



## **Testimony of Matt Marks Against LD 1532**

### *An Act To Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing*

May 3, 2021 9:00 AM

Joint Standing Committee on Environment and Natural Resources

Senator Brenner, Representative Tucker, and Members of the Joint Standing Committee on Environment and Natural Resources. My name is Matt Marks; I am a Scarborough resident representing the Associated General Contractors of Maine today.

AGC Maine is concerned about the significant changes to air emission licensing. Besides distributing raw materials to produce construction products, this will also apply to more than 200 portable and stationary asphalt batch plants, rock crushers, and concrete batch plants that produce crushed stone, gravel, asphalt plants, and concrete. The portability of operations would be limited under this proposal, increasing costs and reducing recycling and operations on-site.

#### **Fines**

The majority of sand and gravel operations in Maine are small businesses. A focus on blending education and enforcement is critical in corrective action; instead, this bill will simply shutdown operations with new fines of a minimum penalty of \$25,000/day and a maximum penalty of \$100,000/day for each violation. Under this provision, a minor infraction could quickly shut down operations permanently and reduce access to essential materials throughout Maine. Some sand and gravel operations are lifelines for farms, small family businesses, and sole operators that serve critical markets. It's also important to understand that a fine might have been corrective action related to an issue that did not impact air quality.

#### **New Environmental Safety Plan**

AGC Maine isn't clear on what would be contained in the proposed requirement for the environmental safety plan. Again, if the option remains part of the bill, it's suggested a model policy be created for adoption. Also, what options or requirements would be expected for a single crushing operation?

#### **Restricting Operations Near Residences**

With portable plants, the construction industry has found an opportunity to have operations on-site, if warranted, on applicable construction sites. Restricting operations to 1,000 feet would limit that operation and reduce the ability to recycle products in place. Additionally, 1,000 feet would be problematic for existing processes. This doesn't take anything into account, such as existing resources, size of the operation, and impacts.

Furthermore, critical storage of petroleum products that keep our state moving is vital to our energy security for residents and businesses. This would eliminate their ability to operate, and that will leave Mainers in an awful situation.

### **Testing and Ongoing Monitoring**

AGC Maine isn't clear on the ways and means to comply with the testing requirement as listed in the bill. It appears this requires ongoing testing without a specific testing regime or materials identified. This would be nearly impossible to comply with in some operations. We are under the impression that the air emission license application process and granting examine the unit impacts and recognize there will be emissions.

### **Public Hearing and Notice**

Creating a public hearing and notice for every single air emission license will be costly and unnecessary. The current law outlines the process for complying with an air emission license and enforcement. Adding another burden with such a broad notification policy is simply challenging.

On a personal note, I understand that many residents have expressed concerns about facilities near their residences. I lived near the South Portland oil storage facilities for more than 30 years of my life. We found them to be good neighbors and fortunate that the resources are accessible by a vibrant port to ensure that we can fuel our cars, produce asphalt products, and keep our state moving. Articles continue to be written about the rising home prices in South Portland, including those co-located near oil storage facilities. We played sports at schools that were directly adjacent to the facility, played pond hockey on land owned by the terminals, and used the greenbelt trails that were provided by granting access to their land.

While Maine transitions to renewable energy, it cannot eliminate the storage and use of petroleum products. They are a lifeline to residents who need to drive and heat their homes. It's also discouraging to see a comprehensive sweeping bill that will create many obstacles for operations essential in building our roads, bridges, and infrastructure with arbitrary rules.

We ask the Committee to reject this bill, it simply goes too far.

Respectfully submitted by,

A handwritten signature in blue ink that reads "Matthew E. Marks".

Matt Marks, AGC Maine