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1 **SECTION 211.** 285.01 (12m) of the statutes is created to read:

2 285.01 (12m) “Certified contractor” means a contractor that is certified under
3 s. 285.755.

4 **SECTION 212.** 285.11 (6) (intro.) of the statutes is renumbered 285.11 (6) and
5 amended to read:

6 285.11 (6) Prepare and develop one or more comprehensive plans for the
7 prevention, abatement and control of air pollution in this state. The department
8 thereafter shall be responsible for the revision and implementation of the plans. The
9 ~~rules or control strategies submitted to the federal environmental protection agency~~
10 ~~under the federal clean air act for control of atmospheric ozone shall conform with~~
11 ~~the federal clean air act unless, based on the recommendation of the natural~~
12 ~~resources board or the head of the department, as defined in s. 15.01 (8), of any other~~
13 ~~department, as defined in s. 15.01 (5), that promulgates a rule or establishes a control~~
14 ~~strategy, the governor determines that measures beyond those required by the~~
15 ~~federal clean air act meet any of the following criteria:~~

16 **SECTION 213.** 285.11 (6) (a) and (b) of the statutes are repealed.

17 **SECTION 214.** 285.11 (9) of the statutes is amended to read:

18 285.11 (9) Prepare and adopt minimum standards for the emission of mercury
19 compounds or metallic mercury into the air, consistent with s. 285.27 (2) (b).

20 **SECTION 215.** 285.11 (17) of the statutes is repealed and recreated to read:

21 285.11 (17) Promulgate rules that incorporate changes made by regulations of
22 the federal environmental protection agency governing review of modifications of
23 major sources under 42 USC 7470 to 7515, including regulations that were published
24 in the Federal Register on December 31, 2002, and October 27, 2003. The
25 department may not include in the rules any requirements that are inconsistent with

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1 or more stringent than the federal regulations. To the extent possible, the
2 department shall incorporate similar changes for minor sources if the changes
3 reduce administrative requirements for minor sources. The department shall
4 submit in proposed form rules required under this subsection to the legislative
5 council staff under s. 227.15 (1) no later than the first day of the 7th month after the
6 regulations making the changes on which the rules are based take effect.

7 **SECTION 216.** 285.14 of the statutes is created to read:

8 **285.14 State implementation plans. (1) CONTENT.** The department may
9 only include in a state implementation plan under 42 USC 7410 rules or
10 requirements that are necessary to obtain approval of the plan by the federal
11 environmental protection agency, including requirements that are necessary in
12 order to comply with the percentage reductions specified in 42 USC 7511a (b) (1) (A)
13 or (c) (2) (B).

14 **(2) REVIEW BY COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES.** At least 90 days
15 before the department is required to submit a state implementation plan to the
16 federal environmental protection agency, the department shall prepare and submit
17 a report to the joint committee for review of administrative rules that describes the
18 proposed plan and contains all of the supporting documents that the department
19 intends to submit with the plan. If, within 30 days after the department submits the
20 report, the cochairpersons of the joint committee for review of administrative rules
21 do not return the report to the department with a written explanation of why the
22 committee is returning the report, the department may submit the plan. If, within
23 30 days after the department submits the report, the cochairpersons of the joint
24 committee for review of administrative rules return the report to the department
25 with a written explanation of why the committee is returning the report, the

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1 department may not submit the plan until the committee agrees that the department
2 has adequately addressed the issues raised by the committee. If the secretary
3 disagrees with the committee's reasons for returning the report, the secretary shall
4 so notify the committee in writing. This subsection does not apply to a modification
5 to a state implementation plan relating to an individual source.

6 **SECTION 217.** 285.17 (2) of the statutes is amended to read:

7 285.17 (2) The department may, by rule or in an operation permit, require the
8 owner or operator of an air contaminant source to monitor the emissions of the air
9 contaminant source or to monitor the ambient air in the vicinity of the air
10 contaminant source and to report the results of the monitoring to the department.
11 The department may specify methods for conducting the monitoring and for
12 analyzing the results of the monitoring. The department shall require the owner or
13 operator of a major source to report the results of any required monitoring of
14 emissions from the major source to the department no less often than every 6 months.
15 The department may not include a monitoring requirement in an operation permit
16 if the applicant demonstrates that the cost of compliance with the requirement would
17 exceed the cost of compliance with monitoring requirements imposed on similar air
18 contaminant sources by a state adjacent to this state or if the monitoring is not
19 needed to provide assurance of compliance with requirements that apply to the air
20 contaminant source, unless the monitoring is required under the federal clean air
21 act.

22 **SECTION 218.** 285.21 (1) (a) (title) of the statutes is repealed.

23 **SECTION 219.** 285.21 (1) (a) of the statutes is renumbered 285.21 (1) and
24 amended to read:

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1 285.21 (1) AMBIENT AIR QUALITY STANDARDS. If an ambient air quality standard
2 is promulgated under section 109 of the federal clean air act, the department shall
3 promulgate by rule a similar standard but this standard may not be more restrictive
4 than the federal standard ~~except as provided under sub. (4).~~

5 **SECTION 220.** 285.21 (1) (b) of the statutes is repealed.

6 **SECTION 221.** 285.21 (2) of the statutes is amended to read:

7 285.21 (2) AMBIENT AIR INCREMENT. The department shall promulgate by rule
8 ambient air increments for various air contaminants in attainment areas. The
9 ambient air increments shall be consistent with and not more restrictive, either in
10 terms of the concentration or the contaminants to which they apply, than ambient
11 air increments under the federal clean air act ~~except as provided under sub. (4).~~

12 **SECTION 222.** 285.21 (4) of the statutes is amended to read:

13 285.21 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the ambient air
14 increment or the ambient air quality standards in effect on April 30, 1980, under the
15 federal clean air act are ~~relaxed~~ modified, the department shall alter the
16 corresponding state standards ~~unless it finds that the relaxed standards would not~~
17 ~~provide adequate protection for public health and welfare~~ accordingly.

18 **SECTION 223.** 285.23 (1) of the statutes is amended to read:

19 285.23 (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule
20 procedures and criteria to identify a nonattainment area and to reclassify a
21 nonattainment area as an attainment area. The department may not identify a
22 county as part of a nonattainment area if the the concentration of an air contaminant
23 in the atmosphere does not exceed an ambient air quality standard, unless the
24 department is required under the federal clean air act to identify the county as part
25 of a nonattainment area.

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1 **SECTION 224.** 285.23 (5) of the statutes is created to read:

2 **285.23 (5) PARTICULATE STANDARDS.** The department may not identify an area
3 as a nonattainment area based on the concentration in the atmosphere of particulate
4 matter measured as total suspended particulates and shall redesignate as an
5 attainment area any area identified as a nonattainment area if the only basis on
6 which the area could be identified as a nonattainment area is the concentration in
7 the atmosphere of particulate matter measured as total suspended particulates.

8 **SECTION 225.** 285.23 (6) of the statutes is created to read:

9 **285.23 (6) REPORT TO THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES.**
10 Before the department issues documents under sub. (2) and at least 90 days before
11 the governor is required to make a submission on a nonattainment designation
12 under 42 USC 7407 (d) (1) (A), the department shall prepare and submit a report to
13 the joint committee for review of administrative rules that contains a description of
14 any area proposed to be identified as a nonattainment area and supporting
15 documentation. If the department has complied with sub. (4) and if, within 30 days
16 after the department submits the report, the cochairpersons of the joint committee
17 for review of administrative rules do not return the report to the department with
18 a written explanation of why the committee is returning the report, the department
19 may issue the documents under sub. (2) and the governor may make the submission.
20 If, within 30 days after the department submits the report, the cochairpersons of the
21 joint committee for review of administrative rules return the report to the
22 department with a written explanation of why the committee is returning the report,
23 the department may not issue the documents under sub. (2) and the governor may
24 not make the submission until the committee agrees that the department has
25 adequately addressed the issues raised by the committee.

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SECTION 226

1 **SECTION 226.** 285.27 (1) (a) of the statutes is amended to read:

2 285.27 (1) (a) ~~Similar to federal~~ Federal standard. If a standard of performance
3 for new stationary sources is promulgated under ~~section 111~~ of the federal clean air
4 act, the department shall promulgate ~~by a rule a similar~~ that incorporates that
5 emission standard but this standard and related administrative requirements. The
6 department may not be promulgate a rule under this paragraph that is more
7 restrictive in terms of emission limitations or otherwise more burdensome to persons
8 operating sources affected by the emission standard than the federal standard and
9 related requirements except as provided under sub. (4).

10 **SECTION 227.** 285.27 (2) (a) of the statutes is amended to read:

11 285.27 (2) (a) ~~Similar to federal~~ Federal standard. If an emission standard for
12 a hazardous air contaminant is promulgated under ~~section 112~~ of the federal clean
13 air act, the department shall promulgate ~~by a rule a similar~~ that incorporates that
14 emission standard but this standard and related administrative requirements. The
15 department may not be promulgate a rule under this paragraph that is more
16 restrictive in terms of emission limitations or otherwise more burdensome to persons
17 operating sources affected by the emission standard than the federal standard and
18 related requirements except as provided under sub. (4).

19 **SECTION 228.** 285.27 (2) (b) of the statutes is renumbered 285.27 (2) (b) (intro.)
20 and amended to read:

21 285.27 (2) (b) *Standard to protect public health or welfare.* (intro.) If an
22 emission standard for a hazardous air contaminant is not promulgated under ~~section~~
23 ~~112~~ of the federal clean air act, the department may promulgate an emission
24 standard for the hazardous air contaminant if the department finds the standard is
25 needed to provide adequate protection for public health or welfare. The department

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1 may not make a finding for a hazardous air contaminant unless the finding is
2 supported with written documentation that includes all of the following:

3 **SECTION 229.** 285.27 (2) (b) 1. to 3. of the statutes are created to read:

4 285.27 (2) (b) 1. A public health risk assessment that characterizes the
5 stationary sources in this state that are known to emit the hazardous air
6 contaminant and the individuals who are potentially at risk from the emissions.

7 2. An analysis showing that identified individuals are subjected to inhalation
8 levels of the hazardous air contaminant that are above recognized environmental
9 health standards.

10 3. An evaluation of options for managing the risks caused by the hazardous air
11 contaminant considering risks, costs, economic impacts, feasibility, energy, safety,
12 and other relevant factors, and a finding that the chosen compliance alternative
13 reduces risks in the most cost-effective manner practicable.

14 **SECTION 230.** 285.27 (2) (d) of the statutes is created to read:

15 285.27 (2) (d) *Emissions regulated under federal law.* Emissions limitations
16 promulgated under par. (b) and related control requirements do not apply to
17 hazardous air contaminants emitted by emissions units, operations, or activities
18 that are regulated by an emission standard promulgated under the federal clean air
19 act, including a hazardous air contaminant that is regulated under the federal clean
20 air act by virtue of regulation of another substance as a surrogate for the hazardous
21 air contaminant or by virtue of regulation of a species or category of hazardous air
22 contaminants that includes the hazardous air contaminant.

23 **SECTION 231.** 285.27 (4) of the statutes is amended to read:

24 285.27 (4) **IMPACT OF CHANGE IN FEDERAL STANDARDS.** If the standards of
25 performance for new stationary sources or the emission standards for hazardous air

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1 contaminants under the federal clean air act are relaxed, the department shall alter
2 the corresponding state standards unless it finds that the relaxed standards would
3 not provide adequate protection for public health and welfare. The department may
4 not make this finding for an emission standard for a hazardous air contaminant
5 unless the finding is supported with the written documentation required under sub.
6 (2) (b) 1. to 3. This subsection applies to state standards of performance for new
7 stationary sources and emission standards for hazardous air contaminants in effect
8 on April 30, 1980, if the relaxation in the corresponding federal standards occurs
9 after April 30, 1980.

10 **SECTION 232.** 285.60 (1) (a) 1. of the statutes is amended to read:

11 285.60 (1) (a) 1. Except as provided in sub. (2g), (3) (c), (5m), (6), (6m), or (6r),
12 no person may commence construction, reconstruction, replacement or modification
13 of a stationary source unless the person has a construction permit from the
14 department.

15 **SECTION 233.** 285.60 (1) (b) 1. of the statutes is amended to read:

16 285.60 (1) (b) 1. Except as provided in subd. 2., par. (a) 2., sub. (2g), (6), or (6m),
17 or s. 285.62 (8), no person may operate a new source or a modified source unless the
18 person has an operation permit under s. 285.62 from the department.

19 **SECTION 234.** 285.60 (2) (a) of the statutes is amended to read:

20 285.60 (2) (a) *Operation permit requirement.* Except as provided in sub. (6) or
21 (6m) or s. 285.62 (8), no person may operate an existing source after the operation
22 permit requirement date specified under s. 285.62 (11) (a) unless the person has an
23 operation permit under s. 285.62 from the department.

24 **SECTION 235.** 285.60 (2g) of the statutes is created to read:

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1 285.60 (2g) REGISTRATION PERMITS. (a) *Rules.* Subject to sub. (8), the
2 department shall promulgate rules specifying a simplified process under which the
3 department issues a registration permit for a stationary source with low actual
4 emissions if the owner or operator provides to the department, on a form prescribed
5 by the department, sufficient information to show that the source qualifies for a
6 registration permit. In the rules, the department shall include criteria for
7 identifying categories of sources the owners or operators of which may elect to obtain
8 registration permits and general requirements applicable to sources that qualify for
9 registration permits.

10 (b) *Procedure.* The procedural requirements of ss. 285.61 (2) to (8) and 285.62
11 (2) to (7) do not apply to a registration permit under this subsection. Within 15 days
12 after receipt of the form prescribed by the department, the department shall provide
13 one of the following to an applicant for a registration permit:

14 1. Written notice of the department's determination that the source qualifies
15 for a registration permit and that the applicant may operate the source consistent
16 with the terms and conditions of the registration permit.

17 2. A written description of any information that is missing from the application
18 for a registration permit.

19 3. Written notice of the department's determination that the source does not
20 qualify for a registration permit, specifically describing the reasons for that
21 determination.

22 (c) *Exemption from requirement for permit prior to construction.* A person is
23 not required to obtain a permit prior to construction, reconstruction, replacement,
24 or modification of a stationary source that qualifies for a registration permit under
25 par. (a) unless a construction permit is required under the federal clean air act.

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1 **SECTION 236.** 285.60 (2m) of the statutes is repealed.

2 **SECTION 237.** 285.60 (3) of the statutes is repealed and recreated to read:

3 285.60 (3) **GENERAL PERMITS.** (a) *Rules.* The department shall promulgate rules
4 for the issuance of general permits for similar stationary sources. In the rules, the
5 department shall specify criteria for identifying categories of sources for which the
6 department may issue general permits and general requirements applicable to
7 sources that qualify for general permits.

8 (b) *Procedure.* The procedural requirements of ss. 285.61 (2) to (8) and 285.62
9 (2) to (5) do not apply to the determination of whether a source is covered by a general
10 permit under this subsection. Within 15 days after receipt of an application for
11 coverage under a general permit, the department shall provide one of the following
12 to the applicant:

13 1. Written notice of the department's determination that the source qualifies
14 for coverage under the general permit and that the applicant may operate the source
15 consistent with the terms and conditions of the general permit.

16 2. A written description of any information that is missing from the application
17 for coverage under the general permit.

18 3. Written notice of the department's determination that the source does not
19 qualify for coverage under the general permit, specifically describing the reasons for
20 that determination.

21 (c) *Exemption from requirement for permit prior to construction.* A person is
22 not required to obtain a permit prior to construction, reconstruction, replacement or
23 modification of a stationary source that qualifies for coverage under a general permit
24 under par. (a) unless a construction permit is required under the federal clean air act.

25 **SECTION 238.** 285.60 (5m) of the statutes is created to read:

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1 285.60 (5m) WAIVER OF CONSTRUCTION PERMIT REQUIREMENTS. Subject to sub. (8),
2 the department shall grant a waiver from the requirement to obtain a construction
3 permit prior to construction, reconstruction, replacement, or modification of a
4 stationary source upon a showing by the owner or operator of the stationary source
5 that obtaining the permit would cause undue hardship. The department shall act
6 on a waiver request within 15 days after it receives the request.

7 **SECTION 239.** 285.60 (6) of the statutes is amended to read:

8 285.60 (6) EXEMPTION BY RULE. ~~Notwithstanding the other provisions of this~~
9 ~~section~~ Subject to sub. (8), the department may shall, by rule, exempt types of
10 stationary minor sources from any the requirement of this section to obtain a
11 construction permit and an operation permit if the potential emissions from the
12 sources do not present a significant hazard to public health, safety or welfare or to
13 the environment.

14 **SECTION 240.** 285.60 (6m) of the statutes is created to read:

15 285.60 (6m) SPECIFIC EXEMPTION. A person is not required to obtain a
16 construction permit or an operation permit for a source that is an agricultural
17 facility, as defined in s. 281.16 (1) (a), a livestock operation, as defined in s. 281.16
18 (1) (c), or an agricultural practice, as defined in s. 281.16 (1) (b), unless a permit is
19 required by the federal clean air act.

20 **SECTION 241.** 285.60 (6r) of the statutes is created to read:

21 285.60 (6r) EXEMPTION FROM CONSTRUCTION PERMIT REQUIREMENT. A person is not
22 required to obtain a construction permit for a source that is a component of a process,
23 of equipment, or of an activity that is otherwise covered by a preexisting operation
24 permit or a source that is a component of a process, of equipment, or of an activity

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1 that is included in a completed application for an operation permit, unless a
2 construction permit is required under the federal clean air act.

3 **SECTION 242.** 285.60 (8) of the statutes is created to read:

4 **285.60 (8) COMPLIANCE WITH FEDERAL LAW.** The department may not promulgate
5 a rule or take any other action under this section that conflicts with the federal clean
6 air act.

7 **SECTION 243.** 285.60 (9) of the statutes is created to read:

8 **285.60 (9) PETITIONS FOR REGISTRATION PERMITS, GENERAL PERMITS, AND**
9 **EXEMPTIONS.** A person may petition the department to make a determination that a
10 type of stationary source meets the criteria for a registration permit under sub. (2g),
11 a general permit under sub. (3), or an exemption under sub. (6). The department
12 shall provide a written response to a petition within 30 days after receiving the
13 petition indicating whether the type of stationary source meets the applicable
14 criteria for a registration permit, a general permit, or an exemption. If the type of
15 source meets the applicable criteria, the department shall, within 365 days after
16 receiving the petition, issue the registration permit or general permit or, for an
17 exemption, shall submit to the legislative council staff under s. 227.15 (1) in proposed
18 form any necessary rules or take any other action that is necessary provide the
19 exemption.

20 **SECTION 244.** 285.60 (10) of the statutes is created to read:

21 **285.60 (10) PERMIT STREAMLINING.** The department shall continually assess
22 permit obligations imposed under this section and ss. 285.61 to 285.65 and
23 implement measures that are consistent with this chapter and the federal clean air
24 act to allow for timely installation and operation of equipment and processes and the
25 pursuit of related economic activity by lessening those obligations, including

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1 consolidating the permits for sources at a facility into one permit, expanding
2 exemptions under sub. (6), and expanding the availability of registration permits
3 under sub. (2g), general permits under sub. (3), and construction permit waivers
4 under sub. (5m).

5 **SECTION 245.** 285.61 (1) of the statutes is amended to read:

6 **285.61 (1) ~~APPLICANT NOTICE~~ APPLICATION REQUIRED.** A person who is required
7 to obtain or who seeks a construction permit shall apply to the department or a
8 certified contractor for a permit to construct, reconstruct, replace or modify the
9 stationary source. If a person applies to a certified contractor under this subsection,
10 the person shall provide notice of that application to the department as prescribed
11 by the department.

12 **SECTION 246.** 285.61 (2) of the statutes is renumbered 285.61 (2) (a) and
13 amended to read:

14 **285.61 (2) (a) Request for additional information.** Within 20 days after receipt
15 of the application the department or the certified contractor shall ~~indicate~~ provide
16 written notice to the applicant describing specifically all of the plans, specifications
17 and any other information necessary to determine if the proposed construction,
18 reconstruction, replacement or modification will meet the requirements of this
19 chapter and s. 299.15 and rules promulgated under this chapter and s. 299.15.

20 **SECTION 247.** 285.61 (2) (b) of the statutes is created to read:

21 **285.61 (2) (b) When application is considered to be complete.** For the purposes
22 of the time limits in sub. (3), an application is considered to be complete when the
23 applicant provides the information specified in the written notice under par. (a), or,
24 if the department or the certified contractor does not provide written notice to an
25 applicant within the time limit in par. (a), 20 days after receipt of the application.

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1 This paragraph does not prevent the department or a certified contractor from
2 requesting additional information from an applicant after the time limit in par. (a).

3 SECTION 248. 285.61 (3) of the statutes is amended to read:

4 285.61 (3) ANALYSIS. The department or certified contractor shall prepare an
5 analysis regarding the effect of the proposed construction, reconstruction,
6 replacement or modification on ambient air quality and a preliminary determination
7 on the approvability of the construction permit application, within the following time
8 periods after the receipt of the plans, specifications and other information
9 application is considered to be complete under sub. (2) (b):

10 (a) *Major source construction permits.* For construction permits for major
11 sources, within ~~120~~ 60 days.

12 (b) *Minor source construction permits.* For construction permits for minor
13 sources, within ~~30~~ 15 days.

14 SECTION 249. 285.61 (4) (a) of the statutes is amended to read:

15 285.61 (4) (a) *Distribution and publicity.* The department shall distribute and
16 publicize the analysis and preliminary determination as soon as they are prepared
17 or, if the analysis and preliminary determination are prepared by a certified
18 contractor, as soon as the department receives them from the certified contractor.

19 SECTION 250. 285.61 (4) (b) 2. and 3. of the statutes are amended to read:

20 285.61 (4) (b) 2. A copy of the department's or certified contractor's analysis and
21 preliminary determination; and

22 3. A copy or summary of other materials, if any, considered by the department
23 or the certified contractor in making its preliminary determination.

24 SECTION 251. 285.61 (5) (a) (intro.) of the statutes is amended to read:

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1 285.61 (5) (a) *Distribution of notice required.* (intro.) The department shall
2 distribute a notice of the proposed construction, reconstruction, replacement or
3 modification, a notice of the department's or certified contractor's analysis and
4 preliminary determination, a notice of the opportunity for public comment and a
5 notice of the opportunity to request a public hearing to all of the following:

6 **SECTION 252.** 285.61 (5) (c) of the statutes is amended to read:

7 285.61 (5) (c) *Newspaper notice.* The department shall publish a class 1 notice
8 under ch. 985 announcing the opportunity for written public comment and the
9 opportunity to request a public hearing on the analysis and preliminary
10 determination within 10 days after the analysis and preliminary determination are
11 prepared or, if the analysis and preliminary determination are prepared by a
12 certified contractor, within 10 days after the department receives them from the
13 certified contractor.

14 **SECTION 253.** 285.61 (7) (a) of the statutes is amended to read:

15 285.61 (7) (a) *Hearing permitted.* The department may hold a public hearing
16 on the construction permit application if requested by a person who may be directly
17 aggrieved by the issuance of the permit, any affected state or the U.S. environmental
18 protection agency within 30 days after the department gives notice under sub. (5) (c).
19 A request for a public hearing shall indicate the interest of the party filing the
20 request and the reasons why a hearing is warranted. The department shall hold the
21 public hearing within ~~60~~ 30 days after the deadline for requesting a hearing if it
22 deems that there is a significant public interest in holding a hearing.

23 **SECTION 254.** 285.61 (8) (a) of the statutes is renumbered 285.61 (8) (a) 1.

24 **SECTION 255.** 285.61 (8) (a) 2. of the statutes is created to read:

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1 285.61 (8) (a) 2. Notwithstanding subd. 1. and s. 285.63, the department may
2 not modify a preliminary determination made by a certified contractor under sub. (3)
3 unless modification is necessary to comply with the federal clean air act or unless the
4 comments received under subs. (6) and (7) or consideration of the environmental
5 impact as required under s. 1.11 provide clear and convincing evidence that issuance
6 of the permit would cause material harm to public health, safety, or welfare.

7 **SECTION 256.** 285.61 (8) (b) of the statutes is amended to read:

8 285.61 (8) (b) *Time limits.* The department shall act on a construction permit
9 application within 60 days after the close of the public comment period or the public
10 hearing, ~~whichever is later~~ department gives notice under sub. (5) (c), unless
11 compliance with s. 1.11 requires a longer time. For a major source that is located in
12 an attainment area, the department shall complete its responsibilities under s. 1.11
13 within one year.

14 **SECTION 257.** 285.61 (10) of the statutes is created to read:

15 285.61 (10) **EXTENSIONS.** The department may extend any time limit applicable
16 to the department or a certified contractor under this section at the request of an
17 applicant.

18 **SECTION 258.** 285.61 (11) of the statutes is created to read:

19 285.61 (11) **DELAY IN ISSUING PERMITS.** Subject to sub. (10), if the department
20 fails to act on an application for a construction permit within the time limit in sub.
21 (8) (b), the department shall include in a report the reasons for the delay in acting
22 on the application, including the names of the department's employees responsible
23 for review of the application, and recommendations for how to avoid similar delays
24 in the future. The department shall make reports under this subsection available
25 to the public, place a prominent notice of the reports on the department's Internet

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1 site, and submit the reports to the joint committee for the review of administrative
2 rules on a quarterly basis.

3 **SECTION 259.** 285.62 (1) of the statutes is amended to read:

4 285.62 (1) ~~APPLICANT NOTICE~~ APPLICATION REQUIRED. A person who is required
5 to obtain an operation permit for a stationary source shall apply to the department
6 or to a certified contractor for the permit on or before the operation permit
7 application date specified under sub. (11) (b). The department shall specify by rule
8 the content of applications under this subsection. If required by the federal clean air
9 act, the department or the certified contractor shall provide a copy of the complete
10 application to the federal environmental protection agency. ~~The department may not~~
11 ~~accept an application submitted to the department before November 15, 1992, as an~~
12 ~~application under this subsection.~~

13 **SECTION 260.** 285.62 (2) of the statutes is renumbered 285.62 (2) (a) and
14 amended to read:

15 285.62 (2) (a) Request for additional information. Within 20 days after receipt
16 of the application the department or the certified contractor shall ~~indicate~~ provide
17 written notice to the applicant describing specifically any additional information
18 required under sub. (1) necessary to determine if the source, upon issuance of the
19 permit, will meet the requirements of this chapter and s. 299.15 and rules
20 promulgated under this chapter and s. 299.15.

21 **SECTION 261.** 285.62 (2) (b) of the statutes is created to read:

22 285.62 (2) (b) *When application is considered to be complete.* For the purposes
23 of the time limits in sub. (3), an application is considered to be complete when the
24 applicant provides the information specified in the written notice under par. (a), or,
25 if the department or the certified contractor does not provide written notice to an

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1 applicant within the period under par. (a), 20 days after receipt of the application.

2 This paragraph does not prevent the department or a certified contractor from
3 requesting additional information from an applicant after the period under par. (a).

4 **SECTION 262.** 285.62 (3) (a) (intro.) of the statutes is amended to read:

5 285.62 (3) (a) (intro.) The department or certified contractor shall review an
6 application for an operation permit. Upon completion of that review, the department
7 or certified contractor shall prepare a preliminary determination of whether ~~it~~ the
8 application may ~~approve the application~~ be approved and a public notice. The
9 department or certified contractor shall complete the preliminary determination and
10 the public notice within 60 days after an application for an operation permit for a
11 major source is considered to be complete under sub. (2) (b) and within 15 days after
12 an application for an operation permit for a minor source is considered to be complete
13 under sub. (2) (b). The public notice shall include all of the following:

14 **SECTION 263.** 285.62 (3) (c) of the statutes is amended to read:

15 285.62 (3) (c) The department shall publish the notice prepared under par. (a)
16 as a class 1 notice under ch. 985 in a newspaper published in the area that may be
17 affected by emissions from the stationary source within 10 days after the notice is
18 complete or, if the notice is prepared by a certified contractor, within 10 days after
19 the department receives it from the certified contractor.

20 **SECTION 264.** 285.62 (5) (a) of the statutes is amended to read:

21 285.62 (5) (a) *Hearing permitted.* The department may hold a public hearing
22 on an application for an operation permit for a stationary source if requested by any
23 state that received notice under sub. (3) (b) or any other person, if the person may
24 be directly aggrieved by the issuance of the permit, within 30 days after the
25 department gives notice under sub. (3) (c). A request for a public hearing shall

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1 indicate the interest of the party filing the request and the reasons why a hearing
2 is warranted. The department shall hold the public hearing within 60 days after the
3 deadline for requesting a hearing if it determines that there is a significant public
4 interest in holding the hearing.

5 **SECTION 265.** 285.62 (6) (c) 1. of the statutes is amended to read:

6 285.62 (6) (c) 1. If the department receives an objection from the federal
7 environmental protection agency under this subsection, the department may not
8 issue the operation permit unless the department revises the proposed operation
9 permit as necessary to satisfy the objection.

10 **SECTION 266.** 285.62 (7) (b) of the statutes is amended to read:

11 285.62 (7) (b) The department shall approve or deny the operation permit
12 application for a new source or modified source. The department shall issue the
13 operation permit for a new source or modified source if the criteria established under
14 ss. 285.63 and 285.64 are met. The department shall issue an operation permit for
15 a new source or modified source or deny the application within ~~180~~ 30 days after the
16 permit applicant submits to the department the results of all equipment testing and
17 emission monitoring required under the construction permit.

18 **SECTION 267.** 285.62 (7) (bm) of the statutes is created to read:

19 285.62 (7) (bm) Notwithstanding pars. (a) and (b) and s. 285.63, but subject to
20 sub. (6) (c) 1., the department may not modify a preliminary determination made by
21 a certified contractor under sub. (3) (a) unless modification is necessary to comply
22 with the federal clean air act or unless the comments received under subs. (4) to (6)
23 or consideration of the environmental impact as required under s. 1.11 provide clear
24 and convincing evidence that issuance of the permit would cause material harm to
25 public health, safety, or welfare.

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1 **SECTION 268.** 285.62 (8) of the statutes is renumbered 285.62 (8) (a).

2 **SECTION 269.** 285.62 (8) (b) of the statutes is created to read:

3 285.62 (8) (b) If a person submits an application for renewal of an operation
4 permit before the date that the operation permit expires, the stationary source may
5 not be required to discontinue operation and the person may not be prosecuted for
6 lack of an operation permit until the department acts under sub. (7), except that this
7 paragraph does not apply in a situation in which its application would contravene
8 the federal clean air act.

9 **SECTION 270.** 285.62 (9) (b) of the statutes is repealed and recreated to read:

10 285.62 (9) (b) Subject to sub. (12), if the department fails to act on an
11 application for an operation permit within the time limit under sub. (7) (b), the
12 department shall, include in a report the reasons for the delay in acting on the
13 application, including the names of the department's employees responsible for
14 review of the application, and recommendations for how to avoid delays in the future
15 in similar situations. The department shall make reports under this subsection
16 available to the public, place a prominent notice of the reports on the department's
17 Internet site, and submit the reports to the joint committee for the review of
18 administrative rules on a quarterly basis.

19 **SECTION 271.** 285.62 (12) of the statutes is created to read:

20 285.62 (12) EXTENSIONS. The department may extend any time limit applicable
21 to the department or a certified contractor under this section at the request of an
22 applicant.

23 **SECTION 272.** 285.63 (1) (d) of the statutes is amended to read:

24 285.63 (1) (d) *Source will not preclude construction or operation of other source.*

25 The stationary source will not degrade the air quality in an area sufficiently to

BILL

1 prevent the construction, reconstruction, replacement, modification or operation of
2 another stationary source if the department received plans, specifications and other
3 information under s. 285.61 (2) (a) for the other stationary source prior to
4 commencing its analysis under s. 285.61 (3) for the former stationary source. This
5 paragraph does not apply to an existing source required to have an operation permit.

6 **SECTION 273.** 285.63 (2) (d) of the statutes is repealed.

7 **SECTION 274.** 285.66 (2) of the statutes is renumbered 285.66 (2) (a).

8 **SECTION 275.** 285.66 (2) (b) of the statutes is created to read:

9 285.66 (2) (b) Notwithstanding par. (a), the department may not specify that
10 coverage under a general permit under s. 285.60 (3) expires except as follows:

11 1. The department may specify an expiration date for coverage under a general
12 permit at the request of an owner or operator.

13 2. The department may specify a term of 5 years or longer for coverage under
14 a general permit if the department finds that expiring coverage would significantly
15 improve the likelihood of continuing compliance with applicable requirements
16 compared to coverage that does not expire.

17 3. The department may specify a term of 5 years or less for coverage under a
18 general permit if required by the federal clean air act.

19 **SECTION 276.** 285.66 (3) (a) of the statutes is amended to read:

20 285.66 (3) (a) A permittee shall apply for renewal of an operation permit at
21 least ~~12~~ 6 months before the operation permit expires. The permittee shall include
22 any new or revised information needed to process the application for renewal.

23 **SECTION 277.** 285.69 (1) (a) of the statutes is amended to read:

24 285.69 (1) (a) *Application for permit.* Reviewing and acting upon any
25 application for a construction permit. The department shall specify lower fees for

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1 persons who submit applications to certified contractors under s. 285.61(1) than for
2 those who submit applications to the department.

3 **SECTION 278.** 285.755 of the statutes is created to read:

4 **285.755 Certified contractors. (1) RESPONSIBILITIES OF THE DEPARTMENT OF**
5 **ADMINISTRATION.** (a) The department of administration shall certify private
6 contractors to review applications for air pollution control permits for the purposes
7 of determining under ss. 285.61 (2) and 285.62 (2) whether additional information
8 is needed from applicants and of making preliminary determinations under ss.
9 285.61 (3) and 285.62 (3).

10 (b) No later than the first day of the 7th month beginning after the effective date
11 of this paragraph [revisor inserts date], the department of administration, in
12 consultation with the department of natural resources, shall specify minimum
13 standards relating to staffing and professional expertise and other conditions
14 applicable to private contractors certified under this section.

15 (c) The department of administration shall maintain a directory containing the
16 name, address, and contact person for each certified contractor. The department of
17 administration shall update the directory every 3 months and shall provide the
18 directory to the department of natural resources and make it available to the public.

19 **(2) REQUIREMENTS.** The department of administration may not certify a
20 contractor under this section unless the contractor does all of the following:

21 (a) Submits an application on a form prescribed by the department of
22 administration in consultation with the department of natural resources.

23 (b) Meets the minimum standards relating to staffing and professional
24 expertise and other conditions that are specified under sub. (1) (b).

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1 (c) Submits a signed statement agreeing to conduct the activities described in
2 sub. (1) (a) in accordance with applicable state and federal law.

3 **SECTION 279.** 285.81 (1) (intro.) of the statutes is amended to read:

4 285.81 (1) PERMIT HOLDER; PERMIT APPLICANT; ORDER RECIPIENT. (intro.) Any
5 permit, part of a permit, order, decision or determination by the department under
6 ss. 285.39, 285.60 to 285.69 or 285.75 shall become effective unless the permit holder
7 or applicant or the order recipient seeks a hearing ~~on~~ challenging the action in the
8 following manner:

9 **SECTION 280.** 285.81 (1m) of the statutes is created to read:

10 285.81 (1m) EFFECT OF A CHALLENGE. If a permit holder or applicant seeks a
11 hearing challenging part of a permit under sub. (1), the remainder of the permit shall
12 become effective and the permit holder or applicant may begin the activity for which
13 the permit was issued.

14 **SECTION 281.** 289.27 (5) of the statutes is amended to read:

15 289.27 (5) DETERMINATION OF NEED; DECISION BY HEARING EXAMINER. If a
16 contested case hearing is conducted under this section, the secretary shall issue any
17 decision concerning determination of need, ~~notwithstanding s. 227.46 (2) to (4)~~. The
18 secretary shall direct the hearing examiner to certify the record of the contested case
19 hearing to him or her without an intervening proposed decision. The secretary may
20 assign responsibility for reviewing this record and making recommendations
21 concerning the decision to any employee of the department.

22 **SECTION 282.** 295.13 (4) of the statutes is created to read:

23 295.13 (4) CREDITING OF FINANCIAL ASSURANCE. If a nonmetallic mining site is
24 subject to a county ordinance under sub. (1) or (2) and the city, village, or town in
25 which a nonmetallic mining site is located required the operator of the mining site

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1 to provide financial assurance for nonmetallic mining reclamation of the nonmetallic
2 mining site, the county shall credit the value of the financial assurance provided to
3 the city, village, or town against the amount of financial assurance that the operator
4 is required to provide under the county ordinance.

5 **SECTION 283.** 299.05 (2) (a) of the statutes is amended to read:

6 299.05 (2) (a) Permits, contracts, and other approvals under ss. 30.10 to 30.205
7 and 30.21 to 30.27.

8 **SECTION 284.** 448.02 (3) (b) of the statutes is amended to read:

9 448.02 (3) (b) After an investigation, if the board finds that there is probable
10 cause to believe that the person is guilty of unprofessional conduct or negligence in
11 treatment, the board shall hold a hearing on such conduct. The board may use any
12 information obtained by the board or the department under s. 655.17 (7) (b), as
13 created by 1985 Wisconsin Act 29, in an investigation or a disciplinary proceeding,
14 including a public disciplinary proceeding, conducted under this subsection and the
15 board may require a person holding a license, certificate or limited permit to undergo
16 and may consider the results of one or more physical, mental or professional
17 competency examinations if the board believes that the results of any such
18 examinations may be useful to the board in conducting its hearing. A unanimous
19 finding by a panel established under s. 655.02, 1983 stats., or a finding by a court that
20 a physician has acted negligently in treating a patient is conclusive evidence that the
21 physician is guilty of negligence in treatment. A finding that is not a unanimous
22 finding by a panel established under s. 655.02, 1983 stats., that a physician has acted
23 negligently in treating a patient is presumptive evidence that the physician is guilty
24 of negligence in treatment. A certified copy of the findings of fact, conclusions of law
25 and order of the panel or the order of a court is presumptive evidence that the finding

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1 of negligence in treatment was made. The board shall render a decision within 90
2 days after the date on which the hearing is held ~~or, if subsequent proceedings are~~
3 ~~conducted under s. 227.46 (2), within 90 days after the date on which those~~
4 ~~proceedings are completed.~~

5 **SECTION 285.** 448.675 (1) (b) of the statutes is amended to read:

6 448.675 (1) (b) After an investigation, if the affiliated credentialing board finds
7 that there is probable cause to believe that the person is guilty of unprofessional
8 conduct or negligence in treatment, the affiliated credentialing board shall hold a
9 hearing on such conduct. The affiliated credentialing board may require a licensee
10 to undergo and may consider the results of a physical, mental or professional
11 competency examination if the affiliated credentialing board believes that the
12 results of the examination may be useful to the affiliated credentialing board in
13 conducting its hearing. A finding by a court that a podiatrist has acted negligently
14 in treating a patient is conclusive evidence that the podiatrist is guilty of negligence
15 in treatment. A certified copy of the order of a court is presumptive evidence that the
16 finding of negligence in treatment was made. The affiliated credentialing board
17 shall render a decision within 90 days after the date on which the hearing is held ~~or,~~
18 ~~if subsequent proceedings are conducted under s. 227.46 (2), within 90 days after the~~
19 ~~date on which those proceedings are completed.~~

20 **SECTION 286.** 452.05 (3) of the statutes is created to read:

21 452.05 (3) The department may, after consultation with the board, enter into
22 reciprocal agreements with officials of other states or territories of the United States
23 for licensing brokers and salespersons and grant licenses to applicants who are
24 licensed as brokers or salespersons in those states or territories according to the
25 terms of the reciprocal agreements.

BILL**SECTION 287**

1 **SECTION 287.** 452.09 (2) (a) of the statutes is amended to read:

2 452.09 (2) (a) ~~Each~~ Except as provided in a reciprocal agreement under s.
3 452.05 (3), each applicant for a salesperson's license shall submit to the department
4 evidence satisfactory to the department of successful completion of educational
5 programs approved for this purpose under s. 452.05 (1) (c). The department may
6 waive the requirement under this paragraph upon proof that the applicant has
7 received 10 academic credits in real estate or real estate related law courses from an
8 accredited institution of higher education.

9 **SECTION 288.** 452.09 (2) (c) (intro.) of the statutes is amended to read:

10 452.09 (2) (c) (intro.) Except as provided in par. (d) or a reciprocal agreement
11 under s. 452.05 (3), each applicant for a broker's license shall do all of the following:

12 **SECTION 289.** 452.09 (3) (d) of the statutes is amended to read:

13 452.09 (3) (d) ~~The~~ Except as provided in a reciprocal agreement under s. 452.05
14 (3), the department may not grant a broker's license to an applicant who does not
15 hold a salesperson's license unless the applicant passes the salesperson's
16 examination and the broker's examination.

17 **SECTION 290. Nonstatutory provisions.**

18 (1) ENERGY CONSERVATION AND EFFICIENCY GRANTS; EMERGENCY RULES. Using the
19 procedure under section 227.24 of the statutes, the public service commission shall
20 promulgate as emergency rules the rules required under section 16.957 (2m) of the
21 statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the
22 statutes, the emergency rules promulgated under this subsection may remain in
23 effect until the date on which the permanent rules required under section 16.957
24 (2m) of the statutes, as created by this act, take effect. Notwithstanding section
25 227.24 (1) (a), (2) (b), and (3) of the statutes, the public service commission is not

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1 required to provide evidence that promulgating rules under this subsection as
2 emergency rules is necessary for the preservation of the public peace, health, safety,
3 or welfare and is not required to provide a finding of emergency for the rules
4 promulgated under this subsection.

5 (2) SUBMISSION OF PROPOSED RULES CONCERNING AIR PERMITS FOR MODIFIED
6 SOURCES. Notwithstanding the time limit in section 285.11 (17) of the statutes, as
7 affected by this act, the department of natural resources shall submit in proposed
8 form the rules required under section 285.11 (17) of the statutes, as affected by this
9 act, relating to regulations that are published before the effective date of this
10 subsection to the legislative council staff under section 227.15 (1) of the statutes no
11 later than August 31, 2004.

12 (3) REPORT ON AIR PERMIT STREAMLINING EFFORTS.

13 (a) The department of natural resources, in consultation with owners and
14 operators of stationary sources of air pollution, shall develop a report that contains
15 all of the following:

16 1. A list of all existing exemptions under section 285.60 (6) of the statutes, as
17 affected by this act, and all general permits under section 285.60 (3) of the statutes,
18 as affected by this act.

19 2. Recommendations, and related proposed rule revisions, for expanding
20 exemptions under section 285.60 (6) of the statutes, as affected by this act,
21 establishing registration permits under section 285.60 (2g) of the statutes, as created
22 by this act, expanding the use of general permits under section 285.60 (3) of the
23 statutes, as affected by this act, issuing construction permit waivers under section
24 285.60 (5m) of the statutes, as created by this act, and taking other actions under

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1 section 285.60 (10) of the statutes, as created by this act, including consolidating the
2 permits for sources at one facility into one permit.

3 3. A schedule for providing additional reports containing recommendations,
4 and related rule revisions, for expanding exemptions under section 285.60 (6) of the
5 statutes, as affected by this act, expanding the use of registration permits under
6 section 285.60 (2g) of the statutes, as created by this act, expanding the use of general
7 permits under section 285.60 (3) of the statutes, as affected by this act, expanding
8 the issuance of construction permit waivers under section 285.60 (5m) of the
9 statutes, as created by this act, and taking other actions under section 285.60 (10)
10 of the statutes, as created by this act, including consolidating the permits for sources
11 at one facility into one permit.

12 4. A description of requirements in the federal clean air act that limit the
13 department's ability to expand exemptions under section 285.60 (6) of the statutes,
14 as affected by this act, expand the use of registration permits under section 285.60
15 (2g) of the statutes, as created by this act, expand the use of general permits under
16 section 285.60 (3) of the statutes, as affected by this act, expand the issuance of
17 construction permit waivers under section 285.60 (5m) of the statutes, as created by
18 this act, and take other actions under section 285.60 (10) of the statutes, as created
19 by this act, and recommendations on how these limitations might be overcome.

20 (b) The department of natural resources shall submit the report under
21 paragraph (a) to the legislature in the manner provided under s. 13.172 (2) no later
22 than the first day of the 7th month beginning after the effective date of this
23 paragraph.

24 (4) REPORT ON CLEAN AIR ACT STATE IMPLEMENTATION PLANS. No later than the first
25 day of the 7th month beginning after the effective date of this subsection, the

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1 department of natural resources shall submit to the joint committee for review of
2 administrative rules a report that contains all of the following:

3 (a) A description of all of this state's existing and pending state implementation
4 plans under 42 USC 7410 with an analysis of any rules or requirements included in
5 the plans that may not have been necessary to obtain federal environmental
6 protection agency approval but that are federally enforceable as a result of being
7 included in the plans.

8 (b) Recommendations for revisions of state implementation plans to remove
9 rules and other requirements that may not have been necessary to obtain federal
10 environmental protection agency approval.

11 **SECTION 291. Initial applicability.**

12 (1) LAWSUITS CONCERNING CREDIT AGREEMENTS AND RELATED DOCUMENTS. The
13 treatment of section 241.02 (3) of the statutes first applies to actions commenced on
14 the effective date of this subsection.

15 (2) PARTIAL DEREGULATION OF TELECOMMUNICATIONS. The treatment of section
16 196.195 (5m) and (10) of the statutes first applies to proceedings initiated by
17 petitions filed with the public service commission, or by notices made on the public
18 service commission's own motion, on the effective date of this subsection.

19 (3) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section
20 16.957 (2) (b) 1. (intro.) of the statutes first applies to grants that are awarded on the
21 effective date of the rules promulgated under SECTION 290 (1) of this act.

22 (4) PROCESSING OF AIR PERMITS. The treatment of sections 285.61 (3), (5) (c), (7)
23 (a), (8) (b), and (11), 285.62 (3) (a) (intro.) and (c), (5) (a), (7) (b), and (9) (b), and 285.66
24 (3) (a) of the statutes, the renumbering and amendment of sections 285.61 (2) and

BILL**SECTION 291**

1 285.62 (2) of the statutes, and the creation of sections 285.61 (2) (b) and 285.62 (2)
2 (b) first apply to applications submitted on the effective date of this subsection.

3 (5) REVIEW OF AIR POLLUTION CONTROL DECISIONS. The treatment of section 285.81
4 (1) (intro.) and (1m) of the statutes first applies to person who file petitions on the
5 effective date of this subsection.

6 (6) CHAPTER 30 PROCEDURES.

7 (a) The treatment of sections 30.208 and 30.209 of the statutes first applies to
8 applications for individual permits that are submitted to the department of natural
9 resources on the effective date of this paragraph.

10 (b) The treatment of section 30.208 of the statutes first applies to applications
11 for contracts under section 30.20 of the statutes that are submitted to the
12 department of natural resources on the effective date of this paragraph.

13 **SECTION 292. Effective dates.** This act takes effect on the day after
14 publication, except as follows:

15 (1) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The treatment of section
16 16.957 (2) (b) 1. (intro.) and (c) 2., (2m), and (3) (b) of the statutes takes effect on July
17 1, 2005.

18 (END)

2003 DRAFTING REQUEST

Bill

Received: **11/04/2003**

Received By: **gmalaise**

Wanted: **Today**

Identical to LRB:

For: **John Gard (608) 266-3387**

By/Representing: **Bryon Wornson**

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

Drafter: **gmalaise**

May Contact:

Addl. Drafters: **btradewe
dkennedy
jkreye
mglass
mkunkel
mshovers
rmarchan
rnelson2**

Subject: **Administrative Law
Counties - zoning
Employ Priv - job training
Environment - air quality
Environment - mining
Fin. Inst. - banking inst.
Health - miscellaneous
Munis - zoning
Nat. Res. - boats snomos ATVs
Nat. Res. - nav. waters
Occupational Reg. - prof lic
Public Util. - electric
Public Util. - gas and water
Public Util. - telco
Tax - sales**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **robert.marchant@legis.state.wi.us
joseph.kreye@legis.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Omnibus regulatory reform

Instructions:

Companion to -3629

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>
/?	gmalaise 11/04/2003	kgilfoy 11/04/2003		_____			S&L Tax
/1		12 kgf 11/7	pgreensl 11/04/2003	_____	lemery 11/04/2003		

FE Sent For:

<END>

Northrop, Lori

From: Wornson, Bryon
Sent: Monday, November 10, 2003 10:34 AM
To: LRB.Legal
Subject: Draft review: LRB 03-3630/2 Topic: Omnibus regulatory reform

It has been requested by <Wornson, Bryon> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 03-3630/2 Topic: Omnibus regulatory reform

3630/2
CCC

AB-655

#. Page 58, line 2: after
"distribution" insert
"one".

KMG:

~~Attached~~

30 days after the department completes providing the notice of complete application. The department shall provide notice of public hearing within 15 days after the request for public hearing is submitted or the department makes its determination.

(d) The department shall hold a public hearing within 30 days after the notice of hearing has been provided under par. (a) or (c).

(e) Within 30 days after the public hearing is held or, if no public hearing is held, within 30 days of the 30-day comment period under sub. (4) (a) the department shall render a decision, issuing, denying or modify^{ing} the permit or approving the contract that is the subject of the application submitted under sub. (1).

(4) PUBLIC COMMENT. (a) The department shall provide a period for public comment after the department has provided a notice of complete application under sub. (3) (a) during which time any person may submit written comments with respect to the application for the permit or contract. The department shall retain all of the written comments submitted during this period and shall consider all of the comments in the formulation of the final decision on the application. The period for public comment shall end on the 30th day following the date on which the department completes providing the notice of complete application ~~has been completed~~ except as provided in par. (b).


(b) If a public hearing is held, the period for public comment shall end on the 10th day following the date on which the public hearing is completed.

Insert 41-4

(c) The department may delegate the department's requirement to provide notice under sub. (3) or s. 30.209 (1) by doing any of the following:

1. Requiring that the applicant for the permit or contract provide by publication, mailing, or other distribution one or more of the notices.

Handwritten initials "ccc" in a circle with arrows pointing to the word "distribution" in the list item above.

AB655, s. 147 - continued 

Pg58Ln1

1. Requiring that the applicant for the permit or contract provide by publication, mailing, or other distribution or more of the notices.

Pg58Ln2

SB313, s. 147 - continued 

Pg58Ln1

1. Requiring that the applicant for the permit or contract provide by publication, mailing, or other distribution or more of the notices.

Pg58Ln2



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY BILL 655

Prepared by the Legislative Reference Bureau
(November 13, 2003)

1. Page 58, line 2: after "distribution" insert "one".

2ccc/2

CCC TO
2003 SB-313

LRB-3629/2
~~WGA~~ ALL
Request
copy

#. Page 37, line 23: before "individual"
insert "an".

JLD

2ccc/2

CCC TO
2003 AB-655

LRB-3630/2
~~WGA~~ ALL
Request
copy

#. Page 37, line 23: before "individual"
insert "an".

JLD

SENATE BILL 313

SECTION 71

1 from the permit requirements under this chapter if all of the following requirements
2 are met:

3 **SECTION 72.** 30.135 (1) (a) 1. of the statutes is renumbered 30.135 (1) (a).

4 **SECTION 73.** 30.135 (1) (a) 2. of the statutes is renumbered 30.135 (1) (b) and
5 amended to read:

6 30.135 (1) (b) The platform or jump does not interfere with rights of other
7 riparian proprietors owners.

8 **SECTION 74.** 30.135 (1) (a) 3. of the statutes is renumbered 30.135 (1) (c).

9 **SECTION 75.** 30.135 (1) (b) of the statutes is renumbered 30.135 (2) and
10 amended to read:

11 30.135 (2) If the department determines that any of the requirements under
12 ~~par. (a) sub. (1)~~ are not met, the riparian owner shall submit ~~a permit~~ an application
13 for an individual permit to the department. The notice and hearing provisions under
14 s. 30.208 (3) to (5) apply to the application.

15 **SECTION 76.** 30.135 (2), (3) and (4) of the statutes are repealed.

16 **SECTION 77.** 30.18 (2) (a) (intro.) of the statutes is amended to read:

17 30.18 (2) (a) *Streams.* (intro.) No person may divert water from a stream in
18 this state without ~~a~~ an individual permit under this section if the diversion meets
19 either of the following conditions:

20 **SECTION 78.** 30.18 (2) (b) of the statutes is amended to read:

21 30.18 (2) (b) *Streams or lakes.* No person, except a person required to obtain
22 an approval under s. 281.41, may divert water from any lake or stream in this state
23 without ~~a~~ an individual permit under this section if the diversion will result in a water
24 loss averaging 2,000,000 gallons per day in any 30-day period above the person's
25 authorized base level of water loss.



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY BILL 655

Prepared by the Legislative Reference Bureau
(November 20, 2003)

1. Page 37, line 23: before "individual" insert "an".

3630/2
ALL

CCC to

2003 AB-655

Page 21, line 18: delete "a such"
and substitute "such a".

JLD

ASSEMBLY BILL 655

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.** 16.957 (2) (b) 1. (intro.) of the statutes is amended to read:

2 16.957 (2) (b) 1. (intro.) Subject to subd. 2. and the rules promulgated under
3 sub. (2m), after holding a hearing, establish programs for awarding grants from the
4 appropriation under s. 20.505 (3) (s) for each of the following:

5 **SECTION 2.** 16.957 (2) (c) 2. of the statutes is amended to read:

6 16.957 (2) (c) 2. Requirements and procedures for applications for grants
7 awarded under programs established under par. (a) or (b) 1. The rules for grants
8 awarded under programs established under par. (b) 1. may not be inconsistent with
9 the rules promulgated by the commission under sub. (2m).

10 **SECTION 3.** 16.957 (2m) of the statutes is created to read:

11 16.957 (2m) ENERGY CONSERVATION AND EFFICIENCY GRANTS. The commission
12 shall promulgate rules that provide that a proposal for providing energy
13 conservation or efficiency services is not eligible for a grant under sub. (2) (b) unless
14 the applicant demonstrates that, no later than a reasonable period of time, as
15 determined by the commission, after the applicant begins to implement the proposal,
16 the economic value of the benefits resulting from the proposal will be equal to the
17 amount of the grant. The rules shall also specify annual energy savings targets that
18 a such proposal must be designed to achieve in order for the proposal to be eligible
19 for a grant under sub. (2) (b).

20 **SECTION 4.** 16.957 (3) (b) of the statutes is amended to read:



State of Wisconsin
2003-2004 LEGISLATURE

CORRECTIONS IN:

2003 ASSEMBLY BILL 655

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1. Page 21, line 18: delete "a such" and substitute "such a".