

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1815

6
7 H.P. 1299

House of Representatives, January 13, 1986

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

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

EDWIN H. PERT, Clerk

Presented by Representative Coles of Harpswell.

11 Cosponsored by Representative Hoglund of Portland, Senator Kany of
Kennebec and Representative Jacques of Waterville.

12 STATE OF MAINE
13

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

17 AN ACT to Amend and Clarify the Statutes
18 Governing Control of Hazardous Air
19 Pollutants.
20

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

23 Sec. 1. 38 MRSA §585-C, sub-§2, ¶B, as enacted
24 by PL 1983, c. 835, §2, is amended to read:

25 B. In conducting this inventory, the department
26 may rely upon questionnaires or other reasonable
27 methods, including those established by the
28 United States Environmental Protection Agency,
29 for the purpose of carrying out this duty as
30 promptly and efficiently as possible. The de-
31 partment shall clearly indicate on any requests
32 for information the minimum amount of emissions
33 that must be reported.

34 The department may solicit source information on:

1 (1) Process schedules and design specifica-
2 tions;

3 (2) Stack or discharge vent operating pa-
4 rameters;

5 (3) Control equipment specifications and
6 design operating conditions; and

7 (4) Emission testing either periodically or
8 using continuous emission monitors.

9 Sec. 2. 38 MRSA §613 is enacted to read:

10 §613. Emergency

11 If the commissioner finds, after investigation,
12 that any air contaminant or hazardous air pollutant
13 is being emitted in a manner which may create a dan-
14 ger to public health or safety, he may order the per-
15 son emitting the air contaminant or hazardous air
16 pollutant to immediately close or prevent that activ-
17 ity and to take such action as may be necessary to
18 terminate or mitigate the danger or likelihood of
19 danger. He may also order any person contributing to
20 the danger or likelihood of danger to cease or pre-
21 vent that contribution.

22 Any order issued under this section shall contain
23 findings of fact describing, insofar as possible, the
24 air contaminant, the site of the activity and the
25 danger to the public health or safety.

26 Service of the commissioner's findings and an or-
27 der shall be made pursuant to the Maine Rules of Civ-
28 il Procedure.

29 The person to whom the order is directed shall
30 comply immediately. An order may not be appealed to
31 the Superior Court, but a person to whom it is di-
32 rected may apply to the board for a hearing on the
33 order. The hearing shall be held by the board within
34 48 hours after receipt of application. Within 7 days
35 after the hearing, the board shall make findings of
36 fact and continue, revoke or modify the order. The
37 decision of the board may be appealed to the Superior
38 Court in accordance with Title 5, chapter 375, sub-
39 chapter VII.

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STATEMENT OF FACT

2 Section one of this bill clarifies the type of
3 information which the department may solicit for the
4 hazardous air pollutant inventory. The section both
5 assures that the department can get the information
6 it needs to fulfill its duty and also limits its au-
7 thority to assure that only necessary information
8 will be solicited.

9 Section 2 of this bill provides emergency powers
10 to the commissioner in the event that an air emission
11 poses a danger to public health or safety. The sec-
12 tion also specifies procedures to be used when exer-
13 cising these emergency powers and rights of appeal
14 and is fashioned on the emergency section of the Sol-
15 id Waste Management Law, the Maine Revised Statutes,
16 Title 38, section 1310.

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