

Notice of Agency Rule-making Proposal

For Publication on March 2, 2013

AGENCY: Department of Environmental Protection

CHAPTER NUMBER AND TITLE: State Implementation Plan (SIP) Amendments- Incorporation of 5 MRSA Section 18 and 38 MRSA Section 341-C

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PUBLIC HEARING (if any): No public hearing scheduled, 30-day written comment period with an opportunity for a hearing.

COMMENT DEADLINE: April 2, 2013 5:00 P.M.

BRIEF *SUMMARY: The Department is proposing to amend the Maine State Implementation Plan by incorporating Maine's existing statutory conflict of interest provisions governing Board of Environmental Protection members.

The State Implementation Plan is the federally-enforceable plan for Maine that identifies how the State will attain and/or maintain the National Ambient Air Quality Standards. The Clean Air Act requires the State Implementation Plan to contain provisions that: (1) any board or body which approves permits or enforcement orders under the Clean Air Act has at least a majority of members who represent the public interest, and do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Act, and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed.

Since existing Maine law meets these federal requirements, the Department will be submitting the current statutory conflict of interest provisions found in 38 MRSA Section 341-C(7) and 5 MRSA Section 18 for incorporation into the State Implementation Plan, thereby satisfying its Clean Air Act planning requirements and further strengthening the enforcement of these provisions. Copies of this proposal are available upon request by contacting the Agency contact person or on the DEP website at www.maine.gov/dep/rules/.

Pursuant to Maine law, interested parties are publicly notified of the proposed rulemaking and are provided an opportunity for comment. Written comments may be submitted by mail, e-mail or fax to the contact person before the end of the comment period. To ensure the comments are considered, they must include your name and the organization you represent, if any. Although the Department has not scheduled a public hearing on this proposal, a public hearing will be scheduled if any requests are received prior to the close of the public comment period.