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Public Law
124th Legislature
Second Regular Session

Chapter 604
S.P. 627 - L.D. 1662

An Act To Improve Maine's Air Quality and Reduce Regional Haze at Acadia National Park and Other Federally Designated Class I Areas

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §603-A, sub-§2, as amended by PL 2007, c. 95, §5, is further amended to read:

2. Prohibitions. Except as provided in subsections 4, 5 and 8 9, ~~no~~ a person may not use any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of paragraph B.

A. The sulfur content for liquid fossil fuels is as follows.

(1) ~~In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, no a person may not use any liquid fossil residual fuel oil with a sulfur content greater than 2.5% until November 1, 1991, and 2.0% by weight any time thereafter ; beginning January 1, 2018, the limit for those regions is 0.5% by weight. In the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, no person may use any liquid fossil fuel with a sulfur content greater than 2.5% until November 1, 1991, and 2.0% by weight any time thereafter.~~

(2) ~~In the Portland Peninsula Air Quality Control Region, no a person may not use any liquid fossil residual fuel oil with a sulfur content greater than 1.5% by weight any time after November 1, 1975 ; beginning January 1, 2018, the limit for that region is 0.5% by weight.~~

(3) Statewide, a person may not use a distillate fuel:

(a) Beginning January 1, 2016, with a sulfur content greater than 0.005% by weight; and

(b) Beginning January 1, 2018, with a sulfur content greater than 0.0015% by weight.

The sulfur content requirements in this subparagraph do not apply to the use of distillate fuel for manufacturing purposes.

B. The sulfur content for solid fossil fuels is as follows:

(1) One and two-tenths pounds sulfur per million British Thermal Units until November 1, 1991, and .96 pounds sulfur per million British Thermal Units thereafter, calculated as a calendar quarter average for sources in the Central Maine, Downeast, Aroostook County, Northwest Maine Air Quality Control Regions and that portion of the Metropolitan Portland Air Quality Region outside the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December; and

(2) Seventy-two hundredths pounds sulfur per million British Thermal Units calculated as a calendar quarter average for sources in the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December.

Sec. 2. 38 MRSA §603-A, sub-§9 is enacted to read:

9. Equivalent alternative sulfur reduction application. The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2A that provide an opportunity for a licensed air contamination source that holds a license on the effective date of this subsection to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements in subsection 2. The rules must provide for the achievement of equivalent sulfur emission reductions through other means, including, but not limited to, reductions in consumption of residual fuel oil and distillate fuel, early sulfur emission reductions from a baseline emissions inventory year of 2002 and conversions to alternative fuels. The department shall submit the major substantive rules to the Legislature by January 31, 2014. Approved alternate sulfur reduction strategies must be in effect by January 1, 2018.

Sec. 3. Advisory committee on reducing reliance on fuel oil. The Department of Environmental Protection shall establish an advisory committee to assess the barriers and impediments to air emissions sources' reducing their reliance on fuel oils, including, but not limited to, the feasibility of increased gas supply, conversion to other fuels that reduce air pollution including greenhouse gases and the reductions in demand for energy derived from fuel oil. The advisory committee shall present its findings with initial recommendations to the Legislature by January 15, 2011 and a final report with recommendations by January 15, 2012. The advisory committee consists of 9 members including the Commissioner of Environmental Protection, who serves as the chair. The commissioner shall appoint the members of the advisory committee, which include 4 members representing the industrial sector, 2 members representing environmental interests and 2 representatives from other state agencies.

Sec. 4. Fuel oil supply study. The Department of Environmental Protection shall conduct a fuel oil supply study in 2014 and submit the results of its findings to the Legislature by January 15, 2015. The department shall hold a public hearing on the subject matter of this section and allow for submittal of oral and written comment.

Effective July 12, 2010