



Maine Forest Products Council

The voice of Maine's forest economy

Companies represented on the MFPC Board

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BBC Lands LLC
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Family Forestry
Farm Credit East
Fontaine Inc.
H.C. Haynes
Huber Resources
Innovative Natural
Resource Solutions
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Katahdin Forest Mgmt.
Key Bank
LandVest Inc.
Limington Lumber
Louisiana Pacific
Maibec Logging
ND Paper
Nicols Brothers
Pingree Associates
Pixelle Specialty Sol.
Pleasant River Lumber
Prentiss & Carlisle
ReEnergy
Richard Wing & Son
Robbins Lumber
Sappi North America
Southern Maine Forestry
Stead Timberlands
TD Bank
Timber Resource Group
Timberstate G.
Wadsworth Woodlands
Wagner Forest Mgt.
Weyerhaeuser

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

May 3, 2021

Patrick Strauch, Executive director

Senator Brenner, Representative Tucker and distinguished members of the Environment and Natural Resources, I am Patrick Strauch from Exeter, Maine, and the executive director of the Maine Forest Products Council (MFPC). I represent Maine's forest product industry, which represent more than \$8 billion in economic contribution to the state's economy, and more than 33,000 direct and indirect jobs.

This legislation affects sawmills, wood manufacturing facilities, paper mills and many other facilities. Our industry has a very good record of compliance and environmental stewardship and this legislation is a major threat to our operations.

Overall, this is a major change to how air licensing is done in Maine that would significantly increase the cost and burden of obtaining air licenses. The primary provisions of the bill would:

1. Dramatically increase civil penalties for violations of air quality or emissions standards. See § 4. Currently, the law provides that civil penalties for violations are not less than \$100 and not more than \$10,000 for each day of violation. This bill would increase those amounts to not less than \$25,000 and not more than \$100,000 for each day of violation. This means that DEP would have no choice but to impose at least a \$25,000 penalty for every day that a source is in violation, even if the violation was minor and had no impact on human health and the environment. As an example, a facility that files a required report one week late would be subject to a fine of \$175,000! That seems likely to put many violators out of business.
2. Requires the State to transfer any civil penalties it collects for air violations to be transferred to the municipality where the violation occurs. Currently, civil penalties are paid to the State general fund. This reflects the fact that the air licensing system is operated and enforced by the State using everyone's tax dollars, regardless of where a given air emission source is located. The bill would arbitrarily transfer those funds to the municipality where the source is located, even if the emissions have clear impacts beyond that municipality's boundaries. Also, the bill does not say what would happen if the violator is the municipality itself (such as a municipal landfill or treatment plant, a school, or a municipal building). It wouldn't make much sense to send the penalty back to the same municipality that committed the violation. The bill also doesn't say what happens if the violator is in an unorganized portion of the state and thus there is no municipality involved.

3. Expands the application requirements for new licenses and renewals by requiring a plan “that outlines steps that will be taken by the applicant to protect the public health of the community.” It requires DEP to review those plans with the advice of the Maine CDC. It is not at all clear what is intended by this “plan,” as there are no standards set out in the bill. This is even more confusing when one considers that the application already sets out how the applicant intends to meet the applicable emissions standards and ambient air quality standards, which are themselves designed to be protective of public health. Thus, it’s not clear what an applicant would have to submit to meet this requirement or what DEP and the Maine CDC would judge the submittal against.

4. Adds burdensome new permitting requirements. Currently, the DEP must find an applicant meets three standards to get a permit: (1) the emissions will receive best practical treatment; (2) the emissions will not violate emissions standards; and (3) the emissions will not, either alone or in combination with other sources, violate ambient air quality standards. The bill would add three more standards: (1) the emissions source cannot be in an area zoned for residential use or within 1,000 feet of a residence; (2) the applicant will install a source emission testing system; and (3) the applicant will conduct continuous monitoring along the property boundary where the emissions source is located.

- This would bar licensing (including renewal licenses for existing sources) any facility that is in an area zoned for residential uses or is within 1,000 feet of a residence. This would prohibit siting facilities of nearly any size in any of the urban areas of the State, and there does not appear to be any provisions for grandfathering existing facilities.
- It is also not clear what it intended by a “source emission testing system” or “continuous monitoring.” The air rules already include extensive monitoring requirements, and so it is unclear what more is being required here. The new standards do not state what pollutants are to be monitored (there are more than 150 hazardous air pollutants, for example) or what to do when the technology doesn’t yet exist for monitoring them in this way. How, for example, would one monitor at the property line of a large hospital or office building in downtown Portland?

5. Significantly increase the burdens of obtaining permits by requiring a public hearing for both new and renewal applications in the municipality where the source is located, including requiring public notice to anyone within 5 miles of the source. The DEP’s rules already provide a public notice requirement telling the public that it will consider holding a public hearing if one is requested. The truth is that they are rarely requested. Further, a public hearing is a rigid process that is run pursuant to state law with, among other things, sworn testimony. This will significantly delay the permitting process. Also, once again, there is no indication of how to process these if one is in an unorganized portion of the State.

6. Requires that licenses are renewed much more frequently. Currently, major source licenses for large facilities, such as paper mills, have a term of five years, whereas smaller facilities (like schools and office buildings) have a term of 10 years. This will increase the cost of both the DEP and the regulated community.

Below is a list of MFPC member companies that would be adversely affected by LD 1532. Those listed more than once have facilities in more than one community.

- CARRIER CHIPPING, INC.
- CIANBRO FABRICATION AND COATING
- COLUMBIA FOREST PRODUCTS, INC.
- CORINTH PELLETS, LLC
- COSTIGAN CHIP LLC
- COUSINEAU WOOD PRODUCTS OF MAINE
- DAAQUAM LUMBER MAINE INC.
- FARMINGTON CHIPPING ENTERPRISE, INC.
- HANCOCK LUMBER COMPANY, INC. Casco
- HANCOCK LUMBER COMPANY, INC., Bethel
- HANCOCK LUMBER COMPANY, Pittsfield
- HARDWOOD PRODUCTS COMPANY LLC
- HUBER ENGINEERED WOODS LLC
- IRVING FOREST PRODUCTS, INC., Ashland
- IRVING FOREST PRODUCTS, INC., Dixfield
- KATAHDIN FOREST PRODUCTS CO.
- KENNEBEC LUMBER, CO.
- LOUISIANA-PACIFIC CORPORATION
- LOVELL LUMBER COMPANY
- MAINE WOOD TURNING, INC.
- MAINE WOODS COMPANY LLC
- MAINE WOODS PELLET COMPANY, LLC
- MOOSE RIVER LUMBER COMPANY, INC.
- MOOSEWOOD MILLWORKS LLC
- ND PAPER INC.
- NORTHEAST PELLETS, LLC
- PIXELLE ANDROSCOGGIN LLC
- PLEASANT RIVER LUMBER COMPANY
- PRL SANFORD, LLC
- R.E. LOWELL LUMBER, CO., INC.
- REENERGY, Livermore Falls
- REENERGY, Stratton
- SAPPI NORTH AMERICA, INC., Skowhegan
- SAPPI NORTH AMERICA, INC., Westbrook
- STRATTON LUMBER, INC.
- VIC FIRTH COMPANY
- WOODLAND PULP LLC
- LIMINGTON LUMBER COMPANY CORP
- ROBBINS LUMBER, INC.

I'm sure the sponsors may be surprised by the magnitude of facilities and communities that would be affected by the proposed air emissions regulatory changes. Our members are dedicated to environmental stewardship, but these proposed changes would be disruptive, costly and may not result in a better air quality control program.

MFPC respectfully urges you to vote Ought Not to Pass on LD 1532.