

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

Sec. 6. Transition. In order to ensure continuity of programs, section 2 of this Act shall take effect on July 1, 1987.

Effective July 16, 1986, unless otherwise indicated.

CHAPTER 745

H.P. 1693 - L.D. 2384

AN ACT Relating to Air Emission Licenses in Nonattainment Areas.

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

Whereas, certain pending applications for air quality licenses are essential for continued stability in the economic conditions of eastern Maine; and

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

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

Sec. 1. 38 MRSA §590, 2nd ¶, as amended by PL 1979, c. 381, §§12 and 13, is further amended to read:

Application for such licenses shall be made in such form and contain such information relating to the proposed air contamination source and emission of air contaminants as the board may by regulation prescribe. All hearings under this section shall be held in some municipality within the region where the proposed emission is to be located. At such hearing, the board shall solicit and receive testimony concerning the nature of the proposed emissions; their effect on existing ambient air quality standards within the region; the availability and effectiveness of air pollution control apparatus designed to maintain the emission for which license is sought at the levels required by law; and the expense of purchasing

and installing such apparatus. If after hearing the board shall find that the proposed emission will be receiving the best practicable treatment, will not violate applicable emission standards, or can be controlled so as not to violate the same, and that such proposed emission, either alone or in conjunction with existing emissions, will not violate or can be controlled so as not to violate applicable ambient air quality standards, it shall grant the license, imposing such appropriate and reasonable conditions thereon as may, in the board's judgment, be necessary to secure compliance with such standards. If in the course of the renewal or amendment of an air emission license such findings can be made only if the licensee installs additional emission controls or other mitigating measures, then the licensee may continue to emit pollutants from air contaminant sources which will receive such controls or measures up to the same levels allowed in its existing air emission license, if the additional emission controls or other mitigating measures are installed and are fully operational as soon as practicable, but in no case later than 24 months, after the board issues the license renewal or amendment, except as provided in this paragraph. After a showing by the licensee that it cannot install and bring to full operation such emission controls or mitigating measures within the 24-month period, the board may establish a later date for the installation and operation.

Sec. 2. 38 MRSA §590, last ¶, as enacted by PL 1979, c. 381, §14, is repealed and the following enacted in its place:

The board shall have the authority to deny an air emission license for a new or modified major emitting source when it determines that the source will not comply with the requirements imposed pursuant to the Federal Clean Air Act, Title 1, Part C, Subpart 1 relating to protection of air quality related values or pursuant to the Federal Clean Air Act, Title 1, Part C, Subpart 2 relating to the impairment of visibility in mandatory Class 1 federal areas.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.