



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Added To File: 01/08/2004 (Per: RCT)



☞ The 2003 drafting file for LRB 03-3879/P4

(compile draft)

has been transferred to the 2003 drafting file for

LRB 03s0288

☞ The attached 2003 draft was incorporated into the new 2003 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2003 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2003 drafting file. The drafting file was then returned, intact, to its folder and filed.

2003 DRAFTING REQUEST

Bill

Received: **12/15/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Ellen Nowak**

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: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **laura.rose@legis.state.wi.us**
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Air pollution control changes for substitute amendment

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>
/?	btradewe 12/17/2003	csicilia 12/17/2003		_____			
/P1			pgreensl 12/17/2003	_____	sbasford 12/17/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	btradewe 12/19/2003	csicilia 12/19/2003	rschluet 12/19/2003	_____	sbasford 12/19/2003		
/P3	btradewe 01/05/2004	csicilia 01/06/2004	pgreensl 01/06/2004	_____	lnorthro 01/06/2004		
/P4	btradewe 01/06/2004	csicilia 01/06/2004	rschluet 01/06/2004	_____	sbasford 01/06/2004		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/15/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Ellen Nowak

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: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to: laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Air pollution control changes for substitute amendment

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>
/?	btradewe 12/17/2003	csicilia 12/17/2003		==			
/P1			pgreensl 12/17/2003		sbasford 12/17/2003		

Handwritten notes: 1 p4 c/s 1/6/04 and a signature.

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	btradewe 12/19/2003	csicilia 12/19/2003	rschluet 12/19/2003	_____	sbasford 12/19/2003		
/P3	btradewe 01/05/2004	csicilia 01/06/2004	pgreensl 01/06/2004	_____	lnorthro 01/06/2004		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/15/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: John Gard (608) 266-3387

By/Representing: Ellen Nowak

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: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to: laura.rose@legis.state.wi.us
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Air pollution control changes for substitute amendment

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>
/?	btradewe 12/17/2003	csicilia 12/17/2003					
/P1			pgreensl 12/17/2003		sbasford 12/17/2003		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2	btradewe 12/19/2003	csicilia 12/19/2003	rschluet 12/19/2003	_____	sbasford 12/19/2003		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/15/2003

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Ellen Nowak**

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: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **laura.rose@legis.state.wi.us**
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Air pollution control changes for substitute amendment

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>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	btradewe 12/17/2003	csicilia 12/17/2003					
----	------------------------	------------------------	--	--	--	--	--

/P1			pgreensl 12/17/2003		sbasford 12/17/2003		
-----	--	--	------------------------	--	------------------------	--	--

P2 cjs 12/19/03

12/14/03

CH

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **12/15/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Ellen Nowak**

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: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to: **laura.rose@legis.state.wi.us**
daryl.hinz@legis.state.wi.us

Pre Topic:

No specific pre topic given

Topic:

Air pollution control changes for substitute amendment

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?	btradewe	1/19/03	12/17/03	12/17/03	12/17/03		

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: 12/10/2003

Received By: btradewe

Wanted: Soon

Identical to LRB:

For: John Gard 1-5683

By/Representing: Ellen Nowak

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: Rep.Gard@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to the air pollution control laws

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>
/?	btradewe 12/12/2003			_____			
/1			chaugen 12/12/2003	_____	mbarman 12/12/2003		

I had to get a new LRB# for this - it became 03-3879 Ret

FE Sent For:

<END>

2003 DRAFTING REQUEST

Bill

Received: **12/10/2003**

Received By: **btradewe**

Wanted: **Soon**

Identical to LRB:

For: **John Gard 1-5683**

By/Representing: **Ellen Nowak**

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: **Rep.Gard@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Changes to the air pollution control laws

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>
/?	btradewe	1 g/s 12/12 03	dk 12-12	MS 12-12 PF			

FE Sent For:

<END>

Ellen
1-5683
or
215-5150
(cell)

Chapter 285 Drafting Instructions

(Reference to existing sections in AB 655/SB 313)

Dec. 10, 2003

[Redacted text]

Remove
all provisions
→

SECTION 211 Certified Contractor provisions will reflect agreement that program should be consistent with MN's program

OK

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

285.11 (6) Prepare and develop one or more comprehensive plans for the prevention, abatement and control of air pollution in this state. The department thereafter shall be responsible for the revision and implementation of the plans. Control measures or strategies shall be promulgated as rules prior to being submitted to the federal environmental protection agency as part of a state implementation plan under 42 USC 7410. The rules or control strategies submitted to the federal environmental protection agency under the federal clean air act for control of atmospheric ozone shall conform with the federal clean air act unless, based on the recommendation of the natural resources board or the head of the department, as defined in s. 15.01 (8), of any other department, as defined in s. 15.01 (5), that promulgates a rule or establishes a control strategy, the governor determines that measures beyond those required by the federal clean air act meet any of the following criteria:

OK SECTION 213. Delete Remove line 15

OK SECTION 214. Okay as drafted.

OK SECTION 215. Delete

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

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

~~(2) REVIEW BY COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES. At least 960 days before the department is required to submit a state implementation plan to the federal environmental protection agency, the department shall prepare and submit a report to the joint committee for review of administrative rules appropriate standing committee that describes the proposed plan and contains all of the supporting documents that the department intends to submit with the plan. If, within 30 days after the department submits the report, either the cochairpersons of the joint committee for review of administrative rules appropriate standing committee submits written comments on does not return the report to the department, the secretary shall respond to the comments in writing to the chairperson~~

~~within 15 days of receipt of the comments, with a written explanation of why the committee is returning the report, the department may submit the plan. If, within 30 days after the department submits the report, the cochairpersons of the joint committee for review of administrative rules return the report to the department with a written explanation of why the committee is returning the report, the department may not submit the plan until the committee agrees that the department has adequately addressed the issues raised by the committee. If the secretary disagrees with the committee's reasons for returning the report, the secretary shall so notify the committee in writing. This subsection does not apply to a modification to a state implementation plan relating to an individual source.~~

ok → [Add provision that requires DNR to provide public notice of report availability] *Adm. Reg. Notice*

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

285.17 (2) The department may, by rule or in an operation permit, require the owner or operator of an air contaminant source to monitor the emissions of the air contaminant source or to monitor the ambient air in the vicinity of the air contaminant source and to report the results of the monitoring to the department. The department may specify methods for conducting the monitoring and for analyzing the results of the monitoring. The department shall require the owner or operator of a major source to report the results of any required monitoring of emissions from the major source to the department no less often than every 6 months. The applicant may appeal proposed monitoring requirements to the Administrator, Division of Air & Water, and then the Secretary, based, among other assertions, a ~~The to department may not include a monitoring requirement in an operation permit if the applicant demonstration that the cost of compliance with the requirement would exceed the cost of compliance with monitoring requirements imposed on similar air contaminant sources by a state adjacent to this state. or if the monitoring is not needed to provide assurance of compliance with requirements that apply to the air contaminant source, unless the monitoring is required under the federal clean air act.~~

Insert standard boilerplate language if applicable

ok c [Add nonstat language requiring DNR to work with industry and others to review and establish "monitoring best practices" to avoid inconsistencies within state and with other states and the federal permit programs.]

ok SECTION 218. Delete.

ok SECTION 219. Delete.

ok SECTION 220. 285.21 (1) (b) (intro) of the statutes is amended to read.

(b) *Standard to protect health or welfare.* If an ambient air quality standard for any air contaminant is not promulgated under section 109 of the federal clean air act, the department may promulgate an ambient air quality standard if the department finds that the standard is needed to provide adequate protection for public health or welfare. The department may not make this finding for an ambient air quality standard unless the finding is supported with written documentation that includes all of the following:

New SECTION. 285.21 (1) (b) 1. to 4. of the statutes are created to read:

1. A public health risk assessment that characterizes the types of stationary sources in this state that are known to emit the air contaminant and the populations who are potentially at risk from the emissions.

2. An analysis showing that populations are subjected to levels of the air contaminant that are above recognized environmental health standards.
3. An evaluation of options for managing the risks caused by the ~~hazardous~~ air contaminant considering risks, costs, economic impacts, feasibility, energy, safety, and other relevant factors, and a finding that the chosen compliance alternative reduces risks in the most cost-effective manner practicable.
4. A comparison of costs borne by Wisconsin businesses relating to the proposed ambient air standard to costs borne by similar businesses located in [EPA Region V states].

OK SECTION 221. Delete.

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

285.21 (4) IMPACT OF CHANGE IN FEDERAL STANDARDS. If the ambient air increment or the ambient air quality standards in effect on April 30, 1980, under the federal clean air act are ~~relaxed~~ modified, the department shall alter the corresponding state standards unless it finds that the relaxed standards would not provide adequate protection for public health and welfare ~~accordingly~~. The department may not make this finding for an ambient air increment or the ambient air quality standards unless the finding is supported with the written documentation required under sub. (1) (b) 1. to 4.

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

285.23 (1) PROCEDURES AND CRITERIA. The department shall promulgate by rule procedures and criteria to identify a nonattainment area and to reclassify a nonattainment area as an attainment area. After the effective date of this Act, the department may not identify or otherwise recommend a county as part of a nonattainment area if the concentration of an air contaminant in the atmosphere does not exceed an ambient air quality standard, unless the department is required under the federal clean air act to identify the county as part of a nonattainment area.

OK NEW SECTION. 285.23 (2) of the statutes is amended to read:

(2) DOCUMENTS. The department shall issue documents from time to time which recommend, define or list specific nonattainment areas based upon the procedures and criteria promulgated under sub. (1). Notwithstanding ss. 227.01 (13) and 227.10 (1), documents issued under this subsection are not rules.

OK SECTION 224. Delete.

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

285.23 (6) REPORT TO THE ~~LEGISLATURE COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES~~. Before the department issues documents under sub. (2) and at least 960 days before the governor is required to make a submission on a nonattainment designation under 42 USC 7407 (d) (1) (A), the department shall prepare and submit a report to the ~~joint committee for review of administrative rules~~ appropriate standing committee that contains a description of any area proposed to be identified as a nonattainment area and supporting documentation. If the department has complied with sub. (4) and if, within 30 days after the department submits the report, either the echairpersons of the joint committee for review of administrative rules standing committee submits written comments

~~on does not return the report to the department, the secretary shall respond to the comments in writing to the chairperson within 15 days of receipt of the comments. with a written explanation of why the committee is returning the report, the department may issue the documents under sub. (2) and the governor may make the submission. If, within 30 days after the department submits the report, the cochairpersons of the joint committee for review of administrative rules return the report to the department with a written explanation of why the committee is returning the report, the department may not issue the documents under sub. (2) and the governor may not make the submission until the committee agrees that the department has adequately addressed the issues raised by the committee.~~

ok [Add provision that requires DNR to provide public notice of report availability]

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

285.27 (1) (a) *Similar to federal standard.* If a standard of performance for new stationary sources is promulgated under section 111 of the federal clean air act, the department shall promulgate by rule a similar standard, including consistent administrative requirements, but this standard may not be more restrictive in terms of emission limitations than the federal standard except as provided under sub. (4).

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

285.27 (2) (a) *Similar to federal standard.* If an emission standard for a hazardous air contaminant is promulgated under section 112 of the federal clean air act, the department shall promulgate by rule a similar standard, including consistent administrative requirements, but this standard may not be more restrictive in terms of emission limitations than the federal standard except as provided under sub. (4).

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

285.27 (2) (b) *Standard to protect public health or welfare.* (intro.) If an emission standard for a hazardous air contaminant is not promulgated under section 112 of the federal clean air act, the department may promulgate an emission standard for the hazardous air contaminant if the department finds the standard is needed to provide adequate protection for public health or welfare. The department may not make a finding for a hazardous air contaminant unless the finding is supported with written documentation that includes all of the following:

ok SECTION 229. 285.27 (2) (b) 1. to 4. of the statutes are created to read:

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

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

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

(4) A comparison of hazardous air contaminant program costs borne by Wisconsin businesses, including costs associated with regulating the proposed non-federal hazardous air contaminants, to hazardous air contaminant program costs borne by similar businesses located in [EPA Region V states].

ok SECTION 230. Okay as drafted. List states on whatever drafting convention is

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

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

ok SECTIONS 232-234. Revised as necessary to reflect other changes.

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

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

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

1. Written notice of the department's determination that the source qualifies for a registration permit and that the applicant may operate the source consistent with the terms and conditions of the registration permit.
2. A written description of any information that is missing from the application for a registration permit.
3. Written notice of the department's determination that the source does not qualify for a registration permit, specifically describing the reasons for that determination.

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

ok SECTION 236. Okay as drafted.

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

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

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

1. Written notice of the department's determination that the source qualifies for coverage under the general permit and that the applicant may operate the source consistent with the terms and conditions of the general permit.
2. A written description of any information that is missing from the application for coverage under the general permit.
3. Written notice of the department's determination that the source does not qualify for coverage under the general permit, specifically describing the reasons for that determination.

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

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

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

Subject to sub. (8), the department may on a case by case basis or by rule waive any requirement to obtain a construction permit prior to construction, reconstruction, replacement, or modification of a stationary source.

ok SECTION 239. Okay as drafted.

ok SECTION 240 (Ag Exemptions)

ok SECTION 241 (General Exemption)

} Stay as currently drafted.

ok SECTION 242 (~~Compliance with CAA~~). ~~Unclear if changes required.~~ Okay as drafted.

ok SECTION 243. Okay as drafted.

ok SECTION 244. Okay as drafted.

SECTION 245 Certified Contractor — see p. 1 — § 211

remove

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

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

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

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

SECTION 248 (Deadline) - Remove all changed deadline provisions - Ellen will call with further instruction

SECTION 248-251 (Certified Contractor provisions) - see p. 1

SECTION 252 (Deadline) See above

SECTION 253 (Aggrieved Party Standing) OK as drafted.

SECTION 254 - 255 Certified Contractor provisions - Delete - see p. 1

ok SECTION 256. Delete.

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

285.61 (10) EXTENSIONS. Upon mutual agreement between the Department and the applicant, the department shall may extend any time limit applicable to the department ~~or a certified contractor~~ under this section at the request of an applicant.

[Add Sen. Stepp language relating to such estensions] - Ellen will provide language.

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

ok 285.61 (11) DELAY IN ISSUING PERMITS. Subject to sub. (10), if the department fails to act on an application for a construction permit within the time limit in sub. (8) (b), the department shall include in a report the reasons for the delay in acting on the application, including the names of the department's employees responsible for review of the application, and recommendations for how to avoid similar delays in the future. The department shall make reports under this subsection available to the public, place a prominent notice of the reports on the department's Internet site, and submit the reports to the joint committee for the review of administrative rules on a quarterly basis.

[Add provision allowing use of certified contractor] - will provide later

[Add return of permit fees]

Please add language - Can this be drafted? -

SECTION 259. Certified Contractor provisions, plus clean-up change. → delete → keep.

OK

SECTION 260. Add: "Within 15 days after receipt of any additional information requested by the Department, the Department must provide written notice to the applicant whether the subsequent submittal includes the information requested." And delete reference to certified contractor. (See SECTION 246)

OK

SECTION 261. Okay except for certified contractor.

SECTION 262-263 Certified Contractor provisions and deadline (Delete) - self-explanatory

OK SECTION 264 (Aggrieved Party) okay as drafted.

OK SECTION 265 (EPA Objection) okay as drafted.

OK SECTION 266. Delete. (date)

OK SECTION 267 Certified Contractor comes out - see p. 1 Delete

OK SECTION 268-269 (Renewals) okay as drafted

SECTION 270. (See SECTION 258)

parallel construction. whatever you do on §. 257 - do here.

SECTION 271. (See SECTION 257)

OK SECTION 272. Okay?

OK SECTION 273. Delete if required by CAA. if Required by EPA, then delete this Repeal- Existing law would stand.

OK SECTION 274, 275. Okay as drafted.

OK SECTION 276 (Renewal) okay as drafted.

OK SECTION 277-278 Certified Contractor - comes out - delete see p. 1

OK SECTION 279-280 (Permit Challenge) okay as drafted

SECTION 290. Nonstatutory provisions.

OK - (2) Delete

okay →

(4) REPORT ON CLEAN AIR ACT STATE IMPLEMENTATION PLANS. No later than the first day of the 713th month beginning after the effective date of this subsection, the department of natural resources shall submit to the joint committee for review of administrative rules standing committee a report that contains all of the following:

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

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

~~Next Section relating to Facility wide permits.~~