

**Testimony In Opposition to LD 1532**  
**An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing**

**Portland Pipe Line Corporation**  
**April 30, 2021**

Chairman Brenner, Chairman Tucker, and members of the Environment and Natural Resources Committee, my name is Chris Gillies and I am President of Portland Pipe Line Corporation (PPLC). I submit this testimony to you to express my opposition and concerns regarding LD 1532, "An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing."

PPLC owns and operates a petroleum marine terminal and tank farm in the City of South Portland. We are proud to be part of the critical infrastructure that contributes to the overall economy. We have been a good corporate citizen and taxpayer in South Portland and Maine for over 80 years, as well as a strong partner in the protection of Maine's environment. As one of the largest undeveloped property owners in South Portland and owner of much of the Bug Light Park property, PPLC has a long history of providing the community with public access to the waterfront open space of Casco Bay, access to sections of the Greenbelt Walkway, and the continued preservation of other large natural and undeveloped properties. In addition to being one of the largest tax payers in the City of South Portland, PPLC has paid over \$70 million dollars into the Maine Ground and Surface Waters Clean-up and Response Fund, providing significant resources for the protection of the environment and clean-up of other entities' discharge of pollutants such as from underground storage tank leaks, fuel spills to waterways, and overturned fuel trucks.

PPLC respectfully opposes LD 1532 for the following reasons.

**Permit Applications**

The three additional \$590, sub-§2 application standards included in the bill are extremely burdensome for all license applicants. The most significant of these additions is a prohibition on emission sources in an area zoned for residential use or within 1,000 feet of a residence. This language would prevent renewals not just for existing sources such as PPLC and other product terminals in South Portland, but also municipalities, hospitals, and many other industries upon which Maine relies. This language would in fact prohibit licensing for any source – in any Maine urban area – even if it meets all environmental ambient air quality standards, as do PPLC's operations. This new language would have a devastating effect on the Maine economy.

**License Frequency**

This bill would require licenses to be renewed much more frequently, going to a three year term for renewal. Currently, major source licenses for large facilities, such as PPLC, have a term of five years. These are complex licenses that are achieved after extensive and iterative processing periods that require significant time and effort by both the Maine Department of Environmental Protection (DEP), licensee, and air quality professionals. More frequent renewals would likely increase the cost and

require additional staff of both the DEP and the regulated community. This would put an undue burden on both the regulator and licensee and it is unclear how this would improve the licensing process or air quality standard compliance.

### **Civil Penalties**

The bill would impose enormous civil penalties, going from the current penalty of not less than \$100 for each day of violation to not less than \$25,000 per day. This means that any violation, even if the violation was minor and had no impact on human health and the environment such as a paperwork violation, would result in enormous fees that would threaten the viability of any business in Maine. Furthermore, this prodigious minimum penalty amount would prevent the DEP from using reasonable discretion in imposing penalties that are proportional to the level of violation.

### **Hearing Requirement**

The DEP's rules already provide a public notice requirement, and allow the DEP to consider holding a public hearing if one is requested. Requiring a public hearing – which requires additional process including sworn testimony – where no hearing would otherwise be requested is a waste of the DEP's and the public's time and resources, and will significantly delay the permitting process. Furthermore, notice of the public hearing to everyone within a 5-mile radius, for facilities in urban areas like PPLC, would require notice to hundreds of thousands of people who may not be affected by the license renewal. During PPLC's most recent license renewal, the DEP held a public information meeting at the request of the public, with presentations by both the DEP and PPLC. Before, during, and after the meeting, the DEP accepted public input on the license renewal, and incorporated that input in the renewed license documents. This proposed additional hearing requirement for all renewals is unnecessary. Robust public participation is already achieved through the public information meeting process.

Thank you for considering our concerns with this bill. We request that you report this bill out of committee as ought not to pass.