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**Public Law**  
123rd Legislature  
Second Regular Session

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**Chapter 589**  
**H.P. 1582 - L.D. 2216**

**An Act To Streamline and Ensure Adequate  
Funding for the Bureau of Air Quality**

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

**Sec. 1. 38 MRSA §353-A, sub-§1-A,** as enacted by PL 1993, c. 412, §2, is amended to read:

**1-A. Annual fee surcharge.** Beginning November 1, ~~1994~~2008, a licensee shall pay an annual fee surcharge of ~~\$10~~\$2 per every 1,000 air quality units as defined in section 582, subsection 11-E. The minimum revenue threshold for the annual fee surcharge is established at \$1,250,000 per year. The commissioner may increase the annual fee surcharge to up to \$4 per every 1,000 air quality units if the annual revenue derived from this annual fee surcharge is less than \$1,250,000 per year. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2010 and every 2 years thereafter on any fee adjustment and the justification for the fee adjustment and the adequacy of the minimum revenue threshold and its ability to support the long-term sustainability of state air quality protection and improvement activities.

**Sec. 2. 38 MRSA §353-A, sub-§3,** as amended by PL 1993, c. 412, §3, is further amended to read:

**3. Schedule.** ~~The fee for existing licenses must be paid on the anniversary date of the license. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. The effective date of a license is deemed to be the anniversary date. The license fee for a license with an anniversary date in January, February or March must be paid by the end of February. The license fee for a license with an anniversary date in April, May or June must be paid by the end of May. The license fee for a license with an anniversary date in July, August or September must be paid by the end of August. The license fee for a license with an anniversary date in October, November or December must be paid by the end of November. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be refunded. If the application is denied, 50% of the initial annual fee must be refunded. The effective date of the license becomes the anniversary date.~~

**Sec. 3. 38 MRSA §353-A, sub-§8,** as enacted by PL 1991, c. 384, §8 and affected by §16, is amended to read:

**8. Nonpayment of fee.** Failure to pay the annual fee within 3060 days of the anniversary date of a license is sufficient grounds for revocation of the license under section 341-D, subsection 3.

**Sec. 4. 38 MRSA §582, sub-§11-D,** as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**11-D. Toxicity score.** "~~Air quality~~Toxicity score" means a score given to a hazardous air pollutant by the Department of Health and Human Services ~~based on the sum of qualitative scores, plus the standard deviation, in 4 categories; carcinogenicity, mutagenicity, reproductive effects and acute effects,~~ Maine Center for Disease Control and Prevention.

**Sec. 5. 38 MRSA §582, sub-§11-E,** as enacted by PL 1993, c. 412, §7 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

**11-E. Air quality units.** "Air quality units" means the result of the ~~Department of Health and Human Services'~~ toxicity score for a hazardous air pollutant multiplied by the estimated emissions of that hazardous air pollutant.

**Sec. 6. 38 MRSA §589, sub-§2,** as enacted by PL 1991, c. 384, §9 and affected by §16, is amended to read:

**2. Stack tests.** A person is not required to conduct stack tests for chlorine or chlorine dioxide more frequently than once every 5 years unless visible emissions, operating parameters or other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. A person is not required to conduct stack tests for particulate matter on a source monitored by a continuous monitoring device for opacity as specified by 40 Code of Federal Regulations, Part 60, Appendix B, specification 1 or appropriate surrogate parameters as required by the commissioner more frequently than once every 25 years unless visible emissions, operating parameters or ~~another cause~~other information indicates the source may be operating out of compliance with any applicable emission standard or unless there are more stringent federal requirements. If visible emissions, operating parameters or other information indicates potential noncompliance with an air emission standard or if there are more stringent federal requirements, the department may require additional stack tests.

**Sec. 7. Department of Environmental Protection to install air quality monitor in the Town of Bradley.** The Department of Environmental Protection, or its designee, shall install, maintain and oversee one or more air quality monitors in the Town of Bradley for a period of no less than one year and no more than 2 years unless a violation of the laws governing ambient air standards is identified through such a monitor.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

## **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

### **Maine Environmental Protection Fund 0421**

Initiative: Allocates funds for the installation and maintenance of air quality monitors in the Town of Bradley.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2007-08</b>	<b>2008-09</b>
Capital Expenditures	\$0	\$75,000
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<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$75,000</b>

**Sec. 9. Effective date.** This Act takes effect November 1, 2008.

Effective November 1, 2008.