

2003 DRAFTING REQUEST

Bill

Received: **04/15/2003**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Charles Chvala (608) 266-9170**

By/Representing: **Maribeth**

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

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - air quality**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Chvala@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibit ethanol plants from being located near schools

Instructions:

See Attached, make it DNR's responsibility

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 | btradewe 04/29/2003 | kgilfoy 04/29/2003 | rschluet 04/29/2003 | _____ | amentkow 04/29/2003 | sbasford 09/05/2003 | |
| | | | | _____ | | sbasford | |
| | | | | _____ | | 09/05/2003 | |

FE Sent For:

*None
needed*

<END>

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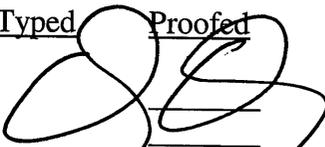
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| 1? | btradewe | 1-4/29 Kmg |  |  | | | |
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FE Sent For:

4-29-03

<END>

Bill Request Form

Legislative Reference Bureau
100 N. Hamilton Street
Legal Section 266-3561

You may use this form or talk directly with the LRB attorney who will draft the bill.

Date April 15, 2003

Legislator, agency, or other person requesting this draft Senator Chuck Chvala

Person submitting request (name and phone number) Maribeth 266-9170

Persons to contact for questions about this draft (names and phone numbers) _____

Maribeth Witzel-Behl 266-9170

Describe the problem, including any helpful examples. How do you want to solve the problem?

Senator Chvala would like a bill drafted to prohibit ethanol plants from being within five miles of a school.

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999 AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you? YES NO

If yes:

| | | |
|------------------|-----|----|
| Anyone who asks? | YES | NO |
| Any legislator? | YES | NO |

Only the following persons _____

Do you consider this request urgent? YES NO If yes, please indicate why _____

Should we give this request priority over any pending request of this legislator, agency, or person?

YES NO



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2542/1

RCT

King

2003 BILL

DNote

Sen. Cat.

1 AN ACT *Sen. Cat.*; relating to: prohibiting issuance of air pollution control permits for
2 certain ethanol plants.

Analysis by the Legislative Reference Bureau

Current law generally requires a person to obtain an air pollution control permit from the Department of Natural Resources (DNR) for a stationary source of air pollution that the person operates or proposes to construct. This bill prohibits DNR from issuing an air pollution control permit for an ethanol plant located within 5 miles of a school.

five

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 285.63 (11) of the statutes is created to read:
4 285.63 (11) RESTRICTION ON ETHANOL PLANTS. (a) In this subsection, "school"
5 means a public, parochial, or private school that provides an educational program
6 for one or more grades between grades 1 and 12 and that is commonly known as an
7 elementary school, middle school, junior high school, senior high school, or high
8 school.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2542/1dn

RCT: j....
kmg

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.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2542/1dn
RCT:kmg:rs

April 29, 2003

Maribeth Witzel-Behl:

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.state.wi.us

Tradewell, Becky

From: Witzel-Behl, Maribeth
Sent: Friday, September 05, 2003 10:14 AM
To: Tradewell, Becky
Subject: Ethanol Draft (LRB 2542/1)

Becky -

I have checked with the DNR, and all ethanol plants would have enough emissions to require an air pollution control permit. Could we get the bill jacketed?

Thank you!

- Maribeth
Senator Chvala's Office