

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)



117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 625

H.P. 459

House of Representatives, February 23, 1995

**Resolve, to Reduce the Economic Impacts of the Clean Air Act on
Maine's Citizens and Businesses.**

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.
Cosponsored by Representatives: BUNKER of Kossuth Township, DEXTER of Kingfield,
POULIN of Oakland, ROBICHAUD of Caribou, Senator: LORD of York.

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

4
6 **Whereas,** this resolve requires that the Department of
Environmental Protection provide a petition to the Governor by
June 1, 1995 in order that the petition may be submitted to the
8 United States Environmental Protection Agency in a timely manner;
and

10 **Whereas,** this resolve requires the Department of
12 Environmental Protection to submit to the United States
Environmental Protection Agency by June 1, 1995 a request to
14 redesignate areas of the State for purposes of the federal Clean
Air Act ozone requirements; and

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

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

26 **Sec. 1. Petition for removal from ozone transport region. Resolved:**
That on or before June 1, 1995 the Department of Environmental
28 Protection shall provide to the Governor a petition that requests
the removal of the State from the ozone transport region
30 established pursuant to the federal Clean Air Act, 42 United
States Code, Section 7511c. The petition must utilize all
32 available data and the department shall develop other data as
necessary to demonstrate that emissions from sources in the State
34 do not significantly contribute to nonattainment of the federal
ambient air quality standard for ozone anywhere in the ozone
36 transport region. The Governor shall submit the petition to the
United States Environmental Protection Agency within 2 weeks of
38 the receipt from the department; and be it further

40 **Sec. 2. Request for redesignation as attainment areas. Resolved:**
That on or before June 1, 1995 the Department of Environmental
42 Protection shall submit to the United States Environmental
Protection Agency a request, together with all necessary
44 supporting documentation, to redesignate to attainment for ozone
all areas of the State that qualify for that designation under
46 the federal Clean Air Act, including, but not limited to,
Hancock, Kennebec and Androscoggin counties and those parts of
48 Franklin, Oxford and Somerset counties designated as
nonattainment and incomplete data areas; and be it further

Sec. 3. Request for redesignation as rural transport areas.

2 **Resolved:** That on or before June 1, 1995 the Department of
Environmental Protection shall submit to the United States
4 Environmental Protection Agency a request, together with all
necessary supporting documentation, to redesignate to rural
6 transport areas under 42 United States Code, Section 7511a(h) all
areas of the State that are currently designated nonattainment
8 for ozone, do not qualify for redesignation to attainment and are
eligible for designation as rural transport areas.

10
12 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.

14
16 **STATEMENT OF FACT**

18 The federal Clean Air Act, 42 United States Code, Section
7511c created the ozone transport region, which includes the
12-state region from Virginia to Maine and the District of
20 Columbia. The federal Clean Air Act imposes stringent control
requirements on certain sources of ozone precursors throughout
22 the ozone transport region. The federal Clean Air Act also
allows the governor of any state in the ozone transport region to
24 petition the United States Environmental Protection Agency to
remove some or all of the state from the ozone transport region
26 if the agency finds that ozone transport region controls in these
areas will not significantly contribute to attainment of the
28 ozone standard.

30 This resolve requires the Department of Environmental
Protection to prepare a petition, for the Governor's signature,
32 sufficient to satisfy the United States Environmental Protection
Agency's requirements to remove the State from the ozone
34 transport region. The Governor is required to submit this
petition to the United States Environmental Protection Agency
36 within 2 weeks of receipt from the department.

38 This resolve also requires the Department of Environmental
Protection to prepare requests to the United States Environmental
40 Protection Agency to redesignate to attainment for ozone all
areas of the state eligible for such redesignation and all
42 remaining areas of the State to rural transport areas, to the
extent those areas qualify for that designation under the federal
44 Clean Air Act.