

Date: (Filing No. H-)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
127TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 416, L.D. 603, Bill, "An Act To Achieve Regional Uniformity in Sulfur Standards for Heating Oil"

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

'Sec. 1. 38 MRSA §603-A, sub-§2, as amended by PL 2013, c. 300, §15, is further amended to read:

2. Prohibitions. Except as provided in subsections 4 and 9, a person may not use import, distribute or offer for sale 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 and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, a person may not use distribute or offer for sale any residual fuel oil with a sulfur content greater than 2.0% by weight; beginning January July 1, 2018, the limit for those regions is 0.5% by weight.

(2) In the Portland Peninsula Air Quality Control Region, a person may not use distribute or offer for sale any residual fuel oil with a sulfur content greater than 1.5% by weight; beginning January July 1, 2018, the limit for that region is 0.5% by weight.

(3) Statewide, a person may not use import, distribute or offer for sale a distillate fuel:

(a) Beginning July 1, 2016, with a sulfur content greater than 0.005% by weight; and

COMMITTEE AMENDMENT

1 (b) Beginning ~~January~~ July 1, 2018, with a sulfur content greater than
2 0.0015% by weight.

3 The sulfur content requirements in this subparagraph do not apply to the use of
4 distillate fuel for manufacturing purposes.

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

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

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

19 **Sec. 2. 38 MRSA §603-A, sub-§9**, as enacted by PL 2009, c. 604, §2, is amended
20 to read:

21 **9. Equivalent alternative sulfur reduction application.** The department shall
22 adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A that
23 provide an opportunity for a licensed air contamination source that holds a license on the
24 effective date of this subsection to apply for an equivalent alternative sulfur reduction
25 strategy to the residual fuel oil and distillate fuel requirements in subsection 2. The rules
26 must provide for the achievement of equivalent sulfur emission reductions through other
27 means, including, but not limited to, reductions in consumption of residual fuel oil and
28 distillate fuel, early sulfur emission reductions from a baseline emissions inventory year
29 of 2002 and conversions to alternative fuels. The department shall submit the major
30 substantive rules to the Legislature by January 31, 2014. Approved alternate sulfur
31 reduction strategies must be in effect by ~~January~~ July 1, 2018.'

32 SUMMARY

33 This amendment replaces the bill, which proposes to delay by 6 months the
34 implementation of the statewide prohibition on the use of any but ultra low sulfur
35 distillate fuel. The amendment retains that 6-month delay and it clarifies that the
36 prohibition applies to the importation, distribution and offering for sale, rather than the
37 use, of any but ultra low sulfur distillate fuel. The amendment also incorporates the
38 change in the implementation date and the prohibition language throughout the statutory
39 section.