

MAINE STATE LEGISLATURE

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L.D. 1680

(Filing No. H- 340)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
111TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1259,
L.D. 1680, Bill, "AN ACT to Establish and Amend the
Air Emission and Open-burning Standards."

Amend the bill by striking out all of section 4
and inserting in its place the following:

'Sec. 4. 12 MRSa §9324, sub-§§5 and 6 are
enacted to read:

5. Permit required. No person, firm or corpora-
tion may burn out of doors without a permit from a
municipal fire chief, town forest fire warden or
forest ranger, except as provided in sections 9322
and 9324 and Title 38, section 599.

6. Domestic trash. Residential burning of
highly combustible domestic, household trash in
incinerators is allowed where no municipal property
tax supported trash collection service is available
or will accept those materials provided that the
incinerator has been inspected and approved by a
municipal fire chief, town forest fire warden or
forest ranger using minimum criteria established by
the director for safe fire operation.

Sec. 5. 38 MRSa §582, sub-§7-E-2 is enacted to
read:

7-E-2. Lowest achievable emission rate. "Lowest
achievable emission rate" means for any source that
rate of emissions which reflects:

A. The most stringent emission limitation which
is contained in any implementation plan of any
state, required under the United States Clean Air
Act, as amended by Title 42 of the United States

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1 Code, Section 1857, for that class or category
2 of source, unless the owner or operator of the
3 proposed source demonstrates that those limita-
4 tions are not achievable; or

5 B. The most stringent emission limitation which
6 is achieved in practice by that class or category
7 of source, whichever is more stringent. In no
8 event may "lowest achievable emission rate"
9 result in the emission of any pollutant in excess
10 of those standards and limitations promulgated
11 pursuant to Section 111 or 112 of the United
12 States Clean Air Act, as amended, or any emission
13 standard established by the department.

14 Further amend the bill in section 5 in that part
15 designated "§599.", subsection 2, paragraph A (page
16 3, line 13 in L.D.) by inserting after the underlined
17 word "shingles" the following underlined punctuation
18 and words: ', industrial leather scraps'

19 Further amend the bill in section 5 in that part
20 designated "§599.", subsection 2 by striking out all
21 of paragraph C and inserting in its place the follow-
22 ing:

23 'C. Open burning of solid waste material at a
24 municipal solid waste disposal site serving less
25 than 1,000 persons shall only be prohibited where
26 the Board of Environmental Protection, after
27 investigation and hearing, shows that the contin-
28 uance of open burning at a specific municipal
29 site is in violation of air quality standards.'

30 Further amend the bill in section 5 in that part
31 designated "§599.", subsection 3 by striking out all
32 of paragraph A and inserting in its place the follow-
33 ing:

34 'A. Recreational campfires kindled when the
35 ground is not covered by snow;'

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1 Further amend the bill in section 5 in that part
2 designated "§599." in subsection 4, paragraph A in
3 the last line (page 5, line 36 in L.D.) by striking
4 out the underlined word "and"

5 Further amend the bill in section 5 in that part
6 designated "§599." in subsection 4, paragraph B in
7 the last line (page 5, line 38 in L.D.) by striking
8 out the underlined punctuation "."" and inserting in
9 its place the following: '; and'

10 Further amend the bill in section 5 in that part
11 designated "§599." in subsection 4 by adding at the
12 end the following:

13 'C. Recreational campfires kindled when the
14 ground is covered with snow.'

15 Further amend the bill in section 6 in that part
16 designated "§600.", subsection 2, paragraph A (page
17 6, line 11 in L.D.) by striking out the underlined
18 word "oil-gas" and inserting in its place the follow-
19 ing: 'oil, gas or'

20 Further amend the bill in section 6 in that part
21 designated "§600.", subsection 3, paragraph A (page
22 7, line 39 in L.D.) by striking out the underlined
23 word "oil-gas" and inserting in its place the follow-
24 ing: 'oil, gas or'

25 Further amend the bill in section 8 in that part
26 designated "§603-A.", subsection 2, paragraph A,
27 subparagraph (1) by striking out all of the first
28 sentence (page 11, lines 23 to 28 in L.D.) and
29 inserting in its place the following: 'In the Central
30 Maine, Downeast, Aroostook County and Northwest Maine
31 Air Quality Control Regions, no person may use any
32 liquid fossil fuel with a sulfur content greater than
33 2.5% by weight any time after November 1, 1973.'

34 Further amend the bill in section 8 in that part
35 designated "§603-A.", subsection 2, paragraph B,

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1 subparagraph (1) (page 12, lines 7 to 13 in L.D.) by
2 striking out first sentence and inserting in its
3 place the following: '(1) 1.2 pounds sulfur per
4 million British Thermal Units calculated as a calen-
5 dar quarter average for sources in the Central Maine,
6 Downeast, Aroostook County, Northwest Maine Air Qual-
7 ity Control Regions and that portion of the
8 Metropolitian Portland Air Quality Region outside the
9 Portland Peninsula Air Quality Region.'

10 Further amend the bill by renumbering the sec-
11 tions to read consecutively.

12 STATEMENT OF FACT

13 This amendment consolidates provisions dealing
14 with open burning into Titles 12 and 38. The amend-
15 ment also:

- 16 1. Prohibits open burning of industrial leather
17 scraps;
- 18 2. Deletes amendments to open burning by munic-
19 ipalities of less than 1,000 population, leaving
20 the provision the same as present law;
- 21 3. Makes 2 changes dealing with recreational
22 fires to conform to legislation enacted last
23 session; and
- 24 4. Adds a section defining "lowest achievable
25 emission rate," omitted from the original bill.

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