

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1299, L.D. 1815)  
2 SECOND REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 2072

8 H.P. 1473

House of Representatives, February 26, 1986

9 Reported by Representative Heglund from the Committee on Energy and  
10 Natural Resources and printed under Joint Rule 2.

Original bill sponsored by Representative Coles of Harpswell.

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

EDWIN H. PERT, Clerk

12  
13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-SIX  
17

18 AN ACT to Amend and Clarify the Statutes  
19 Governing Control of Hazardous Air  
20 Pollutants.  
21

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

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

26 A. This inventory shall include the following  
27 data for each of those substances:

28 (1) The number of sources;

29 (2) The location of each source or category  
30 of source;

31 (3) The quantity emitted by each source or  
32 category of source;

1                   (3-A) Source specific information as needed  
2                   to allow the department to estimate ambient  
3                   air concentrations of specific pollutants  
4                   for those sources which may emit hazardous  
5                   air pollutants as recommended for regulation  
6                   by the Scientific Advisory Panel;

7                   (4) The total emissions; and

8                   (5) The percentage of total emissions gen-  
9                   erated by sources with existing air li-  
10                   censes.

11                   B. In conducting this inventory, the department  
12                   may rely upon questionnaires or other reasonable  
13                   methods, including those established by the  
14                   United States Environmental Protection Agency,  
15                   for the purpose of carrying out this duty as  
16                   promptly and efficiently as possible. The de-  
17                   partment shall clearly indicate on any requests  
18                   for information the minimum amount of emissions  
19                   that must be reported. Any request for source  
20                   specific information requested under paragraph A,  
21                   subparagraph (3-A) shall be the minimum informa-  
22                   tion required to estimate ambient air concentra-  
23                   tions for a specific source.

24                   Sec. 2. 38 MRSA §605-A is enacted to read:

25                   §605-A. Emergency

26                   If the commissioner finds, after investigation,  
27                   that any air contaminant or hazardous air pollutant  
28                   is being emitted in a manner which constitutes an im-  
29                   minent danger to public health or safety which cannot  
30                   await the procedures set out in section 347, he may  
31                   order the person emitting the air contaminant or haz-  
32                   ardous air pollutant to immediately close or prevent  
33                   that activity and to take such action as may be nec-  
34                   essary to terminate or mitigate the danger or likeli-  
35                   hood of danger. He may also order any person contrib-  
36                   uting to the danger or likelihood of danger to cease  
37                   or prevent that contribution.

38                   Any order issued under this section shall contain  
39                   findings of fact describing, insofar as possible, the  
40                   air contaminant, the site of the activity and the

1 conclusions drawn from those facts that cause the  
2 commissioner to decide that the incident poses an im-  
3 minent danger to the public health or safety.

4 Service of the commissioner's findings and an or-  
5 der shall be made by department staff, certified mail  
6 return receipt requested or pursuant to the Maine  
7 Rules of Civil Procedure.

8 The person to whom the order is directed shall  
9 comply immediately. An order may not be appealed to  
10 the Superior Court, but a person to whom it is di-  
11 rected may apply to the board for a hearing on the  
12 order. The hearing shall be held by the board within  
13 48 hours after receipt of application. At the con-  
14 clusion of the hearing, the board shall make find-  
15 ings of fact and continue, revoke or modify the or-  
16 der. The decision of the board may be appealed to the  
17 Superior Court in accordance with Title 5, chapter  
18 375, subchapter VII.

19 STATEMENT OF FACT

20 It is the intent of this new draft that requests  
21 for additional information be made according to the  
22 hazard priorities established by the Scientific Ad-  
23 visory Panel. The new draft further clarifies the  
24 procedures for emergency situations involving the re-  
25 lease of pollutants which pose an imminent danger to  
26 public health.

27 5943021886