



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID  
COMMISSIONER

**TESTIMONY OF**  
**JEFFREY S. CRAWFORD**  
**DIRECTOR, BUREAU OF AIR QUALITY**  
**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING IN SUPPORT OF L.D. 1644**  
**AN ACT TO CLAIRIFY CONFLICT OF INTEREST REQUIREMENTS FOR THE**  
**BOARD OF ENVIRONMENTAL PROTECTION**

**SPONSORED BY REP. ZEIGLER**

**BEFORE THE JOINT STANDING COMMITTEE**  
**ON**  
**ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING:**

**MAY 2, 2019**

Senator Carson, Representative Tucker, and members of the Committee, I am Jeffrey Crawford, Director of the Bureau of Air Quality at the Department of Environmental Protection, speaking in support of L.D. 1644.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

A State Implementation Plan (SIP) is a plan for each state that identifies how that state will attain and maintain the primary and secondary National Ambient Air Quality Standards (NAAQS) under the federal Clean Air Act (CAA). The SIP contains regulations, source-specific requirements, non-regulatory items such as plans and inventories, and other types of submittals designed to satisfy requirements promulgated by the U.S. Environmental Protection Agency (EPA). Maine's initial SIP was approved on May 31, 1972.

Section 110 of the CAA requires a state seeking authority for the implementation and enforcement of the CAA to develop a state implementation plan (SIP) that outlines how the state will attain and maintain compliance with the National Ambient Air Quality Standards (NAAQS). As a SIP-approved state, Maine must satisfy all of the applicable requirements of the CAA in order to maintain an EPA-approved air quality program and retain program primacy.

In 2017, the EPA identified a problem with Maine's SIP specific to the requirements of Section 128 of the Clean Air Act. In relevant part, Section 128 provides that a SIP must contain the following requirements:

"(1) any board or body which approves permits or enforcement orders under this Act shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act; and

(2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be disclosed."

Because the Board of Environmental Protection has such authority, compliance with Section 128 of the CAA is required.

Although conflict of interest requirements have been established for both the Commissioner and Board members, these requirements do not explicitly prohibit Board members from deriving a significant portion of their income from persons subject to permits or enforcement orders under the CAA. This proposal will clarify that:

- 1) Members of the board must be chosen to represent the broadest possible public interest and experience; and
- 2) A Board member may not participate in the review of or act on any permitting decision or enforcement order under the CAA , if the Board member receives, or derives a significant portion of their income from persons subject to permits or enforcement orders under the Federal Clean Air Act.

Thank you for the opportunity for us to provide our comments to you and I will be happy to answer any questions that you might have.