



2015 SENATE BILL 23

February 5, 2015 – Introduced by Senators LASEE, LAZICH, NASS, ROTH and TIFFANY, cosponsored by Representatives CRAIG, CZAJA, BORN, BRANDTJEN, E. BROOKS, HUTTON, JACQUE, JARCHOW, KLEEFISCH, KNODL, KNUDSON, KOOYENGA, KREMER, KRUG, KULP, T. LARSON, MURSAU, A. OTT, SANFELIPPO, SWEARINGEN, THIESFELDT and TITTL. Referred to Committee on Natural Resources and Energy.

1 **AN ACT to create** 285.27 (5) of the statutes; **relating to:** regulating air pollution
2 from residential and commercial wood heaters.

Analysis by the Legislative Reference Bureau

The federal Clean Air Act requires the federal Environmental Protection Agency (EPA) to establish regulations (called new source performance standards) to limit air pollution from categories of air pollution sources that cause or contribute significantly to air pollution that may endanger public health or welfare. A new source performance standard does not apply to a source that is in existence when EPA establishes the standard. The Clean Air Act authorizes EPA to delegate to a state the authority to implement and enforce the new source performance standards.

In 1988, EPA established a new source performance standard for certain wood-burning appliances used for residential heating, commonly called residential wood stoves. In 2014, EPA proposed changes that would apply the new source performance standard to more residential wood stoves and make it more stringent.

Current state law provides that, when EPA promulgates a new source performance standard, the Department of Natural Resources (DNR) must promulgate by rule a new source performance standard, which must be no more restrictive than EPA's standard. DNR promulgated a new source performance standard for residential wood stoves in 1990.

This bill prohibits DNR from promulgating a rule, or enforcing a federal regulation, that specifies a new source performance standard or other emission standard for residential or commercial wood stoves that is more stringent than any new source performance standard in effect on December 31, 2014.

