

2013 DRAFTING REQUEST

Bill

Received: **6/1/2013** Received By: **rkite**
Wanted: **As time permits** Same as LRB:
For: **Samantha Kerkman (608) 266-2530** By/Representing: **Tami Rongstad**
May Contact: Drafter: **rkite**
Subject: **Environment - air quality** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Kerkman@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Nitrogen oxide emissions for combustion turbines

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 6/25/2013			_____			
/P1	rkite 7/12/2013	scalvin 6/26/2013	rschluet 6/26/2013	_____	srose 6/26/2013		
/1	rkite 8/16/2013	scalvin 7/19/2013	jfrantze 7/19/2013	_____	mbarman 7/19/2013		State
/2		scalvin	jmurphy	_____	sbasford	sbasford	State

Vers. Drafted

Reviewed
8/16/2013

Typed
8/16/2013

Proofed

Submitted
8/16/2013

Jacketed
10/17/2013

Required

FE Sent For:

<END>

→ At
Intro.

2013 DRAFTING REQUEST

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/1	rkite 8/16/2013	scalvin 7/19/2013	jfrantze 7/19/2013	_____	mbarman 7/19/2013		State
/2		scalvin	jmurphy	_____	sbasford		State

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		8/16/2013	8/16/2013	_____	8/16/2013		

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/1		scalvin 7/19/2013	jfrantze 7/19/2013	_____	mbarman 7/19/2013		State

FE Sent For: *1/2 sac*
08/16/2013 *jm 8/16* *jm+jb 8/16*

<END>

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For: Samantha Kerkman (608) 266-2530
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Extra Copies:

Submit via email: YES
Requester's email: Rep.Kerkman@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Nitrogen oxide emissions for combustion turbines

Instructions:

See attached

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/P1		scalvin 6/26/2013	rschluet 6/26/2013	_____	srose 6/26/2013		

FE Sent For:

1 sac
07/19/2013

Jb 7/19

<END>

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 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Kerkman@legis.wisconsin.gov
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

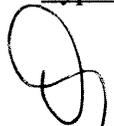
Topic:

Nitrogen oxide emissions for combustion turbines ✓

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	rkite	06/26/2013 SAC/PI		_____	_____		

FE Sent For:

6/26/13

<END>

Kite, Robin

From: Rongstad, Tami
Sent: Friday, May 31, 2013 4:45 PM
To: Kite, Robin
Subject: Drafting Request - NOx emissions / NR 428

Hello, Robin –

Rep. Kerkman has a drafting request related to a generating station in her region.

Turbine blades at the station were replaced in 2002 (2 blades) with a newer, more efficient design. The replacement work was considered routine, but has since been considered a major modification. Per Natural Resources rule NR 428, units “modified” after 2001 must meet a more stringent NOx emission rate. As a result, two of the four turbines at that station are off-line due to their inability to meet ozone-related emission requirements for nitrogen oxide (NOx) contained in Chapter NR 428.04 (2)(g) 1. a. and 2.a.

Suggested Language

Nitrogen oxide emission limitations for certain existing combustion turbines undergoing major modification. (1) This provision applies to a simple cycle combustion turbine that undergoes a major modification, as defined in s. NR 428.04(1), after February 1, 2001 and for which dry low nitrogen oxide combustor technology is not technically feasible or commercially available from the combustion turbine manufacturer. The combustion turbine is exempt from performance standards under ss. NR 428.04(2)(g)1.a. and 2.a., Wis. Adm. Code, if the owner or operator meets the following conditions:

- 1) Water injection is operated according to manufacturer specifications for purposes of controlling nitrogen oxide emissions during operation of the combustion turbine, and
- 2) the concentration of nitrogen oxide emitted from the combustion turbine does not exceed 25 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30 day rolling average basis while combusting gaseous fuels and does not exceed 65 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30 day rolling average basis while combusting distillate fuels.

The demonstration of compliance and reporting requirements for combustion turbines affected under this paragraph are those applicable under ch. NR 428, Wis. Adm. Code.

NR
428.04(2)(g)

Thank you,

Tami Rongstad
Office of Rep. Samantha Kerkman
(608) 266-2531 | Tami.Rongstad@legis.wi.gov
Follow Rep. Kerkman on Facebook!

Combustion turbine NR 428.02(5)

emitted to the ambient air which substantially contribute to the exceeding of an air standard or cause air pollution.

History: Renum. from NR 154.15 (1), Register, September, 1986, No. 369, eff. 10-1-86; am. Register, May, 1992, No. 437, eff. 6-1-92.

Subchapter I — NO_x Emissions Performance Program General Provisions

NR 428.04 Requirements and performance standards for new or modified sources. (1) APPLICABILITY.

The requirements of this section apply to emissions units described in this section that are located in the county of Kenosha, Milwaukee, Ozaukee, Racine, Washington or Waukesha and that are constructed or that undergo a major modification, as that term is described in ch. NR 405 or 408, after February 1, 2001. When determining whether an emissions unit undergoes a major modification for purposes of this section, any increase in CO emissions resulting from the operation of the emissions unit, or operation of NO_x emissions control equipment for purposes of meeting state or federal NO_x emission requirements, will not be considered in the emissions calculations.

(2) PERFORMANCE STANDARDS. (a) *Boilers*. 1. Solid fuel-fired units. No person may cause, allow or permit nitrogen oxides to be emitted from a solid fuel-fired boiler in amounts greater than those specified in this subdivision.

a. 0.15 pound per million Btu of heat input on a 30-day rolling average basis for boilers with a maximum design heat input of 250 million Btu per hour or greater.

b. 0.20 pound per million Btu of heat input on a 30-day rolling average basis for boilers with a maximum design heat input of less than 250 million Btu per hour.

2. Gaseous fuel-fired units. No person may cause, allow or permit nitrogen oxides to be emitted from a gaseous fuel-fired boiler with a maximum design heat input of 25 million Btu per hour or greater in an amount greater than 0.05 pound per million Btu of heat input on a 30-day rolling average basis.

3. Distillate fuel oil-fired boilers. No person may cause, allow or permit nitrogen oxides to be emitted from a distillate fuel oil-fired boiler with a maximum design heat input of 25 million Btu per hour or greater in an amount greater than 0.09 pound per million Btu of heat input on a 30-day rolling average basis.

4. Residual fuel oil-fired boilers. No person may cause, allow or permit nitrogen oxides to be emitted from a residual fuel oil-fired boiler with a maximum design heat input of 25 million Btu per hour or greater in an amount greater than 0.15 pound per million Btu of heat input on a 30-day rolling average basis.

5. Kraft recovery boilers. No person may cause, allow or permit nitrogen oxides to be emitted from a kraft recovery boiler with a maximum design heat input of 50 million Btu per hour or greater in an amount greater than 0.10 pound per million Btu of heat input on a 30-day rolling average basis.

(b) *Cement kilns, lime kilns and calciners*. No person may cause, allow or permit nitrogen oxides to be emitted from a cement kiln, lime kiln or calciner with a maximum design heat input of 50 million Btu per hour or greater in amounts greater than those specified in this paragraph.

1. 0.10 pound per million Btu on a 30-day rolling average basis when burning gaseous fuel.

2. 0.12 pound per million Btu on a 30-day rolling average basis when burning distillate fuel oil.

3. 0.20 pound per million Btu on a 30-day rolling average basis when burning residual fuel oil.

4. 0.60 pound per million Btu on a 30-day rolling average basis when burning solid fuel.

(c) *Reheat, annealing and galvanizing furnaces*. No person may cause, allow or permit nitrogen oxides to be emitted from a reheat furnace, annealing furnace or galvanizing furnace with a maximum design heat input of 50 million Btu per hour or greater

in an amount greater than 0.10 pound per million Btu on a 30-day rolling average basis.

(d) *Glass furnaces*. No person may cause, allow or permit nitrogen oxides to be emitted from a glass furnace with a maximum design heat input of 50 million Btu per hour or greater in an amount greater than 4.0 pounds per ton of pulled glass on a 30-day rolling average basis.

(e) *Asphalt plants*. No person may cause, allow or permit nitrogen oxides to be emitted from an asphalt plant with a maximum design heat input of 50 million Btu per hour or greater in amounts greater than those specified in this paragraph.

1. 0.15 pound per million Btu of heat input on a 30-day rolling average basis when burning gaseous fuel.

2. 0.20 pound per million Btu of heat input on a 30-day rolling average basis when burning distillate fuel oil.

3. 0.27 pound per million Btu of heat input on a 30-day rolling average basis when burning residual fuel oil or waste oil.

(f) *Process heating units*. No person may cause, allow or permit nitrogen oxides to be emitted from a process heater, dryer, oven or other external combustion unit with a maximum design heat input of 50 million Btu per hour or greater in amounts greater than those specified in this paragraph.

1. 0.10 pound per million Btu of heat input on a 30-day rolling average basis when burning gaseous fuel.

2. 0.12 pound per million Btu of heat input on a 30-day rolling average basis when burning distillate fuel oil.

(g) *Combustion turbines*. 1. Gaseous fuel-fired units. Except as provided in subs. 3. and 4., no person may cause, allow or permit nitrogen oxides to be emitted from a gaseous fuel-fired combustion turbine in amounts greater than those specified in this subdivision.

a. 12 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle combustion turbine with a maximum design power output of 85 MWe or greater.

b. 9 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle combustion turbine with a maximum design power output of 40 MWe or greater but less than 85 MWe.

c. 25 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle combustion turbine with a maximum design power output of less than 40 MWe.

d. 3 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a combined cycle combustion turbine with a maximum design power output of 25 MWe or greater.

e. 14 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a combined cycle combustion turbine with a maximum design power output of less than 25 MWe.

2. Distillate fuel oil-fired units. No person may cause, allow or permit nitrogen oxides to be emitted from a distillate fuel oil-fired combustion turbine in amounts greater than those specified in this subdivision.

a. 25 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle combustion turbine with a maximum design power output of 85 MWe or greater.

b. 25 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle combustion turbine with a maximum design power output of 40 MWe or greater but less than 85 MWe.

c. 65 parts per million dry volume (ppmdv), corrected to 15% oxygen, on a 30-day rolling average basis for a simple cycle com-



soon
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2483/02

RNK:) : ...

su

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P1

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

1 *you act* AN ACT *relating to:* nitrogen oxide emission standards for certain simple cycle
2 combustion turbines.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 SECTION 1. 285.27 (3m) of the statutes is created to read:
4 285.27 (3m) EXEMPTION FROM STANDARDS FOR CERTAIN COMBUSTION TURBINES. (a)
5 In this subsection, "combustion turbine" means a simple cycle combustion turbine.
6 (b) The performance standards promulgated by the department under NR
7 428.04 (2) (g) 1. a. and 2. a., Wis. Adm. Code, do not apply to a combustion turbine
8 that undergoes a modification on or after February 1, 2001 if all of the following
9 apply:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2483/?dn

RNK:}.:....

SAC

-date-

This draft is in preliminary form. Please note the following:

1. The exemption in this draft ~~are exemptions~~ ^{is an exemption} from the standards in NR 428.04 (2) (g) 1. a. and 2. a. Please be aware that if those rules are amended or repealed in the future, the exemption in the statutes may have an unintended effect. Generally, it is a better approach to specify in the statutes exactly what standard should be applied rather than to create an exemption to an administrative rule because a rule is subject to change by DNR. If you would like to take this approach, please let me know.
2. The language in this draft does not define "dry low nitrogen oxide combustion system" or "30 day rolling average basis". Do you want to define these terms?
3. The exemption in this draft applies to a combustion turbine that meets certain requirements and that is modified on or after February 1, 2001. Should the exemption be further limited so that it applies to a combustion turbine modified on or after that date but before the effective date of this proposal?
4. In some situations the federal Clean Air Act requires states to satisfy requirements, such as bringing a nonattainment area into attainment with federal requirements using strategies that the states themselves choose. The act also requires states to have implementation plans (SIPs) that are approved by EPA. It is possible that making the changes in this draft will necessitate the development of a different control strategy or the modification of a SIP. It is also possible that the exemption in this draft would violate the Clean Air Act which generally requires state law to be at least as strict as federal law.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2483/P1dn

RNK:sac:rs

June 26, 2013

This draft is in preliminary form. Please note the following:

1. The exemption in this draft is an exemption from the standards in NR 428.04 (2) (g) 1. a. and 2. a. Please be aware that if those rules are amended or repealed in the future, the exemption in the statutes may have an unintended effect. Generally, it is a better approach to specify in the statutes exactly what standard should be applied rather than to create an exemption to an administrative rule because a rule is subject to change by DNR. If you would like to take this approach, please let me know.
2. The language in this draft does not define "dry low nitrogen oxide combustion system" or "30 day rolling average basis". Do you want to define these terms?
3. The exemption in this draft applies to a combustion turbine that meets certain requirements and that is modified on or after February 1, 2001. Should the exemption be further limited so that it applies to a combustion turbine modified on or after that date but before the effective date of this proposal?
4. In some situations the federal Clean Air Act requires states to satisfy requirements, such as bringing a nonattainment area into attainment with federal requirements using strategies that the states themselves choose. The act also requires states to have implementation plans (SIPs) that are approved by EPA. It is possible that making the changes in this draft will necessitate the development of a different control strategy or the modification of a SIP. It is also possible that the exemption in this draft would violate the Clean Air Act which generally requires state law to be at least as strict as federal law.

Please feel free to contact me if you have any questions about this draft.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

Kite, Robin

From: Rongstad, Tami
Sent: Thursday, July 11, 2013 2:58 PM
To: Kite, Robin
Cc: Haubrich.Joel (Joel.Haubrich@we-energies.com)
Subject: FW: Paris Draft: LRB 2483/P1 Topic: Nitrogen oxide emissions for combustion turbines
Attachments: suggested changes to LRB 2483p1.docx

Hi, Robin –

Please see the attached for a couple of small changes and Joel's comments below.

Thank you,

Tami Rongstad
Office of Rep. Samantha Kerkman
(608) 266-2531 | Tami.Rongstad@legis.wi.gov
Follow Rep. Kerkman on Facebook!

From: Haubrich.Joel [<mailto:Joel.Haubrich@we-energies.com>]
Sent: Thursday, July 11, 2013 9:35 AM
To: Rongstad, Tami
Cc: Garvin.Robert
Subject: RE: Paris Draft: LRB 2483/P1 Topic: Nitrogen oxide emissions for combustion turbines

Hi Tami,

DNR had two small tweaks to the bill draft. See attached document for proposed changes. Regarding the drafter's notes, DNR did not think that any changes or any responses were necessary as a result of them.

Thank you.

When does Rep. Kerkman want to do a tour of the Pleasant Prairie power plant?

Joel M. Haubrich
WEC / We Energies
MKE Phone (414) 221-4102
MDSN Phone (608) 283-3004
CELL Phone (414) 349-6186

From: Rongstad, Tami [<mailto:Tami.Rongstad@legis.wisconsin.gov>]
Sent: Friday, June 28, 2013 12:28 PM
To: Haubrich.Joel
Subject: RE: Paris Draft: LRB 2483/P1 Topic: Nitrogen oxide emissions for combustion turbines

Joel,

We can certainly do that.
What phone number do you prefer we share?

Thank you,

Tami

From: Haubrich.Joel [<mailto:Joel.Haubrich@we-energies.com>]
Sent: Thursday, June 27, 2013 9:47 PM
To: Rep.Kerkman
Subject: Re: Paris Draft: LRB 2483/P1 Topic: Nitrogen oxide emissions for combustion turbines

Thanks Tami.

The drafter's note is informative but we've cleared #1 and #4 with DNR and EPA.
Can we talk directly to the drafter? It may facilitate a quick resolution to Robin's questions.

Thank you!

-Joel Haubrich

From: Rep.Kerkman [<mailto:Rep.Kerkman@legis.wisconsin.gov>]
Sent: Thursday, June 27, 2013 04:10 PM
To: Haubrich.Joel
Subject: Paris Draft: LRB 2483/P1 Topic: Nitrogen oxide emissions for combustion turbines

Hello, Joel –

Attached is a preliminary draft and the drafter's note.

Thank you,

Tami Rongstad
Office of Rep. Samantha Kerkman
(608) 266-2531 | Tami.Rongstad@legis.wi.gov
[Follow Rep. Kerkman on Facebook!](#)

SECTION 1. 285.27 (3m) of the statutes is created to read:

285.27 (3m) EXEMPTION FROM STANDARDS FOR CERTAIN COMBUSTION TURBINES. (a) In this subsection, "combustion turbine" means a simple cycle combustion turbine.

(b) The performance standards promulgated by the department under NR 428.04 (2) (g) 1. a. and 2. a., Wis. Adm. Code, do not apply to a combustion turbine that undergoes a modification, as defined in s. NR 428.04(1), on or after February 1, 2001 if all of the following apply:

1. The owner or operator of the combustion turbine has demonstrated that equipping the turbine with a dry low nitrogen oxide combustion system is not technologically feasible or a dry low nitrogen oxide combustion system is not commercially available from the manufacturer of the combustion turbine.

2. The owner or operator of the combustion turbine controls nitrogen oxide emissions during operation of the combustion turbine by injecting water into the combustion ~~chamber of the combustion~~ turbine according to the manufacturer's specifications.

3. The concentration of nitrogen oxide emitted from the combustion turbine does not exceed 25 parts per million dry volume, corrected to 15 percent oxygen, on a 30 day rolling average basis during combustion of gaseous fuels and does not exceed 65 parts per million dry volume, corrected to 15 percent oxygen, on a 30 day rolling average basis during combustion of distillate fuels.

(END)



State of Wisconsin
2013 - 2014 LEGISLATURE



Rm
run

LRB-2483/P

RNK:sac:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
7/12

regen

1 AN ACT to create 285.27 (3m) of the statutes; relating to: nitrogen oxide
2 emission standards for certain simple cycle combustion turbines.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

Insert
Analysis →

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

3 SECTION 1. 285.27 (3m) of the statutes is created to read:
4 285.27 (3m) EXEMPTION FROM STANDARDS FOR CERTAIN COMBUSTION TURBINES. (a)
5 In this subsection, "combustion turbine" means a simple cycle combustion turbine.
6 (b) The performance standards promulgated by the department under NR
7 428.04 (2) (g) 1. a. and 2. a., Wis. Adm. Code, do not apply to a combustion turbine
8 that undergoes a modification on or after February 1, 2001 if all of the following
9 apply:

1 1. The owner or operator of the combustion turbine has demonstrated that
2 equipping the turbine with a dry low nitrogen oxide combustion system is not
3 technologically feasible or a dry low nitrogen oxide combustion system is not
4 commercially available from the manufacturer of the combustion turbine.

5 2. The owner or operator of the combustion turbine controls nitrogen oxide
6 emissions during operation of the combustion turbine by injecting water into the
7 ~~combustion chamber of the~~ combustion turbine according to the manufacturer's
8 specifications.

9 3. The concentration of nitrogen oxide emitted from the combustion turbine
10 does not exceed 25 parts per million dry volume, corrected to 15 percent oxygen, on
11 a 30 day rolling average basis during combustion of gaseous fuels and does not exceed
12 65 parts per million dry volume, corrected to 15 percent oxygen, on a 30 day rolling
13 average basis during combustion of distillate fuels.

(END)

INS. →
2-13 14

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2483/lins.
RNK:.....

INSERT ANALYSIS

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) establishes performance standards for new stationary sources that emit air pollutants. A stationary source is a facility that emits an air pollutant only from a fixed location. Under current state law, when EPA establishes an air pollution emission performance standard (emission standard), the Department of Natural Resources (DNR) must promulgate by rule a similar emission standard that may not be more restrictive than the federal standard. DNR's rule must include administrative requirements that are consistent with the federal administrative requirements.

Among the emission standards promulgated by DNR rule are standards for emission of nitrogen oxides from certain combustion turbines. This bill provides that certain of those standards do not apply to a simple cycle combustion turbine that undergoes a modification on or after February 1, 2001. *and that meets* ~~Under the bill, those standards do not apply if certain conditions are met.~~ The first condition requires the owner or operator of the combustion turbine to demonstrate that equipping the turbine with a dry low nitrogen oxide combustion system is not technologically feasible or such a system is not commercially available from the manufacturer of the combustion turbine. In addition, the owner or operator of the combustion turbine must control nitrogen oxide emissions during operation of the combustion turbine by injecting water into the combustion turbine according to the manufacturer's specifications. Finally, the concentration of nitrogen oxide emitted from the combustion turbine may not exceed certain levels specified in the bill.

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

INSERT 2-13

- 1 (c) The department shall determine whether a combustion turbine undergoes
- 2 a modification under par. (b) in accordance with NR 428.04 (1), Wis. Adm. Code.

Kite, Robin

From: Rongstad, Tami
Sent: Tuesday, August 13, 2013 1:59 PM
To: Kite, Robin
Subject: Change to LRB 2483/1
Attachments: 13-2483_1 REDLINE 8-6-13.pdf

Hello, Robin –

Please see the note below and the attachment regarding changes to LRB 2483/1.

Thank you,

Tami Rongstad
Office of Rep. Samantha Kerkman
(608) 266-2531 | Tami.Rongstad@legis.wi.gov
Follow Rep. Kerkman on Facebook!

From: Haubrich.Joel [<mailto:Joel.Haubrich@we-energies.com>]
Sent: Wednesday, August 07, 2013 1:22 PM
To: Rongstad, Tami
Cc: Standen.Kathleen
Subject: Sadly another change

Hi Tami,

I have obtained some additional review and feedback from both DNR and EPA on LRB-2483/1. Attached is a redlined version of the draft bill containing three new revisions requested by the two agencies:

1. The addition of the phrase "to the satisfaction of the Department and the Administrator" in (b)1.

PAGE 1, LINE 8-11

The owner or operator of the combustion turbine has demonstrated to the satisfaction of the Department and the Administrator (EPA) that equipping the turbine with a dry low nitrogen oxide combustion system is not technologically or economically feasible or a dry low nitrogen oxide combustion system is not commercially available from the manufacturer of the combustion turbine.

This change provides a consistent reference to both agencies needing to make the technology determination. EPA needs the statutory language to recognize

that EPA needs to make a technology determination. Otherwise the revised SIP containing the new statutory language would not be approvable.

The addition of the phrase "or economically" to one of the conditions related to application of an alternative emission limit. This mimics the regulatory language that is used as part of construction permitting and Best Available Control Technology (BACT) evaluations.

2. The addition of a condition stating that EPA needs to make a technology determination in writing. EPA asked that this language be listed as one of the criteria for exemption from the more stringent emission limits. By adding this in a new section - (b)4., it makes it clear that EPA needs make this determination in writing, but it leaves flexibility for how DNR does so. DNR will be making this determination as part of the companion construction permitting action and BACT determination.

4. A demonstration under (b)(1) is approved in writing by the administrator(EPA).

I believe that these changes are consistent with both agencies' review and input on the draft bill language.

Thank you for putting up with the drafting requests. We really appreciate your assistance. Don't forget about getting the Rep. to Pleasant Prairie Power Plant.

Thanks again!



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LRB-2483

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2013 BILL

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- 1 AN ACT to create 285.27 (3m) of the statutes; relating to: nitrogen oxide
- 2 emission standards for certain simple cycle combustion turbines.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) establishes performance standards for new stationary sources that emit air pollutants. A stationary source is a facility that emits an air pollutant only from a fixed location. Under current state law, when EPA establishes an air pollution emission performance standard (emission standard), the Department of Natural Resources (DNR) must promulgate by rule a similar emission standard that may not be more restrictive than the federal standard. DNR's rule must include administrative requirements that are consistent with the federal administrative requirements.

DNR and EPA to find that

Among the emission standards promulgated by DNR rule are standards for emission of nitrogen oxides from certain combustion turbines. This bill provides that certain of those standards do not apply to a simple cycle combustion turbine that undergoes a modification on or after February 1, 2001 and that meets certain conditions. The first condition requires the owner or operator of the combustion turbine to demonstrate that equipping the turbine with a dry low nitrogen oxide combustion system is not technologically feasible or such a system is not commercially available from the manufacturer of the combustion turbine. In addition, the owner or operator of the combustion turbine must control nitrogen oxide emissions during operation of the combustion turbine by injecting water into the combustion turbine according to the manufacturer's specifications. Finally, the

or economically

has satisfactorily demonstrated

The EPA must concur with DNR's finding in writing.

BILL

concentration of nitrogen oxide emitted from the combustion turbine may not exceed certain levels specified in the bill.

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.** 285.27 (3m) of the statutes is created to read:

2 **285.27 (3m) EXEMPTION FROM STANDARDS FOR CERTAIN COMBUSTION TURBINES.** (a)

3 In this subsection, "combustion turbine" means a simple cycle combustion turbine.

4 (b) The performance standards promulgated by the department under NR

5 428.04 (2) (g) 1. a. and 2. a., Wis. Adm. Code, do not apply to a combustion turbine

6 that undergoes a modification on or after February 1, 2001 if all of the following

7 apply:

8 1. The owner or operator of the combustion turbine has ^{satisfactorily} demonstrated that

9 equipping the turbine with a dry low nitrogen oxide combustion system is not

10 technologically ^{of economically} feasible or a dry low nitrogen oxide combustion system is not

11 commercially available from the manufacturer of the combustion turbine.

12 ~~2.~~ ^{3.} The owner or operator of the combustion turbine controls nitrogen oxide

13 emissions during operation of the combustion turbine by injecting water into the

14 combustion turbine according to the manufacturer's specifications.

15 ~~3.~~ ^{4.} The concentration of nitrogen oxide emitted from the combustion turbine

16 does not exceed 25 parts per million dry volume, corrected to 15 percent oxygen, on

17 a 30 day rolling average basis during combustion of gaseous fuels and does not exceed

18 65 parts per million dry volume, corrected to 15 percent oxygen, on a 30 day rolling

19 average basis during combustion of distillate fuels.

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LEGISLATIVE REFERENCE BUREAU

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department and the federal environmental ^{protection} agency find that the

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2. The federal environmental protection agency concurs, in writing, with the

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department's finding under subd. 1.

Basford, Sarah

From: Rep.Kerkman
Sent: Thursday, October 17, 2013 1:35 PM
To: LRB.Legal
Subject: Draft Review: LRB -2483/2 Topic: Nitrogen oxide emissions for combustion turbines

Please Jacket LRB -2483/2 for the ASSEMBLY.