

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1513

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H.P. 1040

House of Representatives, April 12, 1991

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

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative GOULD of Greenville.

Cosponsored by Senator LUDWIG of Aroostook, Senator THERIAULT of Aroostook and Representative ANDERSON of Woodland.

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STATE OF MAINE

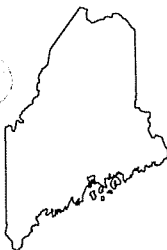
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act Relating to Best Practicable Treatment Determinations in Air  
Emission Licensing.**

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Be it enacted by the People of the State of Maine as follows:

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4       Sec. 1. 38 MRSA §590, 2nd ¶, as affected by PL 1989, c. 890,  
Pt. A, §40 and amended by Pt. B, §164, is further amended to read:

6       Application for air emission licenses must be made in a form  
8       prescribed by the commissioner and contain the information  
10       relating to the proposed air contamination source and emission of  
12       air contaminants as the board may by rule prescribe. All hearings  
14       under this section must be held in some municipality within the  
16       region where the proposed emission is to be located. At this  
18       hearing, the department shall solicit and receive testimony  
20       concerning the nature of the proposed emissions; their effect on  
22       existing ambient air quality standards within the region; the  
24       availability and effectiveness of air pollution control apparatus  
26       designed to maintain the emission for which license is sought at  
28       the levels required by law; and the expense of purchasing and  
30       installing this apparatus. If after hearing the department finds  
32       that the proposed emission will be receiving the best practicable  
34       treatment, will not violate applicable emission standards, or  
36       will be controlled so as not to violate the same, and that the  
38       proposed emission, either alone or in conjunction with existing  
40       emissions, will not violate or can be controlled so as not to  
42       violate applicable ambient air quality standards, it shall grant  
44       the license, imposing such appropriate and reasonable conditions  
46       thereon as may, in the department's judgment, be necessary to  
48       secure compliance with ambient air quality standards. Emissions  
from existing sources undergoing license renewal and from  
existing emissions units unaffected by a modification elsewhere  
at a source are deemed to be receiving best practicable treatment  
if emissions from those sources or emissions units are being  
controlled in a manner that is consistent with and similar to  
emission controls commonly found on sources or emissions units of  
similar age and design in similar industries. If in the course of  
the renewal or amendment of an air emission license these the  
necessary findings can be made 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 levels allowed in its existing air emission license, if the  
additional emission controls or other mitigating measures are  
installed and 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  
paragraph. After a showing by the licensee that it cannot  
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.

