

LD 1532: An Act to Protect Maine's Air Quality, As Amended

This section applies to:

Industrial, manufacturing, or petroleum storage, distribution, or production facilities that are:

- 1) Permitted or expected to have the potential to emit 5 tons/year or more of volatile organic compounds (VOCs) and/or hazardous air pollutants (HAPs), and
- 2) Are located within 1 mile of daycare centers, schools, senior living residences (nursing homes, assisted living homes, and 55+ residential buildings), or more than 100 residences.

Standard for setting emissions limits:

- 1) The DEP shall assess human health effects by the use of an EPA approved air model, such as the Human Exposure Model (HEM-3/HEM4), or other suitable and approved models, to assess the potential impacts of an individual facility and the combined collective impacts of multiple facilities on the adjacent population. The suitable air model should use unit risk factors established or provisionally proposed by the USEPA for both total HAPs and total VOCs^[2].
- 2) Based on the results of the model, DEP shall establish each facility's emissions limit to ensure no deleterious human health effects occur at the closest potential human receptor based on the following criteria:
 - a) The upper limit for potential human health effects shall be a potential cancer increase of not more than one in 100,000 people, and
 - b) The facility's emissions at the perimeter property line of the facility shall not result in an exceedance of the ambient air guidelines enacted by the Maine CDC.

Compliance

- 1) The DEP shall require the collection of site data at each facility by the facility.
- 2) The burden of proof shall be on the facility to demonstrate compliance within the limits established by the DEP.
 - a) This compliance demonstration by the facility shall include, at a minimum, continuous ambient air monitoring at the fenceline using EPA's AP325 or other EPA approved method.
 - b) The facility owner will accept and pay for an independent certified engineer/lab third-party to design, carry out and provide data for the continuous fenceline monitoring according to the EPA model.
 - c) The facility owner shall provide the DEP, the CDC, and the local municipality with quarterly fenceline monitoring data reports, including the dates and locations of the data collected from each tube, and shipping records with the dates the tanks are filled in order to correlate test results with facility activity to determine if

more emission controls are necessary at those times. These reports shall be immediately available to the public.

- 3) If the facility is out of compliance with the permit limits set by the human health-based EPA approved model, the facility shall install control technology to lower emissions to the permitted level, and demonstrate with continuous fenceline monitoring at the property limit that they are not causing an exceedance of the ambient air guidelines established by the Maine CDC.

Violations:

- 1) Violations of this section shall be consistent with violations of the Clean Water Act, 38 MRS 349, at least \$100/day and up to \$25,000/day.
- 2) A facility owner that does not come into compliance within 90 days of the notice of violation will be subject to the suspension or revocation of their permit.

Due Process:

The municipality, and municipal residents within 1 mile of a permit holder, and their expert witnesses, have standing to provide comment at adjudicatory hearings pursuant to this section.

Rulemaking:

The DEP is authorized to establish rules to implement this section of the code in order to begin the permit amendment process within 1 year of enactment of this bill.