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Public Law
123rd Legislature
Second Regular Session

Chapter 584
H.P. 1506 - L.D. 2126

An Act To Minimize Carbon Dioxide Emissions from New Coal-powered Industrial and Electrical Generating Facilities in the State

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

Sec. 1. 38 MRSA §585-K is enacted to read:

§ 585-K. Greenhouse gas emission standards; moratorium

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Coal gasification facility" means a facility that uses a process other than the biological degradation of waste to convert carbonaceous materials into a synthesis gas or a product made from synthesis gas, including, without limitation, electricity, liquid fuels and chemicals.

B. "Greenhouse gas" has the same meaning as set forth in section 574.

2. Greenhouse gas emission standards. The board shall establish by rule, and may thereafter amend, standards for the emission of greenhouse gases derived from coal gasification facilities that commence operations after August 1, 2008. Rules established pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Moratorium. Between the effective date of this subsection and the earlier of the effective date of rules authorized pursuant to subsection 2 and August 1, 2011, the department may not issue any license or permit to a coal gasification facility that is not licensed under this chapter prior to August 1, 2008.

4. Net emissions and carbon capture and sequestration. In calculating greenhouse gas emissions, carbon dioxide that is captured and used for a commercial purpose or that is permanently disposed of in geological formations in compliance with all applicable laws and rules may not be counted as emissions from the emission source.

5. Air emission license requirements apply. The licensing requirements in section 590 and the prohibition in section 591 apply with regard to the standards established by the board pursuant to subsection 2. The lack of ambient air quality standards for greenhouse gases does not supersede or invalidate this section.

6. Criteria and procedures. The criteria and procedures in sections 585 and 585-A govern the establishment of greenhouse gas emission standards under this section. Emission standards established pursuant to subsection 2 must be designed to achieve the goals of this chapter and chapter 3-A.

7. Construction; absence of limitation. Nothing in this section may be construed to limit the authority of the department or any agency or any political subdivision of the State to regulate any pollutant or air contaminant or to establish emission standards pursuant to section 585.

Sec. 2. 38 MRSA §591, first ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §166, is further amended to read:

No person may discharge air contaminants into ambient air within a region in such manner as to violate ambient air quality standards established under this chapter or emission standards established pursuant to section 585 ~~or section 585-B~~ or 585-K.

Sec. 3. Major substantive rules. Major substantive rules that are provisionally adopted pursuant to the Maine Revised Statutes, Title 38, section 585-K must be submitted to the Legislature by January 5, 2011 for review by the joint standing committee of the Legislature having jurisdiction over natural resources matters.