

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1443, L.D. 2034)
SECOND REGULAR SESSION

ONE HUNDRED AND TWELFTH LEGISLATURE

Legislative Document

No. 2234

H.P. 1589

House of Representatives, March 19, 1986

Reported by the Minority from the Committee on Energy and Natural
Resources and printed under Joint Rule 2. Original bill sponsored by
Representative Coles of Harpswell. Cosponsored by Representative Mitchell of
Freeport, Senator Kany of Kennebec and Representative Ridley of Shapleigh.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT to Control Acid Rain.

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

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

1. Legislative findings and intent. The Legisla-
ture finds that acid deposition, commonly referred to
as "acid rain," resulting from commercial, industrial
or other emissions of sulfur dioxide and nitrogen
oxides, is occurring in the State. The Legislature
also finds that acid deposition poses a present and
severe threat to the State's natural resources, in-
cluding its fish and wildlife, agriculture and water
resources, especially its lakes, many of which are
sensitive to acidification, as well as to the State's
economy, especially its buildings, and public health.
Increasing evidence suggests that acid deposition al-
so affects the State's economy, including recreation-

1 al and scenic values, by reducing the growth produc-
2 tivity of the State's forest resources.

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

13 The Legislature intends to make these reductions by
14 establishing an interim emission goal to be met by
15 1990 and a final emission goal to be met by 1995.

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

21 Sec. 2. 38 MRSA §603-B, sub-§§4 and 5 are en-
22 acted to read:

23 4. Sulfur dioxide emission inventory. A sulfur
24 dioxide emission inventory shall be prepared as fol-
25 lows.

26 A. By March 1st of each year, all combustion
27 sources in the State which have a capacity to
28 burn fuel at a rate greater than or equal to
29 100,000,000 British thermal units of fuel input
30 an hour shall report to the department the fol-
31 lowing information for its previous year's opera-
32 tion:

33 (1) Fuel types;

34 (2) Amount of fuel burned;

35 (3) Sulfur content of the fuel;

36 (4) Boiler capacity;

1 (5) Operating hours; and

2 (6) Pollution control equipment and its ef-
3 iciency.

4 B. The department shall identify and publish an-
5 nually an inventory listing all stationary
6 sources which emit sulfur dioxide. The inventory
7 shall also include a list of all combustion
8 sources in the State which have the capacity to
9 burn fuel at a rate greater than or equal to
10 100,000,000 British thermal units of fuel input
11 an hour.

12 5. Sulfur dioxide emission limitation. No later
13 than July 1, 1988, the board shall adopt and imple-
14 ment rules to equitably reduce, as provided in this
15 subsection, the average emission rate of all major
16 fossil fuel-burning facilities in the State which
17 have the capacity to burn fuel at a rate greater than
18 or equal to 100,000,000 British thermal units of fuel
19 input an hour and which burn more than 50,000 gallons
20 of fuel oil a year. The rules shall:

21 A. Determine the actual annual sulfur dioxide
22 emission rate for all such major fossil fuel-
23 burning sources for calendar year 1987, based on
24 the sulfur dioxide emissions inventory published
25 in accordance with subsection 4. If the rate is
26 1.5 pounds of sulfur dioxide per 1,000,000 Brit-
27 ish thermal units or less, the statewide emission
28 rate goal for January 1, 1990, in paragraph B is
29 met;

30 B. If the emission rate in paragraph A is more
31 than 1.5 pounds of sulfur dioxide per 1,000,000
32 British thermal units by January 1, 1990, provide
33 for the reduction of the average emission rate
34 for major fossil fuel-burning sources by 50% of
35 the difference between a rate of 1.2 pounds of
36 British thermal units and the actual annual emis-
37 sion rate determined in paragraph A;

38 C. In the absence of a controlling federal law
39 or program which the commissioner determines con-
40 sistent with the purpose and intent of this chap-
41 ter, require that the average emission rate of

1 all major fossil fuel-burning facilities in the
2 State shall, by January 1, 1995, be less than or
3 equal to 1.2 pounds of sulfur dioxide released
4 per 1,000,000 British thermal units of fuel in-
5 put;

6 D. Allow the use of any or all reasonable sulfur
7 dioxide emission control techniques, including,
8 but not limited to:

9 (1) The substitution of lower sulfur con-
10 tent fossil fuels;

11 (2) One or more combinations of blending
12 various sulfur content fossil fuels;

13 (3) The installation of flue gas
14 desulfurization equipment; and

15 (4) The implementation of energy conserva-
16 tion measures to lessen the amount of opera-
17 tion; and

18 E. Provide that combustion sources reporting an
19 annual emission rate equal to or less than the
20 applicable interim or final emission rate goal
21 will not be required to further reduce emissions
22 as part of meeting the overall statewide goals
23 and will be permitted to increase their emission
24 rate, when necessary, up to the level of the ap-
25 plicable goal, unless otherwise restricted.

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STATEMENT OF FACT

2 The purpose of this new draft is to establish
3 meaningful, but fair, interim and final standards for
4 sulfur dioxide emissions by major fossil fuel-burning
5 facilities and to provide for their implementation
6 over the next 10 years. The current statewide emis-
7 sion rate is about 1.8 pounds of sulfur dioxide per
8 1,000,000 British thermal units of fossil fuel
9 burned. This new draft establishes an interim state-
10 wide emission goal of 1.5 pounds by 1990 and a final
11 goal of 1.2 pounds by 1995. If the interim and state-
12 wide goals are achieved, no source will be required
13 to reduce sulfur dioxide emissions. If the goals are
14 not met, major fossil fuel-burning sources which are
15 exceeding the statewide goal will be required to re-
16 duce emissions proportionally to achieve the goal. As
17 with the original bill, flexibility is allowed in the
18 methods used to attain the reduction required.

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