

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 713

H.P. 528

House of Representatives, March 8, 1989

Reference to the Committee on Energy and Natural Resources suggested and ordered printed.

*Ed Pert*

EDWIN H. PERT, Clerk

Presented by Representative OLIVER of Portland.

Cosponsored by Senator KANY of Kennebec, Representative COLES of Harpswell and Representative PINEAU of Jay.

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STATE OF MAINE

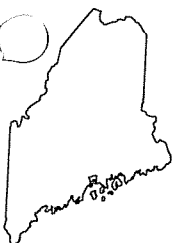
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-NINE

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**An Act to Improve the Air Quality by Limiting the Sulfur Content of Fuel Oils.**

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

3               **Sec. 1. 38 MRSA §603-B, sub-§1, as enacted by PL 1985, c. 498,**  
5       **§1, is amended to read:**

7               **1. Legislative findings and intent.** The Legislature finds  
9       that acid deposition, commonly referred to as "acid rain,"  
11      resulting from commercial, industrial or other emissions of  
13      sulfur dioxide and nitrogen oxides, is occurring in the State.  
15      The Legislature also finds that acid deposition poses a present  
17      and severe threat to the State's natural resources, including its  
19      fish and wildlife, agriculture and water resources, especially  
21      its lakes, many of which are sensitive to acidification, as well  
23      as to the State's economy, especially its buildings, and public  
25      health. Increasing evidence suggests that acid deposition also  
27      affects the State's economy, including recreational and scenic  
29      values, by reducing the growth productivity of the State's forest  
31      resources.

33               **Sec. 2. 38 MRSA §603-B, sub-§§4 and 5 are enacted to read:**

35               **4. Sulfur dioxide emission inventory.** A sulfur dioxide  
37      emission inventory shall be prepared as follows.

39               **A. By March 1st of each year, all combustion sources in the**  
41      State which have a capacity to burn fuel at a rate greater  
43      than or equal to 100,000,000 British thermal units of fuel  
45      input an hour shall report to the department the following  
47      information for its previous year's operation:

49                       **(1) Fuel types;**

51                       **(2) Amount of fuel burned;**

53                       **(3) Sulfur content of the fuel;**

55                       **(4) Boiler capacity;**

57                       **(5) Operating hours; and**

59                       **(6) Pollution control equipment and its efficiency.**

61               **B. The department shall identify and publish annually an**  
63      inventory listing all stationary sources which emit sulfur  
65      dioxide. The inventory shall also include a list of all  
67      combustion sources in the State which have the capacity to  
69      burn fuel at a rate greater than or equal to 100,000,000  
71      British thermal units of fuel input an hour.

73               **5. Sulfur dioxide emission limitation.** No later than July  
75      1, 1991, the board shall adopt and implement rules to equitably  
77      reduce, as provided in this subsection, the average emission rate

1 of all major fossil fuel-burning facilities in the State which  
3 have the capacity to burn fuel at a rate greater than or equal to  
5 100,000,000 British thermal units of fuel input an hour and which  
7 burn more than 50,000 gallons of fuel oil a year. The rules  
9 shall:

11 A. Determine the actual annual sulfur dioxide emission rate  
13 for all such major fossil fuel-burning sources for calendar  
15 year 1990, based on the sulfur dioxide emissions inventory  
17 published in accordance with subsection 4. If the rate is  
19 1.5 pounds of sulfur dioxide per 1,000,000 British thermal  
21 units or less, the statewide emission rate goal for January  
23 1, 1993, in paragraph B is met;

25 B. If the emission rate in paragraph A is more than 1.5  
27 pounds of sulfur dioxide per 1,000,000 British thermal units  
29 by January 1, 1993, provide for the reduction of the average  
31 emission rate for major fossil fuel-burning sources by 50%  
33 of the difference between a rate of 1.2 pounds of British  
35 thermal units and the actual annual emission rate determined  
37 in paragraph A;

39 C. In the absence of a controlling federal law or program  
41 which the commissioner determines consistent with the  
43 purpose and intent of this chapter, require that the average  
45 emission rate of all major fossil fuel-burning facilities in  
47 the State shall, by January 1, 1998, be less than or equal  
49 to 1.2 pounds of sulfur dioxide released per 1,000,000  
51 British thermal units of fuel input;

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

1 (1) The substitution of lower sulfur content fossil  
2 fuels;

3 (2) One or more combinations of blending various  
4 sulfur content fossil fuels;

5 (3) The installation of flue gas desulfurization  
6 equipment; and

7 (4) The implementation of energy conservation measures  
8 to lessen the amount of operation; and

9 E. Provide that combustion sources reporting an annual  
10 emission rate equal to or less than the applicable interim  
11 or final emission rate goal will not be required to further  
12 reduce emissions as part of meeting the overall statewide  
13 goals and will be permitted to increase their emission rate,  
14 when necessary, up to the level of the applicable goal,  
15 unless otherwise restricted.

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**STATEMENT OF FACT**

The purpose of this bill is to establish meaningful, but fair, interim and final standards for sulfur dioxide emissions by major fossil fuel-burning facilities and to provide for their implementation over the next 10 years. The current statewide emission rate is about 1.8 pounds of sulfur dioxide per 1,000,000 British thermal units of fossil fuel burned. This bill establishes an interim statewide emission goal of 1.5 pounds by 1993 and a final goal of 1.2 pounds by 1998. If the interim and statewide goals are achieved, no source will be required to reduce sulfur dioxide emissions. If the goals are not met, major fossil fuel-burning sources which are exceeding the statewide goal will be required to reduce emissions proportionally to achieve the goal. Flexibility is allowed in the methods used to attain the reduction required.