

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2034
6

7 H.P. 1443

House of Representatives, February 19, 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 Mitchell of Freeport, Senator Kany of
Kennebec and Representative Ridley of Shapleigh.

12 STATE OF MAINE
13

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

17 AN ACT to Control Acid Rain.
18

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

21 Sec. 1. 38 MRSa §603-B, sub-§1, as enacted by PL
22 1985, c. 498, §1, is amended to read:

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

1 The Legislature declares that, in the absence of fed-
2 eral action requiring nationwide reductions in sulfur
3 dioxide emissions, this State must act to protect its
4 environment and economy from irreparable damage. It
5 is the intent of this section to reduce the acid dep-
6 osition of sulfur dioxide emissions from within the
7 State, while at the same time encouraging passage of
8 federal acid rain legislation by demonstrating the
9 State's willingness to bear its share of the burden
10 of any national acid rain control program.

11 The Legislature intends to make these reductions by
12 establishing an interim emission goal to be met by
13 1990 and a final emission goal to be met by 1995.

14 It is also the intent of the Legislature that any re-
15 ductions in acid deposition made in the State pursu-
16 ant to this chapter shall be fully credited against
17 the State's share in any future federal acid deposi-
18 tion control program.

19 Sec. 2. 38 MRSA §603-B, sub-§4 is enacted to
20 read:

21 4. Sulfur dioxide emission inventory.

22 A. By March 1st of each year, all combustion
23 sources in the State which have a capacity to
24 burn fuel at a rate greater than or equal to
25 100,000,000 British thermal units of fuel input
26 an hour shall report to the department the fol-
27 lowing information for its previous year's opera-
28 tion:

29 (1) Fuel types;

30 (2) Amount of fuel burned;

31 (3) Sulfur content of the fuel;

32 (4) Boiler capacity;

33 (5) Operating hours; and

34 (6) Pollution control equipment and its ef-
35 iciency.

1 B. The department shall identify and publish an-
2 annually a list or inventory of all stationary
3 sources which emit sulfur dioxide. The inventory
4 shall also include a list of all combustion
5 sources in the State which have the capacity to
6 burn fuel at a rate greater than or equal to
7 100,000,000 British thermal units of fuel input
8 an hour.

9 5. Sulfur dioxide emission limitation. No later
10 than July 1, 1988, the board shall adopt and imple-
11 ment regulations to reduce the average emission rate
12 of all combustion facilities in the State that have
13 the capacity to burn fuel at a rate greater than or
14 equal to 100,000,000 British thermal units of fuel
15 input an hour. The regulations shall:

16 A. Determine the actual annual emission rate for
17 calendar year 1987 based on the sulfur dioxide
18 emissions inventory in subsection 4, paragraph B.
19 If that rate is 1.4 pounds of SO₂/mm British
20 thermal units or less, the statewide emission
21 rate goal for January 1, 1990, in paragraph B is
22 met;

23 B. If the emission rate in paragraph A is more
24 than 1.4 pounds of SO₂/mm British thermal units
25 by January 1, 1990, reduce the average emission
26 rate for major sources by 50% of the difference
27 between a rate of 1.2 pounds of SO₂/mm British
28 thermal units and the rate established in para-
29 graph A;

30 C. In the absence of a controlling federal law
31 or program which the commissioner determines con-
32 sistent with the purpose and intent of this chap-
33 ter, require that the average emission rate of
34 all such facilities in the State shall, by Janu-
35 ary 1, 1995, be less than or equal to 1.2 pounds
36 of sulfur dioxide released per 1,000,000 British
37 thermal units of fuel input; and

38 D. Allow the use of any or all reasonable sulfur
39 dioxide emission control techniques, including,
40 but not limited to:

41 (1) The substitution of lower sulfur con-
42 tent fossil fuels;

1 in the way that they determine is best for their
2 business. They can conserve energy to lower fuel con-
3 sumption, use lower sulfur fuels, install flue gas
4 desulfurization equipment, blend fuels or use any
5 other reasonable SO2 control strategies available to
6 them. In short, the decision is up to them as to the
7 most appropriate way to reach the statewide goal.

8 The bill works by setting 2 goals, a final goal
9 of 1.2 pounds of SO2/mm British thermal units in
10 1995, in keeping with the New England governors' res-
11 olutions and a 1990 interim goal halfway between the
12 1987 emission rate and the final goal.

13 The first step is for the department to determine
14 the average statewide emission rate. Calendar year
15 1987 was chosen because it is the first year after
16 enactment of the law that the department will have a
17 complete inventory of sulfur emissions on an annual
18 basis. Once the rate is determined, it will drive the
19 calculation of the 1990 interim rate.

20 Finally, the bill recognizes that during the next
21 10 years the Federal Government may succeed in set-
22 ting a national emission reduction program in place.
23 It allows full credit to be given to all sources for
24 gains made up to that point.

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