



## 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.

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### ***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

