



LD 1532 An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing

Testimony in Opposition

May 3, 2021

Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee, my name is Lisa Harvey-McPherson RN, I am here today providing testimony on behalf of Northern Light Health and our member organizations speaking in strong opposition to this bill. Northern Light Health member organizations include 10 hospitals located in southern, central, eastern and northern Maine, 8 nursing facilities, air and ground ambulance, behavioral health, addiction treatment, pharmacy, primary and specialty care practices and a state-wide home care and hospice program. Ninety three percent of Maine's population lives in the Northern Light Health service area. Northern Light Health is also proud to be one of Maine's largest employers with over 12,000 employees statewide.

This bill is highly challenging, and I want to begin my comments by advising the committee that the language in this bill will result in the closure of Northern Light Health hospitals throughout the State of Maine. Section 5 of the bill outlines standards for applications for emissions licenses. Part D in this section of the bill states that the source of the emission can not be located in an area zoned for residential use or within 1000 feet of a residence. Nine of the ten hospitals in Northern Light Health have emissions licenses and are located within 1000 feet of a residence. Our hospitals have air emission licenses issued by the Department of Environmental Protection for the operation of our boilers. The standard outlined in this bill results in loss of our licenses, shutting down our boilers thus ceasing operations in the following hospitals.

- Northern Light Acadia Hospital – Bangor Maine
- Northern Light AR Gould Hospital – Presque Isle Maine
- Northern Light Blue Hill Hospital – Blue Hill Maine
- Northern Light Eastern Maine Medical Center – Bangor Maine
- Northern Light Inland Hospital – Waterville Maine
- Northern Light Mercy Hospital Fore River Campus – Portland Maine
- Northern Light Maine Coast Hospital – Ellsworth Maine
- Northern Light Sebec Valley Hospital – Pittsfield Maine

Intended or not the consequence of closing hospitals throughout the State of Maine must be opposed by this committee.

We also oppose the following sections of the bill.

Northern Light Health
Government Relations
43 Whiting Hill Road
Brewer, Maine 04412

Office 207-861-3282
Fax 207-872-2030

Northern Light Health

Acadia Hospital
A.R. Gould Hospital
Beacon Health
Blue Hill Hospital
C.A. Dean Hospital
Eastern Maine Medical Center
Home Care & Hospice
Inland Hospital
Maine Coast Hospital
Mercy Hospital
Northern Light Health Foundation
Sebec Valley Hospital

Section 5 – This section requires the applicant to install an expensive source emissions testing system for constant monitoring. We believe the current regulatory standards effectively monitor compliance with emissions. At licensing and re-licensing monitoring is required to confirm that the units are operating within the approved parameters. Furthermore, the Maine Department of Environmental Protection (MEDEP) can require regular emission testing based upon the unit and the emissions generated. We also find the requirement in this section to mandate continuous monitoring along the property boundary where the source of the emission is located to be overly burdensome with limited benefit to the overall environment.

Section 4 Civil Penalties - This section establishes civil monetary penalties that are harsh and overly rigid. Civil penalties of \$25,000 to \$100,000 per day WILL be imposed by MEDEP. The section imposes penalties irrespective of the severity of the violation such as record keeping violations, late reporting or intentional emissions beyond approved limits.

Section 6 Hearings – This section mandates hearings for all initial applications and license renewal for an air emissions license. The language provides no discretionary authority to MEDEP to determine when/if a hearing is needed. This section creates a 100% administrative burden for each and every application and renewal and fails to provide flexibility for minor vs major emissions impact.

Section 7 Term of License – This section reduces the term of the license from 10 to 3 years. Re-licensing is a very complicated and expensive process, typically requiring consulting engineers. If there have been no significant changes in operations impacting emissions the financial burden of re-licensure exceeds benefit derived from reducing the term of the license.

We further believe the bill removes the discretion of the MEDEP to grant variance from air quality standards. We believe that the experts at MEDEP are best suited to determine the type and frequency of monitoring and the discretion to issue a variance is an appropriate policy tool for the licensing program.

Thank you for the opportunity to express our strong opposition to this bill.