

	L.D. 2445
2	(Filing No. H-1066)
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6	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 114TH LEGISLATURE
10	SECOND REGULAR SESSION
12	COMMITTEE AMENDMENT "A" to H.P. 1778, L.D. 2445, Bill, "An
14	Act to Establish an Air Quality Increment Standard for Nitrogen Oxides"
16	Amend the bill by striking out all of the title and
18	inserting in its place the following:
20	'An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides and to Amend the Fee Structure of the Bureau of
22	Air Quality Control'
24	Further amend the bill by inserting before section 1 the following:
26 28	'Sec. 1. 38 MRSA $352$ , sub- $2$ , $A$ , as amended by PL 1987, c. 787, $7$ , is further amended to read:
30	A. Precessing Except for those fees assessed under section <u>353-A, processing</u> fees shall be assessed for costs incurred
32	in determining the acceptability of an application for processing and in processing an application to determine
34	whether it meets statutory and regulatory criteria.
36	Sec. 2. 38 MRSA §352, sub-§2, ¶C, as enacted by PL 1983, c. 574, §1, is amended to read:
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40	C. Lieensing Except for those fees assessed under section 353-A, licensing fees shall be assessed for direct costs incurred in monitoring, inspecting and sampling to assure
42	proper compliance by a licensee.
44	Sec. 3. 38 MRSA §352, sub-§2, ¶E is enacted to read:
46	E. The air emission license fees assessed under section 353-A for those facilities licensed under section 590 shall
48	be assessed to support activities for the Bureau of Air Quality Control including licensing, compliance,
50	enforcement, monitoring, data acquisition and administration.

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COMMITTEE AMENDMENT "H" to H.P. 1778, L.D. 2445

Sec. 4. 38 MRSA §352, sub-§4, as amended by PL 1989, c. 405,
 §1, is further amended in Table I by striking out all of section
 590 and inserting in its place the following:

6 <u>590, Annual air emission fees</u>

## See section 353-A

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Sec. 5. 38 MRSA §352, sub-§6, as enacted by PL 1987, c. 787, §10, is amended to read:

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6. Reporting requirements. The department commissioner
 12 shall report, before February 1st of each year, to the joint standing committee of the Legislature having jurisdiction over
 14 natural resources on the effects of the license fee increases on department efficiency and license and permit processing time.

Sec. 6. 38 MRSA §353, sub-§2, as amended by PL 1987, c. 419, 18 §8, is further amended to read:

 20 2. Processing fee. A Except for annual air emission fees pursuant to section 353-A, a processing fee shall must be paid at
 22 the time of filing the application. Failure to pay the processing fee at the time of filing the application will-result
 24 results in the application being returned to the applicant. The department-shall commissioner may not refund the processing fee
 26 if the application is denied by the board or the commissioner. If the application is withdrawn by the applicant within 30 days of
 28 the start of processing, the processing fee shall-be is refunded.

Sec. 7. 38 MRSA §353, sub-§3, as amended by PL 1987, c. 787, §11, is further amended to read:

3. License fee. A The license fee-shall fees assessed in section 352, subsection 4, must be paid at the time of filing the application. Failure to pay the license fee at the time of filing will result in the application being returned to the applicant. The department commissioner shall refund the license fee if the board or commissioner denies the application or if the application is withdrawn by the applicant. Notwithstanding the provisions of this subsection, the license fee for a subdivision shall must be paid prior to the issuance of the license.

Sec. 8. 38 MRSA §353, sub-§5, as amended by PL 1987, c. 419, 44 §8, is further amended to read:

46 5. Renewals or amendments. The As set forth in section 353-A, except for renewals or amendments issued under section
48 590, the processing fee for renewals or amendments shall-be is equal to direct costs up to 1/2 the processing fee for initial
50 applications. The license fee for renewals shall-be is identical to the initial license fee. The license fee for amendments shall
52 may not exceed the initial license fee. COMMITTEE AMENDMENT "A" to H.P. 1778, L.D. 2445

2	Sec.9. 38 MRSA §353-A is enacted to read:
4	<u>§353-A. Annual air emissions license fees</u>
6	<b>1. Fees assessed.</b> After the effective date of this section, a licensee must pay an annual fee assessed on the sum of
8	all licensed allowable air pollutants, except for carbon monoxide, as follows:
10	Annual licensed emissions Per ton fee
12	in tons
14	$\frac{1 - 1,000}{1,001 - 4,000}$
16	over 4,001 \$8
18	2. Schedule. The fee for existing licenses is paid on the anniversary date of the license. The annual fee for new
20	applications is estimated and paid at the time of filing the application. When the processing of the application is complete,
22	the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be
24	refunded. If the application is denied, 50% of the initial annual fee must be refunded. The effective date of the license
26	becomes the anniversary date.
28	3. Maximum and minimum fee. The minimum annual fee is \$100 per year and the maximum annual fee is \$60,000 per year.
30	4. Transition for existing licenses. A licensee of a
32	source in existence on the effective date of this section may request a revision to that license to reduce the sum of the
34	licensed allowable air pollutants.
36	5. Blectrical generating facilities. Any electrical generating facility owned or operated by a regulated electric
38	utility that has operated at not more than 20% of its capacity factor over the most recent 4-year period has its annual fee
40	calculated on the 20% capacity factor. If the facility exceeds the 20% capacity factor in any calendar year, the annual fee is
42	based on actual emissions.
44	6. Renewals and amendments. There are no additional fees assessed for license renewals or amendments.
46	7. Nonpayment of fee. Failure to pay the annual fee within
48	30 days of the anniversary date of a license is sufficient grounds for revocation of the license under section 347-B.'
50	Further amend the bill by renumbering the sections to read
52	consecutively.

COMMITTEE AMENDMENT "H" to H.P. 1778, L.D. 2445

Further amend the bill by inserting before the statement of 2 fact the following:

## **FISCAL NOTE**

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Enactment of this bill will:

 Result in an increase in dedicated revenue to the Maine
 Environmental Protection Fund in the amount of \$761,693 for fiscal year 1990-91. This increase in revenue would be derived
 from the proposed annual air emission license fee assessed on the amount of pollutants a licensee emits; and

 Require no additional allocations to the Maine
 Environmental Protection Fund. The additional revenue derived from the proposed license fee will be used to fund 7 existing
 positions, monitoring equipment and general operational expenses budgeted but not funded due to a shortfall in current revenue.'

## STATEMENT OF FACT

24 This amendment establishes an annual air emission license fee based on the amount of pollutant a licensee emits. The 26 annual license fee is capped at \$60,000. The fees generated by this increase will be used to staff and operate the Department of 28 Environmental Protection, Bureau of Air Quality Control.

Reported by the Majority of the Committee on Energy and Natural Resources Reproduced and distributed under the direction of the Clerk of the House 4/5/90 (Filing No. H-1066)