



116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1993

Legislative Document

No. 1590

H.P. 1193

House of Representatives, December 29, 1993

Resolve, to Preserve the Competitiveness of Maine's Existing Business and Industry and to Preserve the Ability of the State to Attract New Investment by Petitioning for Removal from the Ozone Transport Region.

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26. Received by the Clerk of the House on December 27, 1993. Referred to the Committee on Energy and Natural Resources and 1200 ordered printed pursuant to Joint Rule 14.

VOSEPH W. MAYO, Clerk

Presented by Representative CLARK of Millinocket.

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Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve requires that the Department of Environmental Protection provide a petition to the Governor by June 1, 1994 in order that the petition may be submitted to the United States Environmental Protection Agency in a timely manner; and

Whereas, that deadline will occur before the expiration of the 90-day period; and

14 Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of 16 Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and 18 safety; now, therefore, be it

Petition for removal from Ozone Transport Region. 20 Sec. 1. **Resolved:** That on or before June 1, 1994, the Department of Environmental Protection shall provide to the Governor a petition 22 that requests the removal of the State from the Ozone Transport 24 Region established pursuant to the federal Clean Air Act, 42 United States Code, Section 7511c. The petition must utilize all available data and the department shall develop other data as 26 necessary to demonstrate that emissions from sources in the State do not significantly contribute to nonattainment of the federal 28 ambient air quality standard for ozone anywhere in the Ozone 30 Transport Region. The Governor shall submit the petition to the United States Environmental Protection Agency within 2 weeks of receipt from the department. 32

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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

STATEMENT OF FACT

40 The federal Clean Air Act, 42 United States Code, Section 7511c created the Ozone Transport Region, which includes the 42 12-state region from Virginia to Maine and the District of Columbia. The federal Clean Air Act imposes stringent control requirements on certain sources of ozone precursors throughout 44 the Ozone Transport Region. The federal Clean Air Act also provides that the governor of any state in the Ozone Transport 46 Region may petition the United States Environmental Protection Agency to remove some or all of the state from the Ozone 48 Transport Region if the agency finds that Ozone Transport Region 50 controls in these areas will not significantly contribute to attainment of the ozone standard.

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2 This resolve requires the Department of Environmental Protection to prepare a petition, for the Governor's signature,
4 sufficient to satisfy United States Environmental Protection Agency's requirements to remove the State from the Ozone
6 Transport Region.

8 The Governor is required to submit this petition to the United States Environmental Protection Agency within 2 weeks of 10 receipt from the department.

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16 This document has not yet been reviewed to determine the need for cross-reference, stylistic and other technical amendments to conform existing law to current drafting standards.