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Legislative Document

No. 1513

H.P. 1040

House of Representatives, April 12, 1991

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

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.

STATE OF MAINE

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

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

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

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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:

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6 Application for air emission licenses must be made in a form. prescribed by the commissioner and contain the information relating to the proposed air contamination source and emission of 8 air contaminants as the board may by rule prescribe. All hearings under this section must be held in some municipality within the 10 region where the proposed emission is to be located. At this 12 hearing, the department shall solicit and receive testimony concerning the nature of the proposed emissions; their effect on 14 existing ambient air quality standards within the region; the availability and effectiveness of air pollution control apparatus designed to maintain the emission for which license is sought at 16 the levels required by law; and the expense of purchasing and 18 installing this apparatus. If after hearing the department finds that the proposed emission will be receiving the best practicable 20 treatment, will not violate applicable emission standards, or will be controlled so as not to violate the same, and that the proposed emission, either alone or in conjunction with existing 22 emissions, will not violate or can be controlled so as not to 24 violate applicable ambient air quality standards, it shall grant the license, imposing such appropriate and reasonable conditions 26 thereon as may, in the department's judgment, be necessary to secure compliance with ambient air quality standards. Emissions 28 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 30 if emissions from those sources or emissions units are being controlled in a manner that is consistent with and similar to 32 emission controls commonly found on sources or emissions units of 34 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 36 additional emission controls or other mitigating measures, then 38 the licensee may continue to emit pollutants from air contaminant sources that will receive these controls or measures up to the 40 same levels allowed in its existing air emission license, if the additional emission controls or other mitigating measures are 42 installed and are fully operational as soon as practicable, but in no case later than 24 months, after the department issues the 44 license renewal or amendment, except as provided in this After a showing by the licensee that it cannot paragraph. install and bring to full operation required emission controls or 46 mitigating measures within the 24-month period the department may establish a later date for the installation and operation. 48

Sec. 2. 38 MRSA §590, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §164, is further amended by adding after the 2nd paragraph a new paragraph to read:

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Best practicable treatment does not require the use of fuel with a lower sulfur content than that allowed by section 603-A unless a lower sulfur fuel is required to comply with applicable emission standards or applicable ambient air quality standards.

STATEMENT OF FACT

The purpose of this bill is to ensure that the State's industry is not put at a competitive disadvantage by being 14 required to install expensive control equipment that its 16 competitors do not have to install on similar emissions units unless such equipment is necessary to comply with air emission 18 standards or ambient air quality standards. Current law requires an air emissions source undergoing license renewal to provide the 20 Department of Environmental Protection with an analysis of emission control options to enable the department to make a best 22 practicable treatment finding. This bill ensures that such a source that is not being modified will not be forced to install costly new emission control equipment if the source is not being 24 modified, if the emissions from the source are being controlled 26 in a manner consistent with similar sources and if additional controls are not necessary to meet emission limits or ambient air 28 quality standards. This bill also provides that the use of low sulfur fuel which complies with the requirements of the Maine 30 Revised Statutes, Title 38, section 603-A is considered best practicable treatment with respect to fuel sulfur content 32 limits. Lower sulfur fuel may only be required when necessary to meet air emission standards or ambient air quality standards.