

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2269

S.P. 856

In Senate, March 10, 1998

An Act to Reduce Mercury Use and Emissions.

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator RUHLIN of Penobscot. (GOVERNOR'S BILL).
Cosponsored by Representative ROWE of Portland and
Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, MITCHELL of
Penobscot, NUTTING of Androscoggin, TREAT of Kennebec, Representatives: BERRY of
Belmont, COWGER of Hallowell, DUNLAP of Old Town.

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

2
4 **Sec. 1. 38 MRSA §420, sub-§1, ¶A**, as amended by PL 1983, c. 566, §23, is further amended to read:

6 A. Any Except as otherwise provided in this subsection, any person, firm, corporation or other legal entity who, on January 1, 1971, was discharging any of the substances mentioned in this subsection in connection with an industrial process shall-not-be-deemed may not be considered in violation of this subsection if, on or before December 31, 1971, it filed with the board a statement indicating the amount of the substance so discharged on that date. This paragraph is repealed January 1, 2004.

16 **Sec. 2. 38 MRSA §420, sub-§1, ¶A-1** is enacted to read:

18 A-1. Notwithstanding paragraph A, after January 1, 2000 a discharge from any facility subject to paragraph A must be less than one pound per year and after January 1, 2002 such a discharge must be less than 4.5 grams per year. This paragraph is repealed January 1, 2004.

24 **Sec. 3. 38 MRSA §420, sub-§1, ¶C** is enacted to read:

26 C. A person, firm, corporation or other legal entity may not use any of the substances mentioned in this subsection in connection with an industrial process after April 1, 2000 unless the board determines after an adjudicatory hearing that the industrial process will not result in any licensed or unlicensed discharge of substances mentioned in this subsection in excess of authorized amounts and that the facility at which the industrial process occurs operated from the effective date of this paragraph to December 31, 1999 in substantial compliance with all applicable environmental laws, licenses and orders. This paragraph does not apply to persons, firms or corporations using raw materials containing incidental amounts of substances mentioned in this subsection.

40
42 **Sec. 4. 38 MRSA §585-B, sub-§1**, as amended by PL 1989, c. 144, §5, is further amended to read:

44 1. **Standards.** The Except as otherwise provided in this subsection, the board may establish and amend emission standards for hazardous air pollutants, and regulations to implement these standards. If emission standards are not feasible, the board may adopt design, equipment, work practice or operational standards for activities emitting hazardous pollutants. An air emission source may not emit mercury in excess of 100 pounds per year after January 1, 2000 and 50 pounds per year after January 1, 2004. Compliance with these limits must be specified in the

2 license of the air emission source and must be measured using
3 methods approved by the commissioner, including, but not limited
4 to, the United States Environmental Protection Agency's published
5 emission factors, mass balance calculations or emissions
6 monitoring.

7 **Sec. 5. 38 MRSA §2304-A is enacted to read:**

8 **§2304-A. Toxics use reduction for mercury**

9
10 Notwithstanding the provisions of section 2304 that toxics
11 users are not required to meet toxics use reduction goals, any
12 industrial manufacturing source that uses 1000 pounds or more of
13 mercury in a year in its manufacturing process, using 1998 as a
14 baseline figure for use per unit of product, must reduce mercury
15 use by 10% no later than January 1, 2002, 20% no later than
16 January 1, 2004 and 30% no later than January 1, 2006.

17
18 A toxics user who fails to meet the reduction requirements
19 in this section is subject to the general penalties in chapter 2.

20
21 **Sec. 6. Economic development initiative.** Before April 1, 2000,
22 the Land and Water Resources Council shall consult with
23 representatives of the Town of Orrington and interested parties
24 representing labor, environmental interests, business and
25 economic development and the Penobscot Indian Nation for the
26 purpose of identifying strategies or actions that may be taken to
27 foster future economic development in Orrington that is
28 compatible with the special status of the lower Penobscot River.
29

30
31 **SUMMARY**

32
33 This bill makes the following changes to the laws governing
34 mercury use and emissions.

35
36 1. It amends the provisions of law governing the discharge
37 of mercury by a person, firm, corporation or other legal entity
38 that on January 1, 1971 was discharging mercury in connection
39 with an industrial process by providing that after January 1,
40 2000 such a discharge must be less than one pound per year and
41 after January 1, 2002 such a discharge must be less than 4.5
42 grams per year. These provisions are repealed January 1, 2004.
43 After January 1, 2004, the current general provision of law that
44 prohibits the discharge of mercury and any compound containing
45 mercury in any concentration that increases the natural
46 concentration of mercury in the receiving waters applies.

47
48 2. It requires that the Board of Environmental Protection
49 affirmatively find that a facility using mercury in its
50 industrial process has operated and will operate in compliance

with applicable environmental requirements or the facility may
not operate after April 1, 2000.

3. It provides that an air emission source may not emit
mercury in excess of 100 pounds per year after January 1, 2000
and 50 pounds per year after January 1, 2004.

4. It provides that any industrial manufacturing source
that uses 1000 pounds or more of mercury in a year in its
manufacturing process, using 1998 as a baseline figure, must
reduce mercury use by 10% no later than January 1, 2002, 20% no
later than January 1, 2004 and 30% no later than January 1,
2006. Failure to achieve these reductions may trigger the
penalties specified in the environmental protection laws.

5. It directs the Land and Water Resources Council to
establish a process to identify economic development
opportunities consistent with the special status of the lower
Penobscot River.