

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 1934

7 H.P. 1473

House of Representatives, January 12, 1984

8 Submitted by the Department of Environmental Protection pursuant to
9 Joint Rule 24.

10 Referred to the Committee on Energy and Natural Resources, ordered
printed and sent up for concurrence.

EDWIN H. PERT, Clerk

Presented by Representative Hall of Sangerville.

11 Cosponsors: Senator Kany of Kennebec, Representative Bost of Orono
and Representative Cooper of Windham.

12 STATE OF MAINE
13

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

17 AN ACT to Amend the Provisions to
18 Control Hazardous 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-§1-A is enacted to
23 read:

24 1-A. Acceptable ambient level. "Acceptable am-
25 ambient level" means, with respect to any hazardous air
26 pollutant, that concentration which provides an ac-
27 ceptable level of risk. It is not an ambient air
28 quality standard but an interim guideline value to be
29 used as a licensing criteria.

30 Sec. 2. 38 MRSA §590, as amended by PL 1979, c.
31 381, §§ 12, 13 and 14, is further amended to read:

32 §590. Licensing

1 After ambient air quality standards and emission
2 standards have been established within a region, the
3 The board may by regulation provide that no person
4 shall may operate or maintain therein any air contam-
5 ination source or emit any air contaminants therein
6 without an emission license from the board.

7 Application for such licenses shall be made in
8 such form and contain such information relating to
9 the proposed air contamination source and emission of
10 air contaminants as the board may by regulation pre-
11 scribe. All hearings under this section shall be
12 held in some municipality within the region where the
13 proposed emission is to be located. At such hearing,
14 the board shall solicit and receive testimony con-
15 cerning the nature of the proposed emissions, their
16 effect on existing ambient air quality standards
17 within the region, the availability and effectiveness
18 of air pollution control apparatus designed to main-
19 tain the emission for which license is sought at the
20 levels required by law, and the expense of purchasing
21 and installing such apparatus. If after hearing the
22 board shall find that the proposed emission will be
23 receiving the best practicable treatment, will not
24 violate applicable emission standards, or can be con-
25 trolled so as not to violate the same, and that such
26 proposed emission, either alone or in conjunction
27 with existing emissions, will not violate or can be
28 controlled so as not to violate applicable ambient
29 air quality standards, it shall grant the license,
30 imposing such appropriate and reasonable conditions
31 thereon as may, in the board's judgment, be necessary
32 to secure compliance with such standards.

33 1. Application. Application for the licenses
34 shall be made in such form and contain such informa-
35 tion relating to the proposed air contamination
36 source and emission of air contaminants as the board
37 may by regulation prescribe. All hearings under this
38 section shall be held in some municipality within the
39 region where the proposed emission is to be located.
40 At the hearing, the board shall solicit and receive
41 testimony concerning:

42 A. The nature of the proposed emissions;

43 B. Their effect on existing ambient air quality
44 standards within the region;

1 C. The availability and effectiveness of the air
2 pollution control apparatus designed to maintain
3 the emission for which license is sought at the
4 levels required by law; and

5 D. The expense of purchasing and installing the
6 apparatus.

7 2. Granting of license. The board shall grant
8 the license, imposing such appropriate and reasonable
9 conditions on the license as may, in the board's
10 judgment, be necessary to secure compliance with the
11 standards if, after hearing, the board finds the fol-
12 lowing:

13 A. The proposed emission will be receiving the
14 best practicable treatment;

15 B. The proposed emission will not violate appli-
16 cable emission standards or can be controlled so
17 as not to violate the emission standards;

18 C. The proposed emission, either alone or in
19 conjunction with existing emission, will not vio-
20 late and can be controlled so as not to violate
21 applicable ambient air quality standards; and

22 D. The proposed emission of any hazardous air
23 pollutant will not exceed the acceptable ambient
24 level.

25 The board shall have the power to deny an air
26 emission license for a new or modified major emitting
27 source if it determines that emissions from the
28 source will cause an adverse impact on air
29 quality-related value, including visibility for fed-
30 erally mandated Class I areas notwithstanding the
31 fact that the source will not cause or contribute to
32 air pollution concentrations which exceed the ambient
33 increments for a Class I area.

34 Sec. 3. 38 MRS § 591, first ¶, as amended by PL
35 1971, c. 618, §12, is further amended to read:

36 No person ~~shall~~ may discharge air contaminants
37 into ambient air within a region in such manner as to
38 violate ambient air quality standards established by

1 the board pursuant to section 584, ~~or~~ emission stan-
2 dards so established pursuant to section 585 or stan-
3 dards or regulations adopted pursuant to section
4 585-B.

5 STATEMENT OF FACT

6 In response to Public Law 1983, chapter 535 "AN
7 ACT to Control Hazardous Air Pollutants," this bill
8 specifies certain changes to Title 38 statutes neces-
9 sary to implement a program to control hazardous air
10 pollutants. Section 1 adds the definition of "ac-
11 ceptable ambient level" which is the fundamental ba-
12 sis under which hazardous air pollutants will be con-
13 trolled. Section 2 assures consistency with provi-
14 sions of section 585-B. Section 2 also adds to the
15 criteria of licensing the consideration of hazardous
16 air pollutants, when applicable and reformats the
17 paragraph for easier reading. Section 3 adds the
18 prohibition of emission of hazardous air pollutants
19 as required under section 585-B.

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