

MAINE STATE LEGISLATURE

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L.D. 317

2

(Filing No. H-273)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
112TH LEGISLATURE
FIRST REGULAR SESSION

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COMMITTEE AMENDMENT "*A*" to H.P. 263, L.D. 317,
Bill, "AN ACT to Control Acid Rain."

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9 Amend the Bill by striking out everything after
10 the enacting clause and inserting in its place the
11 following:

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'38 MRSA §603-B is enacted to read:

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§603-B. Acid deposition control

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1. Legislative findings and intent. The Legisla-
ture finds that acid deposition, commonly referred to
as "acid rain," resulting from commercial, industrial
or other emissions of sulfur dioxide and nitrogen
oxides, is occurring in the State. The Legislature
also finds that acid deposition poses a present and
severe threat to the State's natural resources, in-
cluding its fish and wildlife, agriculture and water
resources, as well as to the State's economy and pub-
lic health. Increasing evidence suggests that acid
deposition also affects the State's economy by reduc-
ing the growth productivity of the State's forest re-
sources.

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The Legislature further finds that there is a direct
correlation between emissions of sulfur dioxide and
nitrogen oxides and increases in acid deposition and
that the acidification is cumulative. Failure to act
promptly and decisively to mitigate or eliminate this
danger may soon result in economic loss and irrepara-
ble damage to the fish, forest, wildlife, agricultur-
al, water and recreational resources of this State.

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The Legislature also finds that although the major
emission sources of acid rain precursors are located
in the midwestern United States, sources within the

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1 State also contribute to acid deposition in the
2 State. It is incumbent upon the people of the State
3 to take the initiative to reduce their share of the
4 acid deposition to reasonable levels.

5 The Legislature acknowledges that the New England
6 governors, in May of 1984, endorsed as an interim
7 measure the implementation of a sulfur dioxide emis-
8 sion cap on each New England state for both the in-
9 dustrial and utility sectors of the economy. The Leg-
10 islature also recognizes that any sulfur dioxide cap
11 must either restrict the future industrial develop-
12 ment of the State or be shared equitably among exist-
13 ing sources. The Legislature finds that any reduc-
14 tions required as a result of an emissions cap should
15 be equitably shared through any reasonable sulfur di-
16 oxide emission control techniques.

17 The Legislature declares that in the absence of a na-
18 tional or regional acid deposition control program,
19 the State must institute actions to ensure that acid
20 deposition originating from within the State does not
21 increase. It is the intent of this section to estab-
22 lish a sulfur dioxide emission cap, identify sensi-
23 tive receptor areas within the State and develop a
24 final control strategy.

25 It is also the intent of the Legislature that any re-
26 ductions required by an emission reduction plan under
27 this chapter shall be shared equitably among existing
28 sources so as not to restrict industrial development
29 in the State.

30 It is furthermore the intent of the Legislature that
31 any reductions in acid deposition made in the State
32 pursuant to this chapter shall be fully credited
33 against the State's share in any future federal acid
34 deposition control program.

35 2. Sulfur dioxide emission limitation. No later
36 than January 31, 1986, the board shall, after oppor-
37 tunity for public hearing, establish and amend rea-

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1 sonable standards as authorized in sections 585 and
2 585-A to implement a limitation on the actual annual
3 statewide sulfur dioxide emissions in the State. The
4 sulfur dioxide emission limitation shall be set at a
5 level equal to the actual annual statewide average
6 sulfur dioxide emissions for the years January 1,
7 1979, to December 31, 1982. Maintenance of this limi-
8 tation shall be achieved by any reasonable sulfur di-
9 oxide emission control techniques. Rules adopted un-
10 der this section shall become effective no earlier
11 than 90 days after the date of adjournment of the
12 Second Regular Session of the 112th Legislature.

13 3. Nitrogen oxides emission inventory. The de-
14 partment shall prepare an inventory of both current
15 and potential nitrogen oxide emission sources in the
16 State. The department shall also evaluate the contri-
17 bution of nitrogen oxide emissions to acid deposition
18 and other air pollution problems in the State. The
19 inventory and evaluation shall be completed and sub-
20 mitted to the Legislature by January 31, 1987.

21 4. Acid rain impact study. The department shall
22 complete a study covering the following areas:

23 A. A resampling and measuring of the response of
24 the State's lakes located in sensitive geologic
25 areas;

26 B. An identification of sensitive receptor areas
27 throughout the State based on, but not limited
28 to, the following criteria: Geology; elevation;
29 lake size; watershed area; and aquatic and ter-
30 restrial flora;

31 C. An assessment of the impact of acid deposi-
32 tion on the growth and productivity of the
33 State's forest resources; and

34 D. A determination through long-range modeling
35 techniques of the contribution of both in-state
36 sources and out-of-state sources to acid rain

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1 deposition in the State.

2 In preparing this study, the department shall coordi-
3 nate with and utilize as fully as possible the re-
4 search being conducted at the University of Maine at
5 Orono and research conducted by the United States En-
6 vironmental Protection Agency regarding the acid rain
7 problem. Results of this study shall be reported to
8 the Legislature, together with recommendations for
9 further actions, no later than January 31, 1987.

10 5. Final control strategy. No later than January
11 31, 1988, and based on the results of the inventory
12 and studies conducted under subsections 3 and 4, the
13 department shall, after opportunity for public hear-
14 ing, establish and amend standards and rules as au-
15 thorized under sections 585 and 585-A to achieve any
16 emission reductions for the various facilities and
17 sources in the State. This final control strategy
18 shall be designed to achieve reductions, if neces-
19 sary, in the State's contribution to the total acid
20 deposition problem.

21 6. Rule-making guidelines. In establishing stan-
22 dards, the board may:

23 A. In the event that emission reductions are re-
24 quired to maintain the statewide sulfur emissions
25 limitation, give reasonable credit for sulfur
26 emission reductions achieved by any source since
27 1979 based on the average emissions of that
28 source during the period from January 1, 1979, to
29 December 31, 1982;

30 B. Provide that any plant or facility owned or
31 operated by a regulated electric utility engaged
32 in the purchase or sale of electrical energy
33 shall be deemed to have met any requirements for
34 limitations of sulfur dioxide emissions estab-
35 lished by the board under this subsection either:

36 (1) By restricting the overall sulfur con-

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1 tent of the fossil fuels utilized in any
2 calendar year to a level which does not ex-
3 ceed a weighted average of 2.0% sulfur when
4 the plant or facility is operated as part of
5 an integrated interstate power pool; or

(2) If the plant or facility has operated
at an average of not more than 20% of its
licensed capacity over the most recent
4-year period; and

10 C. Consider the unique characteristics of multi-
11 ple sources under the same ownership.

12 The board shall review and revise, as necessary,
13 rules adopted under this section in the event that a
14 federal acid rain control program is implemented.

15 Sec. 2. **Appropriation.** The following funds are
16 appropriated from the General Fund to carry out the
17 purposes of this Act.

18		<u>1985-86</u>	<u>1986-87</u>
19	<u>ENVIRONMENTAL PROTECTION,</u>		
20	<u>DEPARTMENT OF</u>		

21	Positions	(3)	(3)
22	Personal Services	\$44,772	\$63,473
23	All Other	24,330	29,995
24	Capital Expenditures	<u>5,000</u>	<u></u>
25	Total	\$74,102	\$93,468'

26 STATEMENT OF FACT

27 Acid deposition, commonly referred to as acid
28 rain, poses a significant threat to the State's econ-
29 omy and natural resources. Some Maine lakes and
30 streams have become acidified to the point that salm-
31 on and other fish are endangered. Others are already
32 so acidic that they will not support any fish life.

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1 The growth rate and quality of Maine forests on which
2 the vast majority of the State's manufacturing jobs
3 are based is also threatened by acid deposition.

4 Large amounts of sulfur dioxide and nitrogen
5 oxides, the primary components of acid rain, are
6 emitted from sources in the State. The Department of
7 Environmental Protection estimates that over 100,000
8 tons of sulfur dioxide were released into the State's
9 atmosphere in 1980. The quantity of nitrogen oxides
10 (NOx) emitted in that year is not known although it
11 is thought that NOx emissions are on the increase.
12 Much of this pollution falls to earth in the State in
13 the form of acid rain.

14 This amendment combines provisions of both L.D.
15 317 and L.D. 1389. There are 2 primary actions.

16 1. The bill establishes a preliminary cap on the
17 emissions of sulfur dioxide. Based on projections of
18 fuel usage, sulfur dioxide emissions are on the de-
19 cline in the State. It appears that at this time
20 statewide emission reductions will not be necessary
21 as the State is already in compliance with the pro-
22 posed emissions cap. Any rules adopted by the Depart-
23 ment of Environmental Protection to implement the cap
24 will be subject to legislative review. Specific regu-
25 latory guidelines are also included.

26 2. The bill combines the study provisions of
27 L.D. 317 and L.D. 1389, calling for an inventory of
28 NOx sources, further study of the impacts of acid
29 rain on the State's forests and waters and the devel-
30 opment of a final control strategy which would be re-
31 viewed by the Legislature. An appropriation from the
32 General Fund is suggested to support the study effort
33 and the development of an equitable regulatory pro-
34 gram.

Reported by the Majority of the Committee on Energy and Natural
Resources
Reproduced and distributed under the direction of the
Clerk of the House

5/30/85

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