

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
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

L.D. 907

(Filing No. H- 124)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "^A" to H.P. 665, L.D. 907, Bill, "An Act to Remove Legislative Review from Certain Air Quality Standards"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act to Clarify the Establishment of Air Quality Standards and Emission Standards'

Further 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, as amended by PL 1987, c. 878, §1, is further amended to read:

§584. Establishment of ambient air quality standards

The board ~~shall establish and may amend~~ may recommend to the Legislature reasonable standards, in this chapter called "ambient air quality standards," within a reasonable air quality region regulating and limiting the amount and types of air contaminants which may exist in the ambient air of ~~sueh~~ the region. ~~Sueh~~ The standards shall be designed to preserve or enhance the quality of ambient air within ~~sueh~~ the region and to prevent air pollution. The board shall determine by rule the extent to which those standards apply within those areas to which the public does not have general access.

Prior to ~~the establishment or amendment of~~ recommending ambient air quality standards, the board shall offer an opportunity for a public hearing and shall give public notice of its intent to establish recommend standards for the region in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

The board shall solicit and consider all available information concerning the existing quality of the ambient air

COMMITTEE AMENDMENT "A" to H.P. 665, L.D. 907

1 within the region; the recreational, industrial and residential
2 uses of land within the region; the effects of existing air
3 contaminants and air pollution upon the uses; the availability
4 and effectiveness of air pollution control apparatus designed to
5 control and reduce the existing air contaminants and air
6 pollution; the expense of purchasing and installing the same, and
7 such other evidence as in the board's judgment will enable it to
8 determine--and--establish--the recommend to the Legislature
9 standards of--air--quality necessary to prevent air pollution
10 within the region.

11
12 ~~The board shall by order establish or may amend reasonable~~
13 ~~ambient air quality standards for the region, regulating and~~
14 ~~limiting the amount and type of air contaminants which may exist~~
15 ~~in the ambient air of that region, which standards shall be~~
16 ~~designed to achieve the purposes set forth in this section. The~~
17 ~~order shall state the date upon which the standards, or any of~~
18 ~~them, become effective, and such regions and standards shall~~
19 ~~thereafter be in effect until 90 days after the date of~~
20 ~~adjournment of the next regular session of the Legislature unless~~
21 ~~the next regular session shall adopt by legislative enactment the~~
22 ~~air quality regions and standards.~~

23
24 ~~In establishing such effective date, the board shall~~
25 ~~consider the degree of air pollution existing within the region,~~
26 ~~the length of time necessary to inform persons affected by the~~
27 ~~establishment of such standards of their existence, the time~~
28 ~~needed by the board to implement effective controls, and the time~~
29 ~~needed by persons affected to design and install air pollution~~
30 ~~control apparatus to comply with such standards.~~

31 **Sec. 2. 38 MRSA §585, 3rd ¶**, as amended by PL 1983, c. 566,
32 §38, is further amended to read:

33
34 The board shall by order establish or may amend emission
35 standards limiting and regulating the amount and type of air
36 contaminants which may be emitted to the ambient air of a region
37 so as to achieve the goals set forth in this section. The order
38 shall state the date upon which the standards, or any of them,
39 become effective. In establishing the date, the board shall
40 consider the same factors required by it to be considered in
41 establishing the effective date of ambient air quality standards
42 the degree of air pollution existing within the region, the
43 length of time necessary to inform persons affected by the
44 establishment of these standards that these standards exist, the
45 time needed by the board to implement effective controls and the
46 time needed by persons affected to design and install air
47 pollution control apparatus to comply with the new standards.

48 **Sec. 3. 38 MRSA §585, last ¶**, as amended by PL 1987, c. 878,
49 §2, is repealed.
50

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 4. 38 MRSA §585-A, as amended by PL 1987, c. 878, §3, is further amended to read:

§585-A. Establishment of standards

The board may, ~~after the establishment of ambient air quality standards and emission standards,~~ establish and amend ~~reasonable standards and~~ regulations to implement ambient air quality standards and emission standards established ~~by the board.~~ ~~Such standards and~~ These regulations shall be designed to achieve and maintain ambient air quality standards and emission standards within any region and ~~the prevention of~~ prevent air pollution.

Prior to the establishment or amendment of ~~the standards and rules,~~ the board shall offer an opportunity for a public hearing thereon in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. The board shall solicit and consider all available information concerning applicable ambient air quality and emission standards; the availability, effectiveness and cost of any air pollution control apparatus designed to prevent or control air pollution or violations of ambient air quality or emission standards which would be required by any proposed ~~standards or~~ rules; and such other evidence as in the board's judgment will enable it to determine and establish ~~standards and~~ rules adequate to maintain applicable ambient air quality and emission standards.

The board shall by order establish or amend ~~reasonable standards and~~ rules which shall be designed to achieve the purposes set forth in this section. The order shall state the date upon which the ~~standards and rules,~~ or any of them, become effective, ~~and the standards shall thereafter be in effect until 90 days after the date of adjournment of the next regular session of the Legislature unless the next regular session shall adopt by legislative enactment the standards.~~

Sec. 5. 38 MRSA §585-B, sub-§§1 and 3, as enacted by PL 1983, c. 535, §2, are amended to read:

1. Standards. The board may establish and amend ~~reasonable~~ emission standards for hazardous air pollutants, and regulations to implement these standards. If emission standards are not feasible, the board may adopt design, equipment, work practice or operational standards for activities emitting hazardous pollutants.

3. Relation to ambient standards. The board may control hazardous air pollutants ~~without establishing ambient air standards for those pollutants~~ if no ambient air quality

1 standards have been established for those pollutants.

3 **Sec. 6. 38 MRSA §585-B, sub-§4**, as enacted by PL 1983, c. 535,
5 §2, is repealed.'

7

9

STATEMENT OF FACT

11

11 This amendment clarifies the relationship between the
12 Legislature and the Board of Environmental Protection in
13 establishing both air quality standards and emission standards.
14 Currently, the board adopts standards for both ambient air
15 quality and emissions and subsequent legislative approval is
16 required for these standards to remain in effect.

17

17 This amendment removes the board's authority to adopt air
18 quality standards and replaces it with the authority to recommend
19 to the Legislature any changes in those standards. The amendment
20 also removes the requirement for legislative enactment of
21 emission standards, allowing emission standards approved by the
22 board to remain in effect without legislative approval.
23 Legislative authority is retained for those emission standards
24 that are currently within state law. The requirement for
25 legislative approval is removed from the section empowering the
26 board to adopt emission standards for hazardous air pollutants.

27

Reported by the Committee on Energy and Natural Resources
Reproduced and distributed under the direction of the Clerk of the
House
4/28/89

(Filing No. H-124)