

MAINE STATE LEGISLATURE

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L.D. 221

(Filing No. S- 76)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 136, L.D. 221, Bill, "An Act to Revise the Particulate Matter Air Quality Standard"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 38 MRSA §584-A, sub-§1, as amended by PL 1979, c. 381, §6-A, is repealed and the following enacted in its place:

1. Particulate matter. In regard to particulate matter:

A. The level of the 24-hour particulate matter ambient air quality standard is 150 micrograms per cubic meter, as measured in the ambient air as PM₁₀, based on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J.

The standards are attained when the expected number of days per calendar year with a 24-hour average concentration above 150 micrograms per cubic meter, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix K, is equal to or less than one; and

B. The level of the annual standard for particulate matter is 40 micrograms per cubic meter annual arithmetic mean, as measured in the ambient air as PM₁₀, based on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J.

The standards are attained when the expected annual arithmetic mean concentration, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix K, is less than or equal to 40 micrograms per cubic meter.

Sec. 2. 38 MRSA §592-A is enacted to read:

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§592-A. Soiling of property; nuisance

1. Total suspended particulate matter. No person may discharge total suspended particulate matter to the ambient air in an amount or concentration that soils property or creates a nuisance condition. Total suspended particulate matter concentrations of less than 150 micrograms per cubic meter for any 24-hour period in the ambient air shall be presumed not to constitute soiling or nuisance conditions. Any person who demonstrates on the basis of total suspended particulate ambient air quality monitoring information acceptable to the department that emissions discharged by that person have not substantially caused or contributed to total suspended particulate matter concentrations in excess of 150 micrograms per cubic meter over a 24-hour period at any applicable location may not be held in violation of this subsection.

2. Fugitive emissions. Any commercial and industrial source or facility, all municipalities and all state or federal facilities, whether or not requiring a license pursuant to this chapter, which cause or contribute to the discharge of fugitive emissions which the department determines to constitute a nuisance shall be required to establish and maintain a continuing program for best management practices for suppression of fugitive emissions during any periods of construction, renovation or normal operation. The department shall determine those procedures which constitute best management practices. A description of a source's program for suppression of fugitive emissions shall be made available to the department upon request.'

STATEMENT OF FACT

This amendment revises the particulate matter standard from measuring total suspended particulates to measuring only particulate matter that is less than 10 microns in diameter, PM₁₀. It differs from the original bill in that it institutes as annual standard of 40 micrograms per cubic meter rather than 50 micrograms. The amendment also makes technical changes to the language defining the standard and what constitutes a violation.

In addition, the amendment prohibits sources of total suspended particulate matter from creating soiling or nuisance conditions and defines what constitutes those conditions. It also requires major sources of fugitive emissions to adhere to best management practices, as defined by the Department of Environmental Protection, during construction, renovation or normal operation.

Reported by Senator Kany for the Committee on Energy and Natural Resources. Reproduced and Distributed Pursuant to Senate Rule 12.

(5/2/89)

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