

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 2176

H.P. 1675

House of Representatives, March 18, 2002

An Act to Ensure Consistent Regulation of Air Emissions in the State.

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative DAIGLE of Arundel.
Cosponsored by Senator PENDLETON of Cumberland and
Senators: MARTIN of Aroostook, SAWYER of Penobscot.

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

Sec. 1. 38 MRSA §597, as enacted by PL 1969, c. 474, §1, is amended to read:

§597. Municipal air pollution control

~~Nothing in this chapter shall be construed as a preemption of the field of air pollution study and control on the part of the State.~~ Municipalities may study air pollution and adopt and enforce air pollution control and abatement ordinances, to the extent that these ordinances are not less more stringent than this chapter or than any standard, order or other action ~~promulgated~~ adopted pursuant to this chapter. Local ordinance provisions ~~which that~~ touch on matters not dealt with by this chapter or ~~which that~~ are more stringent than this chapter shall do not bind persons residing in the municipality. Municipal air pollution and abatement ordinances must use definitions consistent with those adopted by the board.

A municipality may, with respect to any emission source located in the municipality or any emission source located in an adjacent municipality, request that the board include in the source's air emission license an emission standard for one or more hazardous air pollutants. The board shall establish such an emission standard in the source's air emission license pursuant to the criteria in section 585-B, subsection 2 if it finds, based upon information submitted by the municipality in its request, that the source's emission of the hazardous air pollutant is unusual in quantity or quality compared to other similar sources or that there are unique factors regarding the source's operations or location such that its emissions of the hazardous air pollutant may have a significantly higher impact on ambient air quality than the emissions of the pollutant from other similar sources. If an emission standard is not feasible, the board may establish a design, equipment, work practice or operational standard in the source's air emission license.

SUMMARY

This bill is intended to ensure that the State maintains a consistent, coordinated, statewide program for the regulation of air emissions sources. The bill also provides the Board of Environmental Protection with the authority to establish appropriate license conditions to address unique local conditions identified by municipalities.