

MAINE STATE LEGISLATURE

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Date: 4-23-07

L.D. 443
(Filing No. S-50)

NATURAL RESOURCES

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**STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 144, L.D. 443, Bill, "An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §582, sub-§5-C is enacted to read:

5-C. Best available retrofit technology or BART. "Best available retrofit technology" or "BART" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each visibility-impairing air pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source and the degree of improvement in visibility that may reasonably be anticipated to result from the use of such technology.

Sec. 2. 38 MRSA §582, sub-§5-D is enacted to read:

5-D. BART eligible unit. "BART eligible unit" means an existing stationary facility.

Sec. 3. 38 MRSA §582, sub-§5-E is enacted to read:

5-E. Existing stationary facility. "Existing stationary facility" has the same meaning as in 40 Code of Federal Regulations, Section 51.301 (2006).

Sec. 4. 38 MRSA §603-A, sub-§1, as enacted by PL 1983, c. 504, §10, is amended to read:

1. Scope. This section ~~shall apply~~ applies to those fuel-burning sources in the State ~~which that~~ are not required to achieve the lower emission rates of new source

COMMITTEE AMENDMENT

1 performance standards or as required to satisfy the case-by-case requirements of best
2 available control technology or best available retrofit technology.

3 **Sec. 5. 38 MRSA §603-A, sub-§2**, as amended by PL 1999, c. 657, §24, is
4 further amended to read:

5 **2. Prohibitions.** Except as provided in subsections 4 ~~and~~ 5 ~~and~~ 8, no person may
6 use any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any
7 solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of
8 paragraph B.

9 A. The sulfur content for liquid fossil fuels is as follows.

10 (1) In the Central Maine, Downeast, Aroostook County and Northwest Maine
11 Air Quality Control Regions, no person may use any liquid fossil fuel with a
12 sulfur content greater than 2.5% until November 1, 1991, and 2.0% by weight
13 any time thereafter. In the Metropolitan Portland Air Quality Control Region
14 outside the Portland Peninsula Air Quality Control Region, no person may use
15 any liquid fossil fuel with a sulfur content greater than 2.5% until November 1,
16 1991, and 2.0% by weight any time thereafter.

17 (2) In the Portland Peninsula Air Quality Control Region, no person may use any
18 liquid fossil fuel with a sulfur content greater than 1.5% by weight any time after
19 November 1, 1975.

20 B. The sulfur content for solid fossil fuels is as follows:

21 (1) ~~1.2~~ One and two-tenths pounds sulfur per million British Thermal Units until
22 November 1, 1991, and .96 pounds sulfur per million British Thermal Units
23 thereafter, calculated as a calendar quarter average for sources in the Central
24 Maine, Downeast, Aroostook County, Northwest Maine Air Quality Control
25 Regions and that portion of the Metropolitan Portland Air Quality Region outside
26 the Portland Peninsula Air Quality Region. A calendar quarter ~~shall be~~ is
27 composed of the months as follows: (1) January, February, March; (2) April,
28 May, June; (3) July, August, September; and (4) October, November, December;
29 and

30 (2) ~~0.72~~ Seventy-two hundredths pounds sulfur per million British Thermal
31 Units calculated as a calendar quarter average for sources in the Portland
32 Peninsula Air Quality Region. A calendar quarter ~~shall be~~ is composed of the
33 months as follows: (1) January, February, March; (2) April, May, June; (3) July,
34 August, September; and (4) October, November, December.

35 **Sec. 6. 38 MRSA §603-A, sub-§8** is enacted to read:

36 **8. Best Available Retrofit Technology or BART requirements.** For those BART
37 eligible units determined by the department to need additional sulfur air pollution controls
38 to improve visibility, the controls must:

39 A. Be installed and operational no later than January 1, 2013; and

40 B. Either:

41 (1) Require the use of sulfur oil having 1% or less of sulfur by weight; or



Approved: 04/10/07 *mac*

123rd MAINE LEGISLATURE

LD 443

LR 961(02)

An Act To Require the Department of Environmental Protection To Meet the Federal Requirements on Regional Haze Visibility Impairment

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Natural Resources

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

The additional costs associated with this legislation can be absorbed by the Department of Environmental Protection utilizing existing budgeted resources.