



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4287/1
ZDW:emw

2017 SENATE BILL 466

October 18, 2017 - Introduced by Senators LEMAHIEU, STROEBEL and WANGGAARD, cosponsored by Representatives KREMER, KATZMA, VORPAGEL, ALLEN, BORN, R. BROOKS, GANNON, HORLACHER, JACQUE, JARCHOW, KNODL, KUGLITSCH, MURPHY and SKOWRONSKI. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT to renumber** 285.72; **to amend** 20.370 (2) (ce) and 285.72 (title); and **to**
2 **create** 285.72 (2) of the statutes; **relating to:** prohibiting the funding and use
3 of the Sheboygan Kohler-Andrae air quality monitor.

Analysis by the Legislative Reference Bureau

Current federal regulation requires each state to submit to the U.S. Environmental Protection Agency an annual monitoring network plan documenting the establishment and maintenance of an air quality surveillance system consisting of individual monitoring stations meeting specified criteria. States are required to submit ambient air quality data collected by the monitoring network to the U.S. EPA quarterly.

This bill prohibits the Department of Natural Resources from including the air monitoring site located at Kohler-Andrae State Park in Sheboygan County in the annual monitoring network plan, beginning with the plan submitted in 2018. Under the bill, upon U.S. EPA approval of the state's monitoring network plan, DNR is required to cease funding the operation and maintenance of the Kohler-Andrae air monitoring site and to cease collecting data from the site.

The bill also requires DNR to request a waiver of the relevant provisions of the federal Clean Air Act relating to the state implementation plan that may be implicated by discontinuing the use of the air monitoring site located at Kohler-Andrae State Park in Sheboygan County. Current federal regulation requires each state to submit to the U.S. EPA a plan that provides for the implementation, maintenance, and enforcement of primary ambient air quality standards.

SENATE BILL 466

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.** 20.370 (2) (ce) of the statutes is amended to read:

2 20.370 (2) (ce) *Air quality monitoring station.* Biennially, the amounts in the
3 schedule for the air quality monitoring station under s. 285.72 (1).

4 **SECTION 2.** 285.72 (title) of the statutes is amended to read:

5 **285.72 (title) Air quality monitoring station stations.**

6 **SECTION 3.** 285.72 of the statutes is renumbered 285.72 (1).

7 **SECTION 4.** 285.72 (2) of the statutes is created to read:

8 285.72 (2) (a) The department may not include the air monitoring site located
9 at Kohler-Andrae State Park in Sheboygan County in the state's monitoring
10 network plan required under 40 CFR 58.10.

11 (b) The department shall request a waiver of the relevant provisions of the
12 federal Clean Air Act relating to the state implementation plan, as required under
13 42 USC 7410, that may be implicated by discontinuing the use of the air monitoring
14 site located at Kohler-Andrae State Park in Sheboygan County.

15 **SECTION 5. Nonstatutory provisions.**

16 (1) Upon approval by the federal environmental protection agency of the state's
17 monitoring network plan that does not include the air monitoring site located at
18 Kohler-Andrae State Park in Sheboygan County, the department of natural
19 resources shall cease funding the operation and maintenance of the air monitoring
20 site located at Kohler-Andrae State Park in Sheboygan County and shall cease
21 collecting data from the air monitoring site.

