

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/24/2013 Received By: btradewe  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Stinebrink  
May Contact: Drafter: btradewe  
Subject: Environment - air quality Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

---

**Pre Topic:**

DOA:.....Stinebrink, BB0244 -

---

**Topic:**

Fees for federal air permit sources

---

**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>
/?	btradewe 1/25/2013			_____			
/P1	btradewe 1/30/2013	scalvin 1/25/2013	phenry 1/25/2013	_____	sbasford 1/25/2013		
/1		scalvin 1/30/2013	jmurphy 1/31/2013	_____	sbasford 1/31/2013		State

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/24/2013 Received By: btradewe  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Stinebrink  
May Contact: Drafter: btradewe  
Subject: Environment - air quality Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

---

**Pre Topic:**

DOA:.....Stinebrink, BB0244 -

---

**Topic:**

Fees for federal air permit sources

---

**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>
/?	btradewe 1/25/2013			_____			
/P1		scalvin 1/25/2013	phenry 1/25/2013	_____	sbasford 1/25/2013		
FE Sent For:		11 sac 01/30/2013	<i>phenry</i> 1/30	<i>scalvin</i> 1/31			

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received: 1/24/2013 Received By: btradewe  
Wanted: As time permits Same as LRB:  
For: Administration-Budget By/Representing: Stinebrink  
May Contact: Drafter: btradewe  
Subject: Environment - air quality Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email:  
Carbon copy (CC) to:

**Pre Topic:**

DOA:.....Stinebrink, BB0244 -

**Topic:**

Fees for federal air permit sources

**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?	btradewe	PI sac 01/25/2013	VGS DH				

FE Sent For:

<END>

## Tradewell, Becky

---

**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: Title V Draft

---

**From:** Stinebrink, Cory R - DOA [<mailto:Cory.Stinebrink@wisconsin.gov>]  
**Sent:** Thursday, January 24, 2013 11:10 AM  
**To:** Tradewell, Becky  
**Subject:** RE: Title V Draft

Becky-

For the Title V Draft, 1053, here is the final decision from the Governor:

Increase the emission fee in FY14 to \$46.71.

Increase the emission fee in FY15 to \$59.81.

Each year thereafter, without any sunset, increase the fee by 4% annually.

Let me know if you have any questions on this.

Thanks,  
Cory



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1313/P1  
RCT...  
sac

In 1/25

Wde

DOA:.....Stinebrink, BB0244 - Fees for federal air permit sources

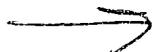
**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

DWV

do not gen

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*



PRELIM

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

2 SECTION 1. 285.69 (2) (a) 1. of the statutes is repealed.

3 SECTION 2. 285.69 (2) (a) 2. of the statutes is repealed.

4 SECTION 3. 285.69 (2) (a) 3. of the statutes is repealed.

5 SECTION 4. 285.69 (2) (a) 5. of the statutes is amended to read:

6 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant  
7 source in excess of 5,000 tons per year of each regulated pollutant, except that,  
8 subject to par. (b), this limitation does not apply to a major utility, as defined in s.

LPS: the text in section 4 doesn't have any striking or scoring in the draft. It's okay.

1 285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42  
2 USC 7651c.

History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 28, 276; 2011 a. 257.

\*\*\*\*NOTE: Will the fees be based on only the first 5,000 tons per year? If so, can the "except" clause be deleted?

3 SECTION 5. 285.69<sup>x</sup> (2) (a) 7. of the statutes is amended to read:

4 285.69 (2) (a) 7. That the fees billed for a stationary source in each year after  
5 2001 and before 2014 are based on the fees billed for the stationary source in 2001.

History: 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 28, 276; 2011 a. 257.

6 SECTION 6. 285.69 (2) (a) 9. of the statutes is repealed.

7 SECTION 7. 285.69<sup>k</sup> (2) (a) 10. of the statutes is repealed.

8 SECTION 8. 285.69<sup>x</sup> (2) (a) 11. of the statutes is repealed.

9 SECTION 9. 285.69<sup>x</sup> (2) (a) 12. of the statutes is created to read:

10 285.69 (2) (a) 12. That the fee billed in 2014 equals \$46.71 per ton of emissions  
11 specified under subd. 8.

12 SECTION 10. 285.69<sup>x</sup> (2) (a) 13. of the statutes is created to read:

13 285.69 (2) (a) 13. That the fee billed in 2015 equals \$59.81 per ton of emissions  
14 specified under subd. 8.

15 SECTION 11. 285.69<sup>x</sup> (2) (a) 14. of the statutes is created to read:

16 285.69 (2) (a) 14. That the amount of the fee per ton of emissions specified under  
17 subd. 8. billed in a year after 2015 is the 104% of the amount of the fee per ton billed  
18 in the previous year. *e 104 percent*

19 SECTION 12. 285.69 (2) (b) of the statutes is amended to read:

20 285.69 (2) (b) The department may not charge a major utility fees on emissions  
21 in excess of 5,000 tons per year of each regulated pollutant beyond the amount  
22 necessary to recover the fees that would have been charged for any phase I affected

*LP 5: SECTION 12 doesnt have any striking or scoring. It's okay.*

1 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition  
2 in par. (a) 6. did not exist.

**History:** 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 28, 276; 2011 a. 257.

\*\*\*\*NOTE: Can this be repealed? If so, s. 285.69 (2) (a) 6. can also be repealed.

**SECTION 13.** 285.69 (2) (d) of the statutes is amended to read:

285.69 (2) (d) The department may promulgate a rule reducing any operation  
5 permit fee required to be paid under par. (a) by small business stationary sources to  
6 take into account the financial resources of small business stationary sources.

**History:** 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 28, 276; 2011 a. 257.

\*\*\*\*NOTE: Is this provision still wanted? If so, s. 285.69 (2) (a) 8. should probably be amended to reflect this provision.

**SECTION 14.** 285.69 (2) (e) of the statutes is amended to read:

285.69 (2) (e) Beginning in 2001 and ending in 2013, the owner or operator of  
9 a stationary source for which an operation permit is required shall pay to the  
10 department an annual fee of 86 cents per ton of actual emissions in the preceding  
11 year of all air contaminants on which the fee under par. (a) is based.

**History:** 1979 c. 34, 221; 1987 a. 27; 1989 a. 56; 1991 a. 39, 269; 1993 a. 16; 1995 a. 27; 1995 a. 227 ss. 495 to 499; Stats. 1995 s. 285.69; 1997 a. 27, 35; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25; 2009 a. 28, 276; 2011 a. 257.

(END)

*Note*

*LPS! SECTION 13  
doesn't have 3  
any striking or  
scoring. It's okay!*

12

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

LRB-1313/P1dn

RCT:.....

SAC

- date -

Cory Stinebrink:

\* This is a preliminary version of the draft increasing the fees for air pollution sources with federally required operation permits. There are notes in the draft raising issues about specific provisions of current law. I included some of the changes in the draft to eliminate obsolete provisions and to try to make it easier to make sense out of s. 285.69 (2). The draft should be reviewed carefully, but expeditiously

Please contact me with any questions and please provide explanations of any changes that are wanted.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

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

LRB-1313/P1dn  
RCT:sac:ph

January 25, 2013

Cory Stinebrink:

This is a preliminary version of the draft increasing the fees for air pollution sources with federally required operation permits. There are notes in the draft raising issues about specific provisions of current law. I included some of the changes in the draft to eliminate obsolete provisions and to try to make it easier to make sense out of s. 285.69 (2). The draft should be reviewed carefully, but expeditiously

Please contact me with any questions and please provide explanations of any changes that are wanted.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)

## Tradewell, Becky

---

**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Tuesday, January 29, 2013 3:34 PM  
**To:** Tradewell, Becky  
**Subject:** 1313 - Title V

**Importance:** High

Becky-

Got some questions/comments on the Title V draft from DNR. Some of these are suggesting things you already have drafted, so pretty much ignore those items. But, here is what DNR says (My additions/comments/questions in red):

1. As a question, DNR wants to know if 285.69(2)(a) is retained relating to promulgation of rules, will this effect (or prohibit) the department's ability to collect fees until the rules are promulgated (i.e. in 2014 or thereafter)?
2. Repeal (2) (a) 1, 2, 3, & 4 (With the exception of 4, already drafted) I have a question under item #4 for a clarification as to why some of these were repealed and others weren't.
  - a. The dept. defers to Becky as to whether or not it is appropriate/necessary to repeal (2) (a) 4- we're comfortable repealing it if Becky is.
3. Repeal (2) (a), 5 starting with the word "except" through "7651c". Answers a question you made note of. I am OK with this.
4. Repeal (2) (a), 6 This question would apply not only to repealing (2)(a)6 but also to repealing (2)(a)4, but I noticed that quite a few of these older and outdated things are being repealed but some aren't. I don't pretend to know why, but I was curious as to the reason behind keeping that one and not others. I don't understand that aspect of this, so if there's a legal issue that could pop up relating to the repeal of these, then definitely keep them in. I am wondering if, for instance, if a back payment issue arises would these need to be retained for something like that?
5. Repeal (2) (a), 7 I will wait to hear what you say about (2)(a)(4).
  - a. The dept. assumes that if (2) (a) 4 stays in, (2) (a) 7 would need to stay as amended too- but we defer to Becky on this question
6. Keep (2) (a), 8 Already drafted that way.
7. Repeal (2) (a) 9, 10 & 11 Already drafted that way.
8. Keep (2) (a) 12, 13 & 14 Just created in this draft.
9. Change (2) (a) 14 to read "*.....after 2015 shall increase 4% over the amount of the fee per ton billed in the previous year.*" Becky, I would say a few things on this: First, it gets to the same place. Second, I think your method is cleaner and simpler. So, I am in favor of not bothering with this. About the only thing I'd comment on is that you may have included a stray "the" in front of 105 percent. Though, as writing bills is a much different language than writing an academic paper, I could be wrong on that.
10. Add "That the fee billed in 2013 equals \$37.51" On this one, I am mostly indifferent. I will have to read up on how the fee is \$35.71 since I don't actually see it laid out as \$37.51 in statute, though I know the LFB Info paper explains it. Let me know what you think as far as any reason or value there would be in including this. DNR said that the reason they wanted this in is to kind of set a baseline of where things are taking off from. But, that seems just more informational to me than necessary.

- a. This language should precede what is currently identified as 2 (a) 12, 13 & 14
- 11. Repeal (2) (b) Answers a question you asked in a note. It's OK with me.
- 12. Keep (2) (d) Also answers a question you asked. I am also OK with this.
  - a. The dept. believes if (2) (d) stays (2) (a) 8 will also need to stay, without amending
- 13. Repeal (2) (e)
  - a. The dept. believes repealing (2) (e) is appropriate, but only if we add "That the fee billed in 2013 equals \$37.51" as outlined in #10 above. Otherwise keep (2) (e) as is, with amended language I will refer again to my indifference on 2013 fees from item #10.

## Tradewell, Becky

---

**From:** Stinebrink, Cory R - DOA <Cory.Stinebrink@wisconsin.gov>  
**Sent:** Tuesday, January 29, 2013 4:12 PM  
**To:** Tradewell, Becky  
**Subject:** RE: 1313 - Title V

OK. That go ahead. Feel free to add the language about what 2013 fees are as DNR suggests and make the other changes you mention in response to DNR's comments and that should be about all we'd need.

Thanks,  
Cory

---

**From:** Tradewell, Becky [mailto:Becky.Tradewell@legis.wisconsin.gov]  
**Sent:** Tuesday, January 29, 2013 4:10 PM  
**To:** Stinebrink, Cory R - DOA  
**Subject:** RE: 1313 - Title V

Cory,

I don't think that keeping the language in s. 285.69 (2) (a) about promulgation of rules will affect DNR's ability to collect the fee because they already have rules for the payment and collection of this fee.

I didn't repeal subd. 4 because I thought the statutes should give some idea of how the 2013 fees are determined. I think that it's good for the statutes to show the 2013 fees because we are still in 2013, even if the date for paying the fees has passed by the time the budget takes effect. I like the idea of specifying the amount of the 2013 fee as DNR suggests. If that is done, subd. 4 should be repealed as should subd. 7.

I didn't repeal subd. 6 because it is referred to in par. (b) and I didn't know whether par. (b) could be repealed. I will repeal both in the redraft.

Let me know if you still have questions or whether I should go ahead and redraft.

Becky

---

**From:** Stinebrink, Cory R - DOA [mailto:Cory.Stinebrink@wisconsin.gov]  
**Sent:** Tuesday, January 29, 2013 3:34 PM  
**To:** Tradewell, Becky  
**Subject:** 1313 - Title V  
**Importance:** High

Becky-

Got some questions/comments on the Title V draft from DNR. Some of these are suggesting things you already have drafted, so pretty much ignore those items. But, here is what DNR says (My additions/comments/questions in red):

- ✓ 1. As a question, DNR wants to know if 285.69(2)(a) is retained relating to promulgation of rules, will this effect (or prohibit) the department's ability to collect fees until the rules are promulgated (i.e. in 2014 or thereafter)?
- ✓ 2. Repeal (2) (a) 1, 2, 3, & 4 (With the exception of 4, already drafted) I have a question under item #4 for a clarification as to why some of these were repealed and others weren't.
  - a. The dept. defers to Becky as to whether or not it is appropriate/necessary to repeal (2) (a) 4- we're comfortable repealing it if Becky is.

- ✓ 3. Repeal (2) (a), 5 starting with the word "except" through "7651c". Answers a question you made note of. I am OK with this.
- ✓ 4. Repeal (2) (a), 6 This question would apply not only to repealing (2)(a)6 but also to repealing (2)(a)4, but I noticed that quite a few of these older and outdated things are being repealed but some aren't. I don't pretend to know why, but I was curious as to the reason behind keeping that one and not others. I don't understand that aspect of this, so if there's a legal issue that could pop up relating to the repeal of these, then definitely keep them in. I am wondering if, for instance, if a back payment issue arises would these need to be retained for something like that?
- ✓ 5. Repeal (2) (a), 7 I will wait to hear what you say about (2)(a)4.  
a. The dept. assumes that if (2) (a) 4 stays in, (2) (a) 7 would need to stay as amended too- but we defer to Becky on this question
- ✓ 6. Keep (2) (a), 8 Already drafted that way.
- ✓ 7. Repeal (2) (a) 9, 10 & 11 Already drafted that way.
- ✓ 8. Keep (2) (a) 12, 13 & 14 Just created in this draft.
- No per copy*  
✓ 9. Change (2) (a) 14 to read "*.....after 2015 shall increase 4% over the amount of the fee per ton billed in the previous year.*" Becky, I would say a few things on this: First, it gets to the same place. Second, I think your method is cleaner and simpler. So, I am in favor of not bothering with this. About the only thing I'd comment on is that you may have included a stray "the" in front of 105 percent. Though, as writing bills is a much different language than writing an academic paper, I could be wrong on that.
- ✓ 10. Add "That the fee billed in 2013 equals \$37.51" On this one, I am mostly indifferent. I will have to read up on how the fee is \$35.71 since I don't actually see it laid out as \$37.51 in statute, though I know the LFB Info paper explains it. Let me know what you think as far as any reason or value there would be in including this. DNR said that the reason they wanted this in is to kind of set a baseline of where things are taking off from. But, that seems just more informational to me than necessary.  
a. This language should precede what is currently identified as 2 (a) 12, 13 & 14
- ✓ 11. Repeal (2) (b) Answers a question you asked in a note. It's OK with me.
- ✓ 12. Keep (2) (d) Also answers a question you asked. I am also OK with this.  
a. The dept. believes if (2) (d) stays (2) (a) 8 will also need to stay, without amending
- No note*  
✓ 13. Repeal (2) (e)  
a. The dept. believes repealing (2) (e) is appropriate, but only if we add "That the fee billed in 2013 equals \$37.51" as outlined in #10 above. Otherwise keep (2) (e) as is, with amended language I will refer again to my indifference on 2013 fees from item #10.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1313/01

RCT:sac:rh

IN 1/30

VMY

DOA:.....Stinebrink, BB0244 – Fees for federal air permit sources

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

NOTE

1 AN ACT *do not gen*; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

*Analysis insert*

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:*

2 SECTION 1. 285.69 (2) (a) 1. <sup>x</sup> of the statutes is repealed.

3 SECTION 2. 285.69 (2) (a) 2. <sup>x</sup> of the statutes is repealed.

4 SECTION 3. 285.69 (2) (a) 3. <sup>x</sup> of the statutes is repealed.

*Insert 1-54*

SECTION 4. 285.69 (2) (a) 5. <sup>x</sup> of the statutes is amended to read:

6 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant

7  
8

source in excess of 5,000 tons per year of each regulated pollutant, ~~except that,~~

~~subject to par. (b), this limitation does not apply to a major utility, as defined in s.~~

1 ~~285.41-(1)(f), that owns or operates a phase I affected unit as listed in Table A of 42~~

2 ~~USC 7651c~~

\*\*\*\*NOTE: Will the fees be based on only the first 5,000 tons per year? If so, can the "except" clause be deleted?

Insert  
2-2

~~SECTION 5. 285.69 (2) (a) 7. of the statutes is amended to read:~~

285.69 (2) (a) 7. That the fees billed for a stationary source in each year after 2001 and before 2014 are based on the fees billed for the stationary source in 2001.

SECTION 6. 285.69 (2) (a) 9. of the statutes is repealed.

SECTION 7. 285.69 (2) (a) 10. of the statutes is repealed.

SECTION 8. 285.69 (2) (a) 11. of the statutes is repealed.

Insert  
2-8

SECTION 9. 285.69 (2) (a) <sup>13</sup>~~12~~. of the statutes is created to read:

285.69 (2) (a) <sup>13</sup>~~12~~. That the fee billed in 2014 equals \$46.71 per ton of emissions specified under subd. 8.

SECTION 10. 285.69 (2) (a) <sup>14</sup>~~13~~. of the statutes is created to read:

285.69 (2) (a) <sup>14</sup>~~13~~. That the fee billed in 2015 equals \$59.81 per ton of emissions specified under subd. 8.

SECTION 11. 285.69 (2) (a) <sup>15</sup>~~14~~. of the statutes is created to read:

285.69 (2) (a) <sup>15</sup>~~14~~. That the amount of the fee per ton of emissions specified under subd. 8. billed in a year after 2015 is the 104 percent of the amount of the fee per ton billed in the previous year.

SECTION 12. 285.69 (2) (b) of the statutes is amended to read:

285.69 (2) (b) The department may not charge a major utility fees on emissions in excess of 5,000 tons per year of each regulated pollutant beyond the amount necessary to recover the fees that would have been charged for any phase I affected

1 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition  
2 in par. (a) 6. did not exist.

\*\*\*NOTE: Can this be repealed? If so, s. 285.69 (2) (a) 6. can also be repealed.

3 SECTION 13. 285.69 (2) (d) of the statutes is amended to read:

4 285.69 (2) (d) The department may promulgate a rule reducing any operation  
5 permit fee required to be paid under par. (a) by small business stationary sources to  
6 take into account the financial resources of small business stationary sources.

\*\*\*NOTE: Is this provision still wanted? If so, s. 285.69 (2) (a) 8. should probably  
be amended to reflect this provision.

7 SECTION 14. 285.69 (2) (e) of the statutes is amended to read:

8 285.69 (2) (e) Beginning in 2001 and ending in <sup>2012</sup>~~2013~~, the owner or operator of  
9 a stationary source for which an operation permit is required shall pay to the  
10 department an annual fee of 86 cents per ton of actual emissions in the preceding  
11 year of all air contaminants on which the fee under par. (a) is based.

12 (END)

Insert  
3-6

Note

1           **Analysis insert**

**ENVIRONMENT**

**AIR QUALITY**

The federal government has delegated to DNR the authority to administer the federal Clean Air Act in this state. The Clean Air Act requires operators of certain stationary sources of air pollution, such as large factories, to have operation permits (federal operation permits). State law requires operators of additional stationary sources of air pollution to have operation permits (state operation permits). Generally, current law requires an operator who has a federal operation permit to pay an annual fee of \$35.71 per ton of certain pollutants emitted in the previous year, subject to a cap.

This bill increases the amount of the annual fee imposed on operators who have federal operation permits to \$46.71 per ton in 2014 and \$59.81 per ton in 2015. After 2015, the ~~annual~~ fee per ton is increased by 4 percent annually.

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

2           **Insert 1-4**

3           **SECTION 1.** 285.69<sup>✓</sup> (2) (a) 4. of the statutes is repealed.

4           **Insert 2-2**

5           **SECTION 2.** 285.69<sup>✓</sup> (2) (a) 6. of the statutes is repealed.

6           **SECTION 3.** 285.69<sup>✓</sup> (2) (a) 7. of the statutes is repealed.

7           **Insert 2-8**

8           **SECTION 4.** 285.69 (2) (a) 12.<sup>✓</sup> of the statutes is created to read:

9           285.69 (2) (a) 12. That the fee billed in 2013 equals \$37.51 per ton of emissions  
10 specified in subd. 8.

11           **Insert 3-6**

12           **SECTION 5.** 285.69 (2) (b) of the statutes is repealed.

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

LRB-1313/1dn

RCT:/:....

*SAC*

*- date -*

Cory:

This is the redraft of the federal air permit (Title V) fee proposal. Note that I did not repeal s. 285.69 (2) (e) because there are ~~numerous~~ <sup>several</sup> cross-references to that provision, including in all of the relevant appropriations. I did change the last year in which that fee applies to 2012.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.wisconsin.gov

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

LRB-1313/1dn  
RCT:sac:jm

Jan 31, 2013

Cory:

This is the redraft of the federal air permit (Title V) fee proposal. Note that I did not repeal s. 285.69 (2) (e) because there are cross-references to that provision, including in all of the relevant appropriations. I did change the last year in which that fee applies to 2012.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: [becky.tradewell@legis.wisconsin.gov](mailto:becky.tradewell@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1313/1

RCT:sac:jm

DOA:.....Stinebrink, BB0244 – Fees for federal air permit sources

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to:** the budget.

---

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT**

**AIR QUALITY**

The federal government has delegated to DNR the authority to administer the federal Clean Air Act in this state. The Clean Air Act requires operators of certain stationary sources of air pollution, such as large factories, to have operation permits (federal operation permits). State law requires operators of additional stationary sources of air pollution to have operation permits (state operation permits). Generally, current law requires an operator who has a federal operation permit to pay an annual fee of \$35.71 per ton of certain pollutants emitted in the previous year, subject to a cap.

This bill increases the amount of the annual fee imposed on operators who have federal operation permits to \$46.71 per ton in 2014 and \$59.81 per ton in 2015. After 2015, the fee per ton is increased by 4 percent annually.

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.** 285.69 (2) (a) 1. of the statutes is repealed.

2           **SECTION 2.** 285.69 (2) (a) 2. of the statutes is repealed.

3           **SECTION 3.** 285.69 (2) (a) 3. of the statutes is repealed.

4           **SECTION 4.** 285.69 (2) (a) 4. of the statutes is repealed.

5           **SECTION 5.** 285.69 (2) (a) 5. of the statutes is amended to read:

6           285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant  
7 source in excess of 5,000 tons per year of each regulated pollutant, ~~except that,~~  
8 ~~subject to par. (b), this limitation does not apply to a major utility, as defined in s.~~  
9 ~~285.41 (1) (f), that owns or operates a phase I affected unit as listed in Table A of 42~~  
10 ~~USC 7651e.~~

11           **SECTION 6.** 285.69 (2) (a) 6. of the statutes is repealed.

12           **SECTION 7.** 285.69 (2) (a) 7. of the statutes is repealed.

13           **SECTION 8.** 285.69 (2) (a) 9. of the statutes is repealed.

14           **SECTION 9.** 285.69 (2) (a) 10. of the statutes is repealed.

15           **SECTION 10.** 285.69 (2) (a) 11. of the statutes is repealed.

16           **SECTION 11.** 285.69 (2) (a) 12. of the statutes is created to read:

17           285.69 (2) (a) 12. That the fee billed in 2013 equals \$37.51 per ton of emissions  
18 specified under subd. 8.

19           **SECTION 12.** 285.69 (2) (a) 13. of the statutes is created to read:

20           285.69 (2) (a) 13. That the fee billed in 2014 equals \$46.71 per ton of emissions  
21 specified under subd. 8.

22           **SECTION 13.** 285.69 (2) (a) 14. of the statutes is created to read:

23           285.69 (2) (a) 14. That the fee billed in 2015 equals \$59.81 per ton of emissions  
24 specified under subd. 8.

25           **SECTION 14.** 285.69 (2) (a) 15. of the statutes is created to read:

