

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)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1040, L.D. 1513, Bill, "An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing"

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'Sec. 1. 38 MRSA §590, as amended by PL 1991, c. 483, §3, is repealed and the following enacted in its place:

§590. Licensing

1. License required. After ambient air quality standards and emission standards have been established within a region, the board may by rule provide that a person may not operate, maintain or modify in that region any air contamination source or emit any air contaminants in that region without an air emission license from the department.

2. Applications. Applications for air emission licenses must be made in a form prescribed by the commissioner and contain the information related to the proposed air contamination source and emission of air contaminants required by rule of the board. All hearings under this section must be held in a municipality within the region where the proposed emission is to be located. At this hearing, the department shall solicit and receive testimony concerning the nature of the proposed emissions; their effect on existing ambient air quality standards within the region; the availability and effectiveness of air pollution control apparatus designed to maintain the emission for which a license is sought at the levels required by law; and the expense of purchasing and installing this apparatus. The department shall grant the license and may impose appropriate and reasonable

2 conditions as necessary to secure compliance with ambient air
3 quality standards if the department finds that the proposed
4 emission will:

5 A. Receive the best practical treatment;

6 B. Not violate or be controlled so as not to violate
7 applicable emission standards; and

8 C. Either alone or in conjunction with existing emissions,
9 not violate or be controlled so as not to violate applicable
10 ambient air quality standards.

11 3. Best practical treatment. Emissions from existing
12 sources undergoing license renewal are receiving best practical
13 treatment if those emissions are being controlled by an air
14 pollution control apparatus installed less than 15 years prior to
15 the date of license application approval or an accepted best
16 practical treatment analysis shows that those emissions are being
17 controlled in a manner consistent with emission controls commonly
18 used in sources of similar age and design in similar industries,
19 unless:

20 A. The applicant is proposing replacement of the existing
21 air pollution control apparatus;

22 B. Additional reductions are necessary to achieve or
23 maintain ambient air quality standards;

24 C. The department determines that emissions of air
25 contaminants for which an ambient air quality standard has
26 not been adopted pose an unreasonable risk to the
27 environment or public health; or

28 D. Additional reductions are necessary to restore ambient
29 air quality increments, even if the applicant has been
30 previously authorized to use that increment.

31 The department may at the time of the license renewal require
32 additional instrumentation; operating practices; automated
33 process controls; replacement of component parts; emission
34 testing, including requirements for continuous emission monitors;
35 equipment maintenance programs; or record keeping to increase the
36 efficiency of existing air pollution control apparatus or other
37 pollution mitigating measures.

38 4. Low sulfur fuel. Best practical treatment does not
39 include the use of fuel with a lower sulfur content than that
40 specified in section 603-A unless a lower sulfur fuel is required

to comply with applicable emission standards or applicable ambient air quality standards.

5. License conditions for start-up, shutdown and malfunctions. In making license decisions and conditions, the department shall consider the extent to which operation of the licensed facility requires an allowance for excess emissions during cold start-ups and shutdowns of the facility as long as that facility is operated to minimize emissions and is otherwise subject to applicable standards. When the applicant demonstrates to the department that, consistent with best practical treatment requirements and other applicable standards, infrequent emissions are unavoidable during these periods, the department may establish appropriate license allowances and conditions.

6. Installation period. If an air emission license renewal or amendment can be granted only if the licensee installs additional emission controls or other mitigating measures, then the licensee may continue to emit pollutants from air contaminant sources that will receive these controls or measures up to the same level allowed in its existing air emission license as long as the additional emission controls or mitigating measures are fully operational as soon as practicable but in no case later than 24 months after the department issues the license renewal or amendment, except as provided in this subsection. After a showing by the licensee that it can not install and bring to full operation required emission controls or mitigating measures within the 24-month period, the department may establish a later date for the installation and operation.

7. Compliance with federal law. The department has the authority to deny an air emission license for a new or modified major emitting source when it determines that the source will not comply with the requirements imposed pursuant to the Federal Clean Air Act, Title 1, Part C, subpart 2, as amended, related to the impairment of visibility in mandatory Class 1 federal areas.

FISCAL NOTE

Costs associated with additional rulemaking will be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.

STATEMENT OF FACT

This amendment strikes the original bill. It repeals the existing statutory air emission licensing language, enacts a reorganization of that language and modifies the requirement for a best practical treatment evaluation.

COMMITTEE AMENDMENT "A" to H.P. 1040, L.D. 1513

2 Existing law requires that each air contaminant source
undergo an evaluation of best practical treatment for pollutants
4 during relicensure. This amendment allows existing air pollution
control equipment that was originally licensed less than 15 years
6 prior to the date of relicensure or that are being controlled
consistent with other emission sources of similar age and design
8 to be exempt from this evaluation unless other situations
detailed in this amendment trigger a need for analysis.

10 This amendment also clarifies that notwithstanding this
12 exemption, the Department of Environmental Protection can require
operational and other pollution mitigating measures on an
14 emission source as a condition of relicensure.

16 This amendment also adds a fiscal note to the bill.

Reported by the Committee on Energy and Natural Resources.
Reproduced and distributed under the direction of the Clerk of the House.
2/10/92 (Filing No. H-907)