



**WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO**

2011 Wisconsin Act 122
[2011 Senate Bill 138]

**Agricultural Waste Emissions and
Partial Suspension of Department
of Natural Resources Rules**

2011 Wisconsin Act 122 specifies that the Department of Natural Resources (DNR) may not regulate the emission of hazardous air contaminants associated with agricultural waste except to the extent required by federal law.

2011 Wisconsin Act 122 is the enactment of 2011 Senate Bill 138, a bill introduced by the Joint Committee for Review of Administrative Rules (JCRAR) in support of its temporary, partial suspension of ss. NR 406.04 (3) (e), 407.03 (2) (d), 445.08 (3) (c), and 445.08 (6) (d), Wis. Adm. Code.

On May 24, 2011, JCRAR held an executive session on ss. NR 406.04 (3) (e), 407.03 (2) (d), 445.08 (3) (c), and 445.08 (6) (d), Wis. Adm. Code, and passed the following motion:

That the Joint Committee for Review of Administrative Rules suspend the following provisions included in Ch. NR 406, 407 & 445, pursuant to s. 227.26 (2) (d), Stats., effective May 24, 2011, on the basis of testimony received at its April 27, 2011 meeting, and on the grounds that these provisions included in Ch. NR 406, 407 & 445 impose an undue hardship on Wisconsin's dairy industry as stated in s. 227.19 (4) (d) 6.

406.04(3)(e): *For the purposes of determining emissions under sub.(2)(f), the owner or operator of a sources is not required to consider emissions of hazardous air contaminants associated with agricultural waste ~~prior to July 31, 2011.~~*

407.03(2)(d): *The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a*

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

source is not required to consider emission of hazardous air contaminants associated with agricultural wastes ~~prior to July 31, 2011.~~

445.08(3)(c): Entire provision

445.08(6)(d):

~~1. The owner or operator of a source with emissions of hazardous air contaminants associated with agricultural waste and constructed or last modified on or after July 31, 2011, shall achieve compliance with any applicable requirements in s. NR 445.07 in accordance with either s. NR 445.08 (2) or (3) (c) for the agricultural waste upon startup of the source.~~

~~2. Emissions of hazardous air contaminants associated with agricultural waste from a source constructed or last modified prior to July 31, 2011, are exempt from the requirements in this chapter until July 31, 2011. Subsequently, the owner or operator of the source shall do both of the following if non-exempt, potential to emit emissions of a hazardous air contaminant from agricultural waste are greater than an applicable threshold in column (c), (d), (e) or (f) of Table A of s. NR 445.07:~~

~~a. Achieve compliance with applicable requirements in s. NR 445.07 in accordance with either s. NR 445.08 (2) or (3) (c) no later than July 31, 2011.~~

~~b. Submit the required information in accordance with sub. (7) (b).~~

Pursuant to s. 227.26 (2) (i), Stats., portions of the administrative code suspended by JCRAR are repealed when a bill in support of the JCRAR suspension becomes law, and may not be promulgated again until a subsequent law specifically authorizes such action.

Effective date: 2011 Wisconsin Act 122 takes effect on March 22, 2012.

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March 23, 2012

SG:jb;ksm