

SENATE BILL 138 (LRB -2203)

An Act to create 285.28 of the statutes; relating to: the regulation of emissions of hazardous air contaminants associated with agricultural waste and the partial suspension of rules promulgated by the Department of Natural Resources. (FE)

2011

06-30.	S.	Introduced by joint committee for review of ADMINISTRATIVE RULES .	
06-30.	S.	Read first time and referred to committee on Natural Resources and Environment	370
07-06.	S.	Joint committee for Review of Administrative Rules report received pursuant to s. 227.26 (2)(h), Wisconsin Statutes.	
07-18.	S.	Fiscal estimate received.	
08-01.	S.	Report without recommendation pursuant to s. 227.26 (2)(h), Wisconsin Statutes.	407
08-01.	S.	Available for scheduling.	
09-12.	S.	Placed on calendar 9-13-2011 pursuant to Senate Rule 18(1)	440
10-18.	S.	Read	506
10-18.	S.	Referred to committee on Senate Organization	506
10-18.	S.	Available for scheduling.	

2012

01-25.	S.	Withdrawn from committee on Senate Organization and rereferred to committee on Natural Resources and Environment, pursuant to Senate Rule 46 (2)(c)	672
02-02.	S.	Public hearing held.	
02-08.	S.	Executive action taken.	
02-08.	S.	Report passage recommended by committee on Natural Resources and Environment, Ayes 5, Noes 2	690
02-08.	S.	Available for scheduling.	
02-13.	S.	Placed on calendar 2-14-2012 pursuant to Senate Rule 18(1)	698
02-14.	S.	Read.	
02-14.	S.	Ordered to a third reading	704
02-14.	S.	Rules suspended	704
02-14.	S.	Read a third time and passed , Ayes 24, Noes 9	704
02-14.	S.	Ordered immediately messaged	705
02-14.	A.	Received from Senate	793
02-14.	A.	Read first time and referred to calendar of 2-16-2012	793
02-16.	A.	Rules suspended to withdraw from calendar and take up.	
02-16.	A.	Read a second time.	
02-16.	A.	Ordered to a third reading.	
02-16.	A.	Rules suspended.	
02-16.	A.	Read a third time and concurred in .	
02-16.	A.	Ordered immediately messaged.	
02-17.	S.	Received from Assembly concurred in.	

**2011
ENROLLED BILL**

11en S B-138 ✓

ADOPTED DOCUMENTS:

Orig **Engr** **SubAmdt**

11 2203/2 ✓

Amendments to above (if none, write "NONE"): None ✓

Corrections - show date (if none, write "NONE"): None ✓

Topic Rel

2-17-12
Date

[Signature]
Enrolling Drafter



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2203/2
RNK:nwn:rs

2011 SENATE BILL 138

June 30, 2011 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Natural Resources and Environment.

1 **AN ACT to create** 285.28 of the statutes; **relating to:** the regulation of emissions
2 of hazardous air contaminants associated with agricultural waste and the
3 partial suspension of rules promulgated by the Department of Natural
4 Resources.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) promulgates emission standards for hazardous air contaminants. EPA regulates sources of those contaminants in categories that it identifies as sources that must be regulated. Under current state law, when EPA promulgates an emission standard for a hazardous air contaminant, the Department of Natural Resources (DNR) must promulgate by rule a similar standard that may not be more restrictive than the federal standard. Current law provides that if EPA does not promulgate an emission standard for a hazardous air contaminant, DNR may promulgate an emission standard for that hazardous air contaminant if DNR finds that the standard is needed to provide adequate protection for public health or welfare and if the finding is supported with certain written documentation.

This bill prohibits DNR from regulating sources that emit hazardous air contaminants associated with agricultural waste except to the extent required by federal law.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending portions of sections NR 406.04, 407.03, and 445.08, Wis. Adm. Code, rules of the

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Department of Natural Resources on May 24, 2011. The suspended portions of the rules required an owner or operator of a source of emissions of hazardous air contaminants associated with agricultural waste to implement, by July 31, 2011, best management practices for handling those emissions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 285.28 of the statutes is created to read:
 2 **285.28 Agricultural waste; hazardous air contaminants.** The
 3 department may not regulate the emission of hazardous air contaminants associated
 4 with agricultural waste except to the extent required by federal law.

5 (END)