



2011 ASSEMBLY BILL 160

May 27, 2011 - Introduced by JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. Referred to Committee on Natural Resources.

1 **AN ACT** *to renumber* 285.21 (4); and *to create* 285.21 (4) (a) and 285.21 (4) (c)
2 of the statutes; **relating to:** ambient air quality standards established by the
3 Department of Natural Resources and the suspension of a rule promulgated by
4 the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act (CAA), the Environmental Protection Agency (EPA) has established national ambient air quality standards (NAAQS) for each of six air pollutants. Under current state law, when EPA establishes an NAAQS for a pollutant, the Department of Natural Resources (DNR) must promulgate by rule a similar standard that may not be more restrictive than the federal standard. Generally, the EPA establishes two types of standards. Standards that are established to protect public health are primary standards and standards that are established to protect public welfare are secondary standards.

Current law provides that if EPA modifies an NAAQS that was in effect on April 30, 1980, DNR must alter the corresponding state standard unless it finds that the modified standard would not provide adequate protection for public health and welfare. This bill provides that the requirement that DNR alter a corresponding state standard does not authorize DNR to alter any state secondary standard so that it is more restrictive than the corresponding federal standard.

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

