

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2542/1dn
RCT:kmg:rs

April 29, 2003

Maribeth Witzel-Behl:

This is a draft of the proposal to limit the location of ethanol plants. I made the draft a prohibition on DNR issuing an air pollution control permit for an ethanol plant within 5 miles of a school. This ties the prohibition into an existing DNR program. I know that DNR has determined that some proposed ethanol plants require air pollution control permits. However, I do not know whether there might ever be an ethanol plant that would not require an air pollution control permit. If so, this draft would not limit the location of the plant. You might want to contact the DNR air permit staff about this.

I based the definition of "school" on the definition in the violent crime in a school zone statute, s. 939.632 (1) (a), stats.

To eliminate questions about the applicability of this proposal, I have included an initial applicability provision. This provides that the prohibition only applies to proposed plants for which the application for an air pollution control permit is submitted on or after the day on which the proposal is adopted. If this proposal is directed toward a plant for which an application for an air pollution control permit has already been submitted, or may be submitted soon, I will need to change the initial applicability provision.

Please let me know if you have any questions or want any changes in this draft.

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