input;
- U. Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels;
- V. Taconite ore processing plants;
- W. Glass fiber processing plants;
- X. Charcoal production facilities;
- Y. Lead smelters; and
- Z. Fuel conversion plants.

The term includes any source with the potential to emit 250 tons per year or more of any air contaminants.

The term also includes any modification in any source listed whose potential emissions of any air contaminants is increased by 100 tons per year and modification in any other source whose potential emission is increased by 250 tons per year.

The term does not include nonprofit health or educational facilities.

Sec. 5. 38 MRSA § 582, sub-§ 7-F, first sentence, as enacted by PL 1973, c. 438, § 3, is amended to read:

“Modification means any physical change to or change in the method of operation of any emission source which increases the amount of any air pollutant contaminant, to which a standard applies, emitted by such facility or which results in the emission of any air pollutant contaminant, to which a standard applies, not previously emitted, except that:

Sec. 6. 38 MRSA § 582, sub-§ 11-A, as enacted by PL 1979, c. 385, § 1, is reallocated to be sub-§ 11-D

Sec. 7. 38 MRSA § 582, sub-§ 11-C is enacted to read:

11-C. Significant impact. “Significant impact” means the contribution for all air contaminants which is equal to or greater than, or may reasonably be expected to be equal to or greater than, the levels shown below for the respective averaging times:

Contaminant	Annual	Averaging Time			
		24-Hr	8-Hr	3-Hr	1-Hr
SO <sup>2</sup>	1 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>		25ug/m <sup>3</sup>	
TSP	1 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>			
NO <sup>2</sup>	1 ug/m <sup>3</sup>				
CO			0.5 mg/m <sup>3</sup>		2.0 mg/m <sup>3</sup>

Sec. 8. 38 MRSA § 598, as last 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 million 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 million 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; and

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

#### STATEMENT OF FACT

This bill is intended to clarify the definition of some terms, provide consistency, satisfy some of the requirements of federal law and regulations and amend the particulate standards under the environmental laws.

Section one amends the term "fugitive dust" so that it tracks the federal definition. It relates the term to lack of air contamination rather than lack of industrial activity.

Section 2, repeals a definition which is amended and reallocated by section 4.

Section 3, establishes a category of small emission sources. Department regulations allow the term of a license to be 5 years for small sources. The term of a license for large sources is 2 years.

Section 4, reallocates a definition and changes the word "pollutants" to the word "contaminants."

Section 5, changes the word "pollutant" to the word "contaminant." The term air contaminant is defined in the statutes while the term air pollutant is not.

Section 6, reallocates a subsection.

Section 7, defines the term "significant impact" to mean pollution in excess of the concentrations listed for sulfur dioxide (SO<sup>2</sup>); Total Suspended Particulates (TSP); nitrogen dioxide (NO<sup>2</sup>) and carbon monoxide (CO).

Section 8, establishes 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 1st Regular Session of the 109th Legislature.