

1999 DRAFTING REQUEST**Bill**Received: **09/18/98**Received By: **traderc**Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**By/Representing: **Etzler**This file may be shown to any legislator: **NO**Drafter: **traderc**May Contact: **DNR**

Alt. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Topic:

DOA:.....Etzler - Stationary source air pollution fee increase

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	traderc 12/9/98	chanaman 12/9/98	martykr 12/10/98	_____	lrb_docadmin 12/10/98		S&L
/2	traderc 01/4/99	chanaman 01/4/99	jfrantze 01/4/99	_____	lrb_docadmin 01/4/99		S&L

FE Sent For:

<END>

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/1	traderc 12/9/98	chanaman 12/9/98	martykr 12/10/98	_____	lrb_docadmin 12/10/98		S&L

FE Sent For:

COMM 1/4
12 1/4 jlg
JB 1/4
JP 1/4
 <END>

1999 DRAFTING REQUEST

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1?	traderc	CMH 12/9 /	JM 12/9	HH 12/9 JM 12/9			
		1 12/9 jlg					

FE Sent For:

<END>

1999 DRAFTING REQUEST

Bill

Received: **09/18/98**

Received By: **traderc**

Wanted: **As time permits**

Identical to LRB:

For: **Natural Resources**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Topic:

Stationary source air pollution fee increase

Instructions:

See Attached

Drafting History:

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/?	traderc			_____			

FE Sent For:

<END>

Statutory Language Proposals

Division: Air and Waste

Subprograms: Air Management

Issue/Topic: Stationary Source Air Pollution Fee Increase

Proposed Change: The Department proposes to amend Wis. Stat. s. 285.69 (2) to increase the fees collected from owners or operators of stationary sources of air pollution required to have an operating permit.

Explanatory Note: Currently, the Department's air management subprogram is avoiding a deficit in its stationary source operating permit program only through severe spending reduction measures that are adversely affecting compliance and enforcement, technical analyses and assistance, state implementation plan development, air monitoring, and public education activities. A fee increase will allow the program to generate revenue sufficient to meet the current expenditure authority and add staff to address the significant backlog of federal and state operation permits.

Desired Effective Date: Upon publication.

Contact Person: Eric Ebersberger, MB/5, 266-0818; Jon Heinrich, AM/7, 267-7547

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration

Date: December 7, 1998

To: Steve Miller
Legislative Reference Bureau

From: John M. Etzler *JME*
Budget and Policy Analyst

Subject: Statutory Language Changes

Please draft legislation for the budget that would allow for the following:

1. Amend s. 285.69 to allow the Department of Natural Resources to collect a facility fee based on the tonnage of emissions produced by a facility. The facility fee would be divided into five categories with the following fee amounts:

Emissions Emitted	Fee
5-25 tons	\$50
26-100 tons	\$500
101-250 tons	\$2,000
251-4000 tons	\$4,000
Greater than 4000 tons	\$4,000

2. Amend statutes to increase the level of billable emissions, for NO_x and SO₂ emissions, from its current level of 4,000 tons to 5,000 tons.

Please call me at 266-1039 if you have any questions or concerns.

cc: David Schmiedicke



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0237/1

RCT.....

soa

cmr
+
jlg

DOA:.....Etzler - Stationary source air pollution fee increase

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

DNote

1

*don't
get
out*
AN ACT ...; relating to: the budget. ✓

Analysis by the Legislative Reference Bureau

ENVIRONMENT ✓

AIR QUALITY ✓

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from the department of natural resources (DNR) is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This bill increases cap on the current stationary source fee to 5,000 tons per year for emissions of oxides of nitrogen and sulfur dioxide. The bill establishes a new facility fee for stationary sources that omit a total of at least ^{five} 5 tons of the pollutants on which the current fee is based. The fee ranges from \$50 to \$4,000, depending on the total amount of those pollutants emitted.

For further information see the *state and local* 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^x (2) (bg) of the statutes is amended to read:

2 20.370 (2) (bg) *Air management — stationary sources.* The amounts in the
3 schedule for purposes related to stationary sources of air contaminants as specified
4 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)
5 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees
6 imposed under s. 285.69 (2) (a) and (e)^{✓✓}, except moneys appropriated under subs. (3)
7 (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69
8 (7) shall be credited to this appropriation.

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. **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. **History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

9 **SECTION 2.** 20.370 (3) (bg) of the statutes is amended to read:

10 20.370 (3) (bg) *Enforcement — stationary sources.* From the general fund, from
11 the moneys received from fees imposed, under s. 285.69 (2) (a) and (e)^{✓✓}, the amounts
12 in the schedule for enforcement operations related to stationary sources of air
13 contaminants.

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. **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. **History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

14 **SECTION 3.** 20.370 (8) (mg) of the statutes is amended to read:

15 20.370 (8) (mg) *General program operations — stationary sources.* From the
16 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
17 (e)[✓], the amounts in the schedule for the administration of the operation permit
18 program under ch. 285 and s. 299.15.

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. **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. **History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss.

7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271, 295 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

1 **SECTION 4. 20.370 (9) (mh)** of the statutes is amended to read:

2 **20.370 (9) (mh) General program operations — stationary sources.** From the
3 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
4 (e), the amounts in the schedule for customer service, communications and aids
5 administration for the operation permit program under ch. 285 and s. 299.15.

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. **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. **History:** 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248.

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

7 **285.69 (2) (a) 5.** That fees are not based on emissions by an air contaminant
8 source in excess of 5,000 tons per year of oxides of nitrogen or sulfur dioxide or 4,000
9 tons per year of each any other regulated pollutant, except that, subject to par. (b),
10 this limitation does not apply to a major utility, as defined in s. 285.41 (1) (f), that
11 owns or operates a phase I affected unit as listed in Table A of 42 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. **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. **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.

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

13 **285.69 (2) (b)** The department may not charge a major utility fees under par.
14 (a) on emissions in excess of 5,000 tons per year of oxides of nitrogen or sulfur dioxide
15 or 4,000 tons per year of each any other regulated pollutant beyond the amount
16 necessary to recover the fees that would have been charged for any phase I affected
17 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
18 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. **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.

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. 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.

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. 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. 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. 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.

1 SECTION 5. 285.69 (2) (c) (intro.) of the statutes is amended to read:
2 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
3 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
4 for the following:

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. 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. 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.

5 SECTION. 285.69 (2) (e) of the statutes is created to read:

6 285.69 (2) (e) The owner or operator of a stationary source for which an
7 operating permit is required shall pay to the department an annual facility fee based
8 on the total amount of actual emissions in the preceding year of all air contaminants
9 on which the fee under par. (a) is based, if the total amount of those emissions is 5
10 tons or more. The amount of the fee is as follows:

- 11 1. If the total amount of emissions is at least 5 tons but does not exceed 25 tons,
12 \$50.
- 13 2. If the total amount of emissions exceeds 25 tons but does not exceed 100 tons,
14 \$500.
- 15 3. If the total amount of emissions exceeds 100 tons but does not exceed 250
16 tons, \$2,000.
- 17 4. If the total amount of emissions exceeds 250 tons, \$4,000.

18 (END)

DNote

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

LRB-0237/1dn

RCT.....

cmf
+
jlg

John Etzler:

Please review this draft carefully to ensure that it complies with your intent.

I have not provided a copy of this draft to DNR.

Rebecca C. Tradewell
Assistant Chief Counsel
266-7290

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

LRB-0237/1dn
RCT:cmh&jlg:km

December 9, 1998

John Etzler:

Please review this draft carefully to ensure that it complies with your intent.
I have not provided a copy of this draft to DNR.

Rebecca C. Tradewell
Assistant Chief Counsel
266-7290

Tradewell, Becky

From: Etzler, John [John.Etzler@doa.state.wi.us]
Sent: Monday, January 04, 1999 9:29 AM
To: Tradewell, Becky
Subject: LRB 0237

Becky -- Following, is the facility fee being proposed by the Governor:

Tons Emitted	Fee Assessed
5-25	\$50
26-100	\$650
101-250	\$2,000
251-4000	\$7,000
<4000	\$20,0000

In addition, the increase to a 5,000 cap in allowable emissions that was proposed earlier is to be eliminated from the draft. So far, everything else in the draft looks good. Thanks for your help.

BTW -- LRB draft 0238 (Open Burning) will not be included as part of the Governor's budget initiative.

Please let me know if you have any questions or concerns.



State of Wisconsin
1999 - 2000 LEGISLATURE

5000

LRB-023712
RCT:cmh&jlg:km

redraft
make
run

DOA:.....Etzler - Stationary source air pollution fee increase

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

1

don't get
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from the department of natural resources (DNR) is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This
~~This bill increases cap on the current stationary source fee to 5,000 tons per year for emissions of oxides of nitrogen and sulfur dioxide. The bill establishes a new facility fee for stationary sources that emit a total of at least five tons of the pollutants on which the current fee is based. The fee ranges from \$50 to \$4,000, depending on the total amount of those pollutants emitted.~~
\$20,000

For further information see the *state and local* 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:

*
✓ emit

1 **SECTION 1.** 20.370 (2) (bg) of the statutes is amended to read:

2 20.370 (2) (bg) *Air management — stationary sources.* The amounts in the
3 schedule for purposes related to stationary sources of air contaminants as specified
4 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)
5 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees
6 imposed under s. 285.69 (2) (a) and (e), except moneys appropriated under subs. (3)
7 (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69
8 (7) shall be credited to this appropriation.

9 **SECTION 2.** 20.370 (3) (bg) of the statutes is amended to read:

10 20.370 (3) (bg) *Enforcement — stationary sources.* From the general fund, from
11 the moneys received from fees imposed, under s. 285.69 (2) (a) and (e), the amounts
12 in the schedule for enforcement operations related to stationary sources of air
13 contaminants.

14 **SECTION 3.** 20.370 (8) (mg) of the statutes is amended to read:

15 20.370 (8) (mg) *General program operations — stationary sources.* From the
16 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
17 (e), the amounts in the schedule for the administration of the operation permit
18 program under ch. 285 and s. 299.15.

19 **SECTION 4.** 20.370 (9) (mh) of the statutes is amended to read:

20 20.370 (9) (mh) *General program operations — stationary sources.* From the
21 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
22 (e), the amounts in the schedule for customer service, communications and aids
23 administration for the operation permit program under ch. 285 and s. 299.15.

24 ~~**SECTION 5.** 285.69 (2) (a) 5. of the statutes is amended to read,~~ ✓

1 285.69 (2) (a) 5. That fees are not based on emissions by an air contaminant
2 source in excess of 5,000 tons per year of oxides of nitrogen or sulfur dioxide or 4,000
3 tons per year of ~~each~~ any other regulated pollutant, except that, subject to par. (b),
4 this limitation does not apply to a major utility, as defined in s. 285.41 (1) (f), that
5 owns or operates a phase I affected unit as listed in Table A of 42 USC 7651c.

6 **SECTION 6.** 285.69 (2) (b) of the statutes is amended to read:

7 285.69 (2) (b) The department may not charge a major utility fees under par.
8 (a) on emissions in excess of 5,000 tons per year of oxides of nitrogen or sulfur dioxide
9 or 4,000 tons per year of each any other regulated pollutant beyond the amount
10 necessary to recover the fees that would have been charged for any phase I affected
11 unit listed in Table A of 42 USC 7651c owned by that major utility if the prohibition
12 in par. (a) 6. did not exist.

13 **SECTION 7.** 285.69 (2) (c) (intro.) of the statutes is amended to read:

14 285.69 (2) (c) (intro.) The fees collected under ~~par.~~ pars. (a) and (e) shall be
15 credited to the appropriations under s. 20.370 (2) (bg), (3) (bg), (8) (mg) and (9) (mh)
16 for the following:

17 **SECTION 8.** 285.69 (2) (e) of the statutes is created to read:

18 285.69 (2) (e) The owner or operator of a stationary source for which an
19 operation permit is required shall pay to the department an annual facility fee based
20 on the total amount of actual emissions in the preceding year of all air contaminants
21 on which the fee under par. (a) is based, if the total amount of those emissions is 5
22 tons or more. The amount of the fee is as follows:

- 23 1. If the total amount of emissions is at least 5 tons but does not exceed 25 tons,
24 \$50.



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-0237/2
RCT:cmh&jlg:jf

DOA:.....Etzler - Stationary source air pollution fee increase

FOR 1999-01 BUDGET -- NOT READY FOR INTRODUCTION

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

Analysis by the Legislative Reference Bureau

ENVIRONMENT

AIR QUALITY

Under current law, the owner or operator of a stationary source of air pollution who must obtain an air pollution control permit from the department of natural resources (DNR) is required to pay an annual fee to DNR. The fee is a specified amount per ton of certain air pollutants emitted by the stationary source in the preceding year, except that an owner or operator is generally not required to pay the fee for emissions of any pollutant in excess of 4,000 tons per year.

This bill establishes a new facility fee for stationary sources that emit a total of at least five tons of the pollutants on which the current fee is based. The fee ranges from \$50 to \$20,000, depending on the total amount of those pollutants emitted.

For further information see the *state and local* 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:

2 SECTION 1. 20.370 (2) (bg) of the statutes is amended to read:

1 20.370 (2) (bg) *Air management — stationary sources*. The amounts in the
2 schedule for purposes related to stationary sources of air contaminants as specified
3 in s. 285.69 (2) (c) and to transfer the amounts appropriated under s. 20.143 (1) (kc)
4 to the appropriation account under s. 20.143 (1) (kc). All moneys received from fees
5 imposed under s. 285.69 (2) (a) and (e), except moneys appropriated under subs. (3)
6 (bg), (8) (mg) and (9) (mh), and all moneys received from fees imposed under s. 285.69
7 (7) shall be credited to this appropriation.

8 **SECTION 2.** 20.370 (3) (bg) of the statutes is amended to read:

9 20.370 (3) (bg) *Enforcement — stationary sources*. From the general fund, from
10 the moneys received from fees imposed, under s. 285.69 (2) (a) and (e), the amounts
11 in the schedule for enforcement operations related to stationary sources of air
12 contaminants.

13 **SECTION 3.** 20.370 (8) (mg) of the statutes is amended to read:

14 20.370 (8) (mg) *General program operations — stationary sources*. From the
15 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
16 (e), the amounts in the schedule for the administration of the operation permit
17 program under ch. 285 and s. 299.15.

18 **SECTION 4.** 20.370 (9) (mh) of the statutes is amended to read:

19 20.370 (9) (mh) *General program operations — stationary sources*. From the
20 general fund, from the moneys received from fees imposed under s. 285.69 (2) (a) and
21 (e), the amounts in the schedule for customer service, communications and aids
22 administration for the operation permit program under ch. 285 and s. 299.15.

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

