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Public Law
123rd Legislature
First Regular Session

Chapter 95
S.P. 144 - L.D. 443

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

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

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

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

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

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

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

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

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

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

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

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

8. Best available retrofit technology or BART requirements. For those BART eligible units determined by the department to need additional sulfur air pollution controls to improve visibility, the controls must:

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

B. Either:

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

(2) Be equivalent to a 50% reduction in sulfur emissions from a BART eligible unit based on a BART eligible unit source emission baseline determined by the department under 40 Code of Federal Regulations, Section 51.308 (d)(3)(iii)(2006) and 40 Code of Federal Regulations, Section 51 Appendix Y (2006).

Sec. 7. Report. The Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources no later than January 15, 2008 with a plan to meet federal requirements on regional haze. The plan must contain, but is not limited to, an analysis of baseline conditions and an estimate of natural visibility conditions, reasonable progress goals for visibility improvement, an assessment of best available retrofit technology and a recommendation of those measures necessary to meet reasonable progress toward the goal of achieving natural visibility. The Joint Standing Committee on Natural Resources may submit legislation on these issues to the Second Regular Session of the 123rd Legislature.

Effective September 20, 2007