



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

11

No. 112

H.P. 84

House of Representatives, January 8, 1991

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

EDWIN H. PERT, Clerk

Presented by Representative MICHAUD of East Millinocket. Cosponsored by Representative JACQUES of Waterville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY-ONE

An Act to Ensure Adequate Enforcement of Air Quality Law.

Printed on recycled paper

	Be it enacted by the People of the State of Maine as follows:
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4	Sec. 1. 38 MRSA $\S352$, sub- $\$2$, \PA , as amended by PL 1987, c. 787, $\$7$, is further amended to read:
6	A. Processing Except for those fees assessed under section
8	<u>353-A, processing</u> fees shall <u>must</u> be assessed for costs incurred in determining the acceptability of an application for processing and in processing an application to determine
10	whether it meets statutory and regulatory criteria.
12	Sec. 2. 38 MRSA §352, sub-§2, \P C, as enacted by PL 1983, c. 574, §1, is amended to read:
14	C. Licensing Except for those fees assessed under section
16	<u>353-A, licensing</u> fees shall <u>must</u> be assessed for direct costs incurred in monitoring, inspecting and sampling to
18	assure <u>ensure</u> proper compliance by a licensee.
20	Sec. 3. 38 MRSA §352, sub-§2, ¶E is enacted to read:
22	E. The air emission license fees assessed under section 353-A for those facilities licensed under section 590 must
24	be assessed to support activities for the Bureau of Air Quality Control including licensing, compliance,
26	enforcement, monitoring, data acquisition and administration.
28	Sec. 4. 38 MRSA §352, sub-§4, in that part designated "TABLE
	I" in that part relating to "TITLE 38" SECTION 590 is repealed
30	and the following enacted in its place:
32	590. Annual air emission fees See section 353-A
34	Sec. 5. 38 MRSA §353, sub-§2, as amended by PL 1989, c. 874, §4 and c. 890, Pt. B, §13 and affected by c. 890, Pt. A, §40, is
36	repealed and the following enacted in its place:
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40	2. Processing fee. Except for annual air emission fees pursuant to section 353-A, a processing fee must be paid at the
42	time of filing the application. Failure to pay the processing fee at the time of filing the application results in the
44	application being returned to the applicant. The commissioner may not refund the processing fee if the application is denied by the
46	<u>board or the commissioner. If the application is withdrawn by the applicant within 30 days of the start of processing, the</u>
4.0	processing fee must be refunded, except in the case of nonferrous
48	metal mining applications. If an application for nonferrous metal mining is withdrawn by the applicant within 30 days of the
50	date of filing, 1/2 of the application fee must be refunded.

Sec. 6. 38 MRSA §353, sub-§3, as amended by PL 1989, c. 874, §5 and c. 890, Pt. B, §13 and affected by c. 890, Pt. A, §40, is repealed and the following enacted in its place:

3. License fee. The license 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 results in the application being returned to the applicant. The 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 must be paid prior to the issuance of the license.

The license fees for nonferrous metal mining must be paid annually on the anniversary date of the license for the life of the project up to and including the period of closure and reclamation.

Sec. 7. 38 MRSA §353, sub-§5, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §13, is further amended to read:

5. Renewals or amendments. The <u>As set forth in section</u> 24 <u>353-A, except for renewals or amendments issued under section</u> 590, the processing fee for renewals or amendments is equal to 26 direct costs up to 1/2 the processing fee for initial applications. The license fee for renewals is identical to the 28 initial license fee. The license fee for amendments may not exceed the initial license fee.

Sec. 8. 38 MRSA §353-A is enacted to read:

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<u>§353-A. Annual air emissions license fees</u>

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

40	Annual licensed emissions		<u>Per ton fee</u>
40	Annual licensed emissions	·	Fer, con ree
	<u>in tons</u>		
42			
	1 - 1,000		<u>\$2</u>
44	1,001 - 4,000		<u>\$4</u>
	<u>over 4,001</u>		<u>\$8</u>

2. Schedule. The fee for existing licenses must be paid on
48 the anniversary date of the license. The annual fee for new applications must be estimated and paid at the time of filing the
50 application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due

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	prior to the issuance of the license. Any overpayment must be
2	refunded. If the application is denied, 50% of the initial
2	annual fee must be refunded. The effective date of the license
4	becomes the anniversary date.
-	becomes ene anniversary dates
6	3. Maximum and minimum fee. The minimum annual fee is \$100
•	per year. Effective July 1, 1992, the maximum annual fee is
8	\$60,000 per year. Effective July 1, 1993, the maximum annual fee
	is \$100,000 per year.
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	4. Transition for existing licenses. A licensee of a
12	source in existence on the effective date of this section may
	<u>request a revision to that license to reduce the sum of the</u>
14	licensed allowable air pollutants.
16	5. Electrical generating facilities. Any electrical
	generating facility owned or operated by a regulated electric
18	utility that has operated at not more than 20% of its capacity
20	factor over the most recent 4-year period has its annual fee
20	<u>calculated on the 20% capacity factor. If the facility exceeds</u> the 20% capacity factor in any calendar year, the annual fee is
22	<u>based on actual emissions.</u>
22	based on accuar emissions.
24	6. Renewals and amendments. There are no additional fees
	assessed for license renewals or amendments.
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	7. Nonpayment of fee. Failure to pay the annual fee within
28	<u>30 days of the anniversary date of a license is sufficient</u>
	grounds for revocation of the license under section 341-D,
30	subsection 3.
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	STATEMENT OF FACT
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This bill establishes an annual air emission license fee 36 based on the amount of pollutant a licensee emits. Effective July 1, 1992, the maximum annual fee is \$60,000 per year. 38 Effective July 1, 1993, the maximum annual fee is \$100,000 a year. The fees generated by this increase will be used to staff 40 and operate the Department of Environmental Protection, Bureau of Air Quality Control.

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