

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1389

6
7 S.P. 515

In Senate, April 25, 1985

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

JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Andrews of Cumberland.

Cosponsored by Representative Webster of Cape Elizabeth,
Representative McGowan of Canaan and Representative Jacques of
11 Waterville.

12 STATE OF MAINE
13

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

17 AN ACT to Reduce Acid Deposition in Maine.
18

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

21 Sec. 1. 38 MRSA §603-A, sub-§2, ¶A, as enacted
22 by PL 1983, c. 504, §10, is amended to read:

23 A. The sulfur content for liquid fossil fuels is
24 as follows.

25 (1) In the Central Maine, Downeast,
26 Aroostook County and Northwest Maine Air
27 Quality Control Regions, no person may use
28 any liquid fossil fuel with a sulfur content
29 greater than 2.5% by weight any time after
30 November 1, 1973. After January 1, 1988, the
31 allowable sulfur content shall be no greater
32 than 2.0% by weight. In the Metropolitan
33 Portland Air Quality Control Region outside
34 the Portland Peninsula Air Quality Control

1 Region, no person may use any liquid fossil
2 fuel with a sulfur content greater than 2.5%
3 by weight any time after June 1, 1975. After
4 January 1, 1988, the allowable sulfur con-
5 tent shall be no greater than 2.0% by
6 weight.

7 (2) In the Portland Peninsula Air Quality
8 Control Region, no person may use any liquid
9 fossil fuel with a sulfur content greater
10 than 1.5% by weight any time after November
11 1, 1975.

12 (3) In the Portland Peninsula Air Quality
13 Control Region, no person may use any liquid
14 fossil fuel with a sulfur content greater
15 than 1.0% by weight any time after November
16 1, 1985.

17 Sec. 2. 38 MRSA §603-B is enacted to read:

18 §603-B. Acid deposition control

19 1. Legislative findings and intent. The Legisla-
20 ture finds that acid deposition, commonly referred to
21 as "acid rain," resulting from commercial, industrial
22 or other emissions of sulfur dioxide and nitrogen
23 oxides, is occurring in the State. The Legislature al-
24 so finds that acid deposition poses a present and se-
25 vere threat to the State's natural resources, includ-
26 ing its fish and wildlife, agriculture and water re-
27 sources, as well as to the State's economy and public
28 health. Increasing evidence suggests that acid depo-
29 sition also affects the state economy by reducing the
30 growth productivity of the State's forest resources.

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

39 The Legislature further finds that although the major
40 sources of acid deposition are located in the mid-

1 western United States, emissions from sources within
2 the State contribute to acid deposition in the State.
3 It is therefore necessary that the people of the
4 State take steps to reduce their share of the acid
5 deposition.

6 The Legislature declares that in the absence of fed-
7 eral action requiring nationwide reductions in sulfur
8 dioxide emissions, the State must act to protect its
9 environment and economy from irreparable damage. It
10 is therefore the intent of the Legislature to estab-
11 lish an acid deposition control program which will
12 reduce sulfur dioxide and nitrogen oxides emission
13 from within the State while at the same time encour-
14 aging passage of federal acid rain legislation by
15 demonstrating the State's willingness to bear its
16 fair share of the burden of any national acid rain
17 control program.

18 It is also the intent of the Legislature that any re-
19 ductions required by an emission reduction plan under
20 this chapter shall be shared equitably among existing
21 sources so as not to restrict industrial development
22 in the State.

23 It is furthermore the intent of the Legislature that
24 any reductions in acid deposition made in the State
25 pursuant to this chapter shall be fully credited
26 against the State's share in any future federal acid
27 deposition control program.

28 2. Nitrogen oxides emission inventory. The de-
29 partment shall prepare an inventory of both current
30 and potential nitrogen oxides emission sources in the
31 State. The department shall also evaluate the contri-
32 bution of nitrogen oxides emission to acid deposition
33 and other air pollution problems in the State. The
34 inventory and evaluation shall be completed and sub-
35 mitted to the Legislature by December 1, 1986.

36 3. Acid rain impact study. The department shall
37 complete a study covering the following areas:

38 A. A resampling and measuring of the response of
39 the State's lakes located in sensitive geologic
40 areas;

1 B. An identification of sensitive receptor areas
2 throughout the State based on, but not limited
3 to, the following criteria: Geology, elevation,
4 lake size, watershed area, aquatic and terrestri-
5 al flora;

6 C. An assessment of the impact of acid deposi-
7 tion on the growth and productivity of the
8 State's forest resources; and

9 D. A determination through long-range modeling
10 techniques, of the contribution of both in-state
11 sources and out-of-state sources to acid rain
12 deposition in the State.

13 In preparing this study, the department shall coordi-
14 nate with and utilize as fully as possible the re-
15 search being conducted at the University of Maine at
16 Orono and research conducted by the United States En-
17 vironmental Protection Agency regarding the acid rain
18 problem. Results of this study shall be reported to
19 the Legislature together with recommendations for
20 further actions no later than December 1, 1986.

21 4. Final control strategy. Based on the results
22 of the inventory and studies conducted under subsec-
23 tions 2 and 3, the department shall, after opportuni-
24 ty for public hearing, establish and amend standards
25 and regulations to achieve any further emission re-
26 ductions necessary in sulfur dioxide beyond those re-
27 quired under section 603-A and to achieve reductions
28 in nitrogen oxides emission if necessary. No later
29 than December 1, 1987, the department shall submit
30 the final control strategy to the Legislature for en-
31 actment.

32 Sec. 3. Appropriation. The following funds are
33 appropriated from the General Fund to carry out the
34 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>ENVIRONMENTAL PROTECTION</u>		
<u>DEPARTMENT OF</u>		
Positions	(3)	(3)
Personal Services	\$45,000	\$65,000

1	All Other	25,000	30,000
2	Capital Expenditures	<u>5,000</u>	<u></u>
3	Total	\$75,000	\$95,000

4 STATEMENT OF FACT

5 Acid deposition, commonly referred to as acid
6 rain, poses a significant threat to Maine's economy
7 and natural resources. Some Maine lakes and streams
8 have become acidified to the point that salmon and
9 other fisheries are endangered. Others are already so
10 acidic that they will not support any fish life. The
11 growth rate and quality of Maine forests on which the
12 vast majority of Maine's manufacturing jobs are based
13 is also threatened by acid deposition.

14 Large amounts of sulfur dioxide and nitrogen
15 oxides, the primary components of acid rain, are
16 emitted from sources in Maine. The Department of En-
17 vironmental Protection estimates that over 100,000
18 tons of sulfur dioxide were released into Maine's at-
19 mosphere in 1980. The quantity of nitrogen oxides
20 emitted in that year is not known although it is
21 thought that nitrogen oxides emissions are on the in-
22 crease. Much of this pollution falls to earth in
23 Maine in the form of acid rain.

24 It is important for Maine to address its acid
25 rain problem immediately for two reasons:

26 1. In order for a successful federal control
27 program to pass, Maine and other northeast states
28 must demonstrate their willingness to make real re-
29 ductions in their contribution to the total problem.

30 2. Current evidence suggests that Maine is cre-
31 ating a substantial fraction of its own acid rain.
32 Real reductions in Maine emissions are needed and
33 will benefit the State.

34 The bill has two primary actions.

35 1. The limit on the sulfur content of most oil
36 burned in Maine would be reduced from 2.5%, by

1 weight, to 2.0%. No other New England state allows
2 the use of 2.5% sulfur oil. This change could result
3 in as much as a 20% reduction in the sulfur dioxide
4 emissions in the State.

5 2. The bill also calls for an inventory of ni-
6 trogen oxides sources, the development of a control
7 strategy for these sources which would be reviewed by
8 the Legislature and further study of the impacts of
9 acid rain on the State's forests and waters. An ap-
10 propriation from the General Fund is suggested to
11 support the study effort and the development of an
12 equitable regulatory program.

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