

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)

2
4
6
8
10
12
14
16
18
20
22
24
26
28
30
32
34
36
38
40
42
44
46
48
50

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

COMMITTEE AMENDMENT "A" to H.P. 1778, L.D. 2445, Bill, "An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides"

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

'An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides and to Amend the Fee Structure of the Bureau of Air Quality Control'

Further amend the bill by inserting before section 1 the following:

Sec. 1. 38 MRSA §352, sub-§2, ¶A, as amended by PL 1987, c. 787, §7, is further amended to read:

A. ~~Processing~~ Except for those fees assessed under section 353-A, processing fees shall be assessed for costs incurred in determining the acceptability of an application for processing and in processing an application to determine whether it meets statutory and regulatory criteria.

Sec. 2. 38 MRSA §352, sub-§2, ¶C, as enacted by PL 1983, c. 574, §1, is amended to read:

C. ~~Licensing~~ 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 proper compliance by a licensee.

Sec. 3. 38 MRSA §352, sub-§2, ¶E is enacted to read:

E. The air emission license fees assessed under section 353-A for those facilities licensed under section 590 shall be assessed to support activities for the Bureau of Air Quality Control including licensing, compliance, enforcement, monitoring, data acquisition and administration.

2 Sec. 9. 38 MRSA §353-A is enacted to read:

4 §353-A. Annual air emissions license fees

6 1. Fees assessed. After the effective date of this
8 section, a licensee must pay an annual fee assessed on the sum of
10 all licensed allowable air pollutants, except for carbon
12 monoxide, as follows:

<u>Annual licensed emissions</u>	<u>Per ton fee</u>
<u>in tons</u>	
1 - 1,000	\$2
1,001 - 4,000	\$4
over 4,001	\$8

18 2. Schedule. The fee for existing licenses is paid on the
20 anniversary date of the license. The annual fee for new
22 applications is estimated and paid at the time of filing the
24 application. When the processing of the application is complete,
26 the final annual fee is determined. Any additional amount is due
prior to the issuance of the license. Any overpayment must be
refunded. If the application is denied, 50% of the initial
annual fee must be refunded. The effective date of the license
becomes the anniversary date.

28 3. Maximum and minimum fee. The minimum annual fee is \$100
30 per year and the maximum annual fee is \$60,000 per year.

32 4. Transition for existing licenses. A licensee of a
34 source in existence on the effective date of this section may
request a revision to that license to reduce the sum of the
licensed allowable air pollutants.

36 5. Electrical generating facilities. Any electrical
38 generating facility owned or operated by a regulated electric
40 utility that has operated at not more than 20% of its capacity
42 factor over the most recent 4-year period has its annual fee
calculated on the 20% capacity factor. If the facility exceeds
the 20% capacity factor in any calendar year, the annual fee is
based on actual emissions.

44 6. Renewals and amendments. There are no additional fees
46 assessed for license renewals or amendments.

48 7. Nonpayment of fee. Failure to pay the annual fee within
50 30 days of the anniversary date of a license is sufficient
52 grounds for revocation of the license under section 347-B.'

Further amend the bill by renumbering the sections to read consecutively.

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

4

FISCAL NOTE

6

Enactment of this bill will:

8

10 1. Result in an increase in dedicated revenue to the Maine
Environmental Protection Fund in the amount of \$761,693 for
12 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

14

16 2. Require no additional allocations to the Maine
Environmental Protection Fund. The additional revenue derived
18 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.'

20

22

STATEMENT OF FACT

24

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