

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1426

6
7 H.P. 1080

House of Representatives, April 6, 1983

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

10 EDWIN H. PERT, Clerk

Presented by Representative Andrews of Portland.

Cosponsors: Representative Jacques of Waterville, Senator Kany of
11 Kennebec and Representative Hall of Sangerville.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Control Hazardous
18 Air Pollutants.
19

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

22 Sec. 1. 38 MRSA §582, sub-§7-G is enacted to
23 read:

24 7-G. Hazardous air pollutant. "Hazardous air
25 pollutant" means an air pollutant to which no ambient
26 air standard is applicable and which in the judgment
27 of the board causes, or contributes to, air pollution
28 which may reasonably be anticipated to result in an
29 increase in mortality or an increase in serious
30 irreversible, or incapacitating reversible, illness.

31 Sec. 2. 38 MRSA §585-B is enacted to read:

32 §585-B. Hazardous air pollutant standards

1 1. Standards. The board may establish and amend
2 reasonable emission standards for hazardous air
3 pollutants, and regulations to implement these stan-
4 dards. If emission standards are not feasible, the
5 board may adopt design, equipment, work practice or
6 operational standards for activities emitting hazard-
7 ous pollutants.

8 2. Procedure. All standards and regulations
9 under this section shall be adopted in conformance
10 with the Maine Administrative Procedure Act, Title 5,
11 chapter 375, except as provided in this section.
12 Prior to the establishment or amendment of these
13 standards and regulations, the board shall conduct a
14 public hearing to receive testimony on:

15 A. Any health risk assessment on the pollutants
16 proposed to be controlled that has been conducted
17 by the Department of Human Services;

18 B. The extent to which the public is exposed to
19 the pollutant;

20 C. The availability, effectiveness and cost of
21 any air pollution control apparatus designed to
22 prevent or control the emissions of hazardous
23 pollutants; and

24 D. Any other information that would assist the
25 board in establishing standards adequate to pro-
26 tect the public health and safety.

27 3. Relation to ambient standards. The board may
28 control hazardous air pollutants without establishing
29 ambient air standards for those pollutants.

30 4. Legislative review. Standards and regula-
31 tions adopted under this section shall remain in
32 effect until 90 days after the date of adjournment of
33 the next regular session of the Legislature, unless
34 adopted by the Legislature by joint resolution.

35 Sec. 3. Study required. The Bureau of Air Qual-
36 ity Control within the Department of Environmental
37 Protection shall investigate the nature and extent of
38 pollutants, other than those pollutants currently
39 controlled under Title 38, chapter 4, that may

1 reasonably be expected to affect human health or
2 safety. The bureau shall further determine what
3 emission control technologies are available to control
4 these pollutants.

5 The Department of Human Services shall assess the
6 health risk of those pollutants identified under the
7 first paragraph of this section. This assessment
8 shall consider the latest available epidemiological,
9 toxicological and other information on short-term and
10 long-term health effects. The department shall
11 determine a priority for controlling these substances
12 based on the health risk assessments.

13 The Commissioner of Environmental Protection,
14 based on the information developed by the Department
15 of Human Services and the Bureau of Air Quality Control
16 shall recommend to the Legislature a program to
17 control hazardous air pollutants in this State. This
18 recommendation shall be submitted within 30 days of
19 the convening of the Second Regular Session of the
20 111th Legislature.

21 STATEMENT OF FACT

22 Air pollutants are currently controlled through a
23 2-step process. First, the Department of Environmental
24 Protection or the Legislature establishes
25 ambient levels for particular pollutants, based on
26 levels that affect human health. Then the department
27 sets emission limits for specific pollution sources
28 that are designed to attain the ambient standards.
29 At the present time, the department has only established
30 ambient and emission standards for 7
31 pollutants: Particulate matter, sulfur dioxide, carbon
32 monoxide, photochemical oxidants, hydrocarbons,
33 nitrogen dioxide and lead.

34 There are many other pollutants that have been
35 demonstrated to be harmful to humans. These
36 pollutants include asbestos, a known cancer-causing
37 agent, and other hazardous materials. Limits on
38 ambient concentrations of these pollutants make
39 little sense, since they are fairly rare, and there
40 may be no safe level. For hazardous air pollutants,
41 it makes more sense to base control measures on the
42 health impact alone.

1 This bill gives the department the authority to
2 control hazardous pollutants without having to set
3 ambient standards. The bill also requires a study of
4 hazardous pollutants. The Department of Human Ser-
5 vices is directed to perform a health risk assess-
6 ment of hazardous materials, and the Department of
7 Environmental Protection is directed to recommend a
8 comprehensive control program to the Legislature,
9 based on this health risk assessment, the extent of
10 hazardous pollutants currently being discharged and
11 available control technologies.

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