

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

1 (EMERGENCY)  
2 (New Draft of H.P. 1634, L.D. 2307)  
3 SECOND REGULAR SESSION  
4

---

5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

---

7 Legislative Document

No. 2384

8  
9 H.P. 1693 House of Representatives, April 11, 1986  
10 Reported by Representative Michaud from the Committee on Energy and  
11 Natural Resources and printed under Joint Rule 2. Original bill sponsored by  
12 Representative Vose of Eastport. Cosponsored by Senator Carpenter of  
Aroostook, Representative Tammaro of Baileyville and Representative  
Moholland of Princeton.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

---

16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

---

19 AN ACT Relating to Air Emission Licenses in  
20 Nonattainment Areas.  
21

---

22 Emergency preamble. Whereas, Acts of the Legis-  
23 lature do not become effective until 90 days after  
24 adjournment unless enacted as emergencies; and

25 Whereas, certain pending applications for air  
26 quality licenses are essential for continued stabili-  
27 ty in the economic conditions of eastern Maine; and

28 Whereas, in the judgment of the Legislature,  
29 these facts create an emergency within the meaning of  
30 the Constitution of Maine and require the following  
31 legislation as immediately necessary for the preser-  
32 vation of the public peace, health and safety; now,  
33 therefore,

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

1           Sec. 1. 38 MRSA sec. 590, 2nd para. , as amended  
2 by PL 1979, c. 381, sec. 12 and 13, is further  
3 amended to read:

4           Application for such licenses shall be made in  
5 such form and contain such information relating to  
6 the proposed air contamination source and emission of  
7 air contaminants as the board may by regulation pre-  
8 scribe. All hearings under this section shall be  
9 held in some municipality within the region where the  
10 proposed emission is to be located. At such hearing,  
11 the board shall solicit and receive testimony con-  
12 cerning the nature of the proposed emissions; their  
13 effect on existing ambient air quality standards  
14 within the region; the availability and effectiveness  
15 of air pollution control apparatus designed to main-  
16 tain the emission for which license is sought at the  
17 levels required by law; and the expense of purchasing  
18 and installing such apparatus. If after hearing the  
19 board shall find that the proposed emission will be  
20 receiving the best practicable treatment, will not  
21 violate applicable emission standards, or can be con-  
22 trolled so as not to violate the same, and that such  
23 proposed emission, either alone or in conjunction  
24 with existing emissions, will not violate or can be  
25 controlled so as not to violate applicable ambient  
26 air quality standards, it shall grant the license,  
27 imposing such appropriate and reasonable conditions  
28 thereon as may, in the board's judgment, be necessary  
29 to secure compliance with such standards. If in the  
30 course of the renewal or amendment of an air emission  
31 license such findings can be made only if the licens-  
32 ee installs additional emission controls or other  
33 mitigating measures, then the licensee may continue  
34 to emit pollutants from air contaminant sources which  
35 will receive such controls or measures up to the same  
36 levels allowed in its existing air emission license,  
37 if the additional emission controls or other mitiga-  
38 ting measures are installed and are fully operational  
39 as soon as practicable, but in no case later than 24  
40 months, after the board issues the license renewal or  
41 amendment, except as provided in this paragraph. Af-  
42 ter a showing by the licensee that it cannot install  
43 and bring to full operation such emission controls or  
44 mitigating measures within the 24-month period, the  
45 board may establish a later date for the installation  
46 and operation.

1           Sec. 2. 38 MRSA sec. 590, last para. , as en-  
2 acted by PL 1979, c. 381, sec. 14, is repealed and  
3 the following enacted in its place:

4           The board shall have the authority to deny an air  
5 emission license for a new or modified major emitting  
6 source when it determines that the source will not  
7 comply with the requirements imposed pursuant to the  
8 Federal Clean Air Act, Title 1, Part C, Subpart 1 re-  
9 lating to protection of air quality related values  
10 of the Federal Clean Air Act, Title 1, Part C,  
11 Subpart 2 relating to the impairment of visibility in  
12 mandatory Class 1 federal areas.

13           Emergency clause. In view of the emergency cited  
14 in the preamble, this Act shall take effect when ap-  
15 proved.

16    STATEMENT OF FACT

17           It is the intent of section 1 to provide the  
18 Board of Environmental Protection with the flexibili-  
19 ty necessary to issue air quality licenses to sources  
20 so long as the applicant is committed to taking steps  
21 to bring the air pollution source into compliance  
22 with state and federal air quality law. This section  
23 also preserves the State's ability to fulfill its ob-  
24 ligation under the Federal Clean Air Act, Title 1,  
25 Part D to insure attainment of ambient air quality  
26 standards as expeditiously as practicable. It is not  
27 intended that this section modify the existing au-  
28 thority of the Board of Environmental Protection to  
29 license new or modified major stationary sources pur-  
30 suant to the requirements of state and federal law.

31           The intent of section 2 is to restate certain au-  
32 thority which the Board of Environmental Protection  
33 is required to have under the Federal Clean Air Act,  
34 but clarifying that the Board of Environmental Pro-  
35 tection is not intended to have any additional au-  
36 thority to deny an application for failure to meet  
37 air quality related values or impairment of visibili-  
38 ty standards in mandatory Class I federal areas as  
39 those values and standards are imposed by subparts 1

1 and 2 of Title 1, Part C of the Federal Clean Air  
2 Act.

3

7312040986