MAINE STATE LEGISLATURE

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(GOVERNOR'S)
FIRST REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document **No. 317**

H.P. 263 House of Representatives, January 31, 1985

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Michaud of Medway.
Cosponsored by Representative Coles of Harpswell, Senator Usher of Cumberland and Representative Priest of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FIVE

AN ACT to Control Acid Rain.

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

38 MRSA §603-B is enacted to read:

§603-B. Acid deposition control

1. Legislative findings. The Legislature finds that acid deposition of sulfur and nitrogen containing compounds, commonly referred to as "acid rain," is occurring in the State. The Legislature further finds that acid rain poses a significant adverse threat to the state's natural environment by degrading natural ecosystems, including fish and wildlife. In addition, increasing evidence suggests that acid rain affects the state's economy by reducing the growth rate and productivity of the state's forest resources.

The Legislature also finds that although the major emission sources of acid rain precursors are located in the midwestern United States, sources within the State also contribute to acid deposition in the State. It is incumbent upon the people of the State to take the inititive to reduce their share of the deposition to reasonable levels.

The Legislature acknowledges that the New England governors in May of 1984, endorsed as an interim measure the implementation of a sulfur dioxide emission cap on each New England state for both the industrial and utility sectors of the economy. The Legislature also recognizes that any sulfur dioxide cap must either restrict the future industrial development of the State or be shared equitably among existing sources. The Legislature finds that any reductions required as a result of an emissions cap should be equitably shared through a statewide restriction in the allowable sulfur content in fossil fuels.

The Legislature declares that in the absence of a national or regional acid deposition control program, the State must institute actions to ensure that acid deposition originating from within the State does not increase. It is the intent of this section to establish a sulfur dioxide emission cap, identify sensitive receptor areas within the State, recommend deposition rates designed to protect those sensitive receptor areas and develop a final control strategy.

2. Sulfur dioxide emission limitation. No later than January 31, 1986, the Board of Environmental Protection shall, after opportunity for public hearing, establish and amend reasonable standards and regulations to implement a limitation on the actual annual statewide sulfur dioxide emissions in the State. The sulfur dioxide emission limitation shall be set at a level equal to the actual annual statewide average sulfur dioxide emissions for the years January 1, 1979, through December 31, 1982. This emission limitation shall be achieved by an equitable restriction in the allowable sulfur content in fossil fuels for existing and new fuel burning and process sources.

3. Study required. The Department of Environmental Protection shall complete the following study no later than January 31, 1987:

A. Resample and measure the response of state lakes located in sensitive geologic areas;

B. Determine sensitive receptor areas throughout the State based on, but not limited to, the following criteria: Geology, elevation, lake size, watershed area and aquatic and terrestrial flora and fauna;

C. Through the continued participation in the National Atmospheric Deposition Program and with the assistance of the United States Environmental Protection Agency, the department will determine an acid deposition rate, expressed in kilograms per hectare per year, at which no significant damaging chemical or biological effects of acid deposition have been reported and above which there is a high probability that those effects would occur;

D. Determine through long range modeling techniques the local and long-range transport contributions of acid deposition in the State; and

E. Coordinate with the University of Maine on all aspects of the study.

4. Final control strategy. Based on the results of the activities in subsection 3, the department shall, after opportunity for public hearing, establish and amend reasonable standards and regulations to identify any emission reductions for the various facilities and stationary sources in the State. The final control strategy shall be designed to achieve reductions, if necessary, in the state's contribution to the total acid deposition problem. No later than January 31, 1988, the department shall submit the final control strategy to the Legislature for enactment.

STATEMENT OF FACT

In the absence of federal action, the State must act to safeguard public health and to protect its environment and economy from irreparable damage from acid deposition. It is the intent of this section to direct the Department of Environmental Protection to establish an acid deposition control program. This program limits the average statewide annual emissions of sulfur dioxide in the State and requires a study and subsequent final control strategy for the acid deposition problem in the State.

Based on projections of fuel usage in the State, sulfur dioxide emissions are on the decline. It appears that at this time statewide emission reductions will not be necessary as the State is already in compliance with the proposed emission cap. With a calculated cushion of only 10,000 tons (9%) constant attention will be required to assure performance within the cap.

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