



2003 ASSEMBLY BILL 516

September 11, 2003 - Introduced by Representatives JOHNSRUD, BIES, GRONEMUS, GUNDERSON, MUSSER, HINES, KAUFERT, WEBER, SERATTI, OLSEN, ALBERS, GROTHMAN, PETROWSKI and OWENS, cosponsored by Senators KEDZIE and REYNOLDS. Referred to Committee on Natural Resources.

1 **AN ACT** *to amend* 285.60 (1) (a) 1.; and *to create* 285.60 (6m) of the statutes;
2 **relating to:** an exemption from the requirement to obtain an air pollution
3 construction permit for certain equipment at a nonmetallic mineral processing
4 facility.

Analysis by the Legislative Reference Bureau

Current law generally requires a person to obtain a construction permit from the Department of Natural Resources (DNR) before beginning construction of a stationary source of air pollution. The law authorizes DNR to exempt a type of stationary source of air pollution from this requirement if the potential emissions from that type of source do not present a significant hazard to public health, safety, or welfare or to the environment.

This bill exempts a person from the requirement to obtain a construction permit from DNR for any equipment, including a generator or engine, at a nonmetallic mineral processing facility, other than certain crushers and grinding mills, if the person has an air pollution operation permit for the facility or has filed a complete application for an operation permit for the facility. Nonmetallic minerals include substances such as stone, sand, and gravel.

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For further information see the *state* 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.** 285.60 (1) (a) 1. of the statutes is amended to read:

2 285.60 (1) (a) 1. Except as provided in sub. (6) or (6m), no person may commence
3 construction, reconstruction, replacement, or modification of a stationary source
4 unless the person has a construction permit from the department.

5 **SECTION 2.** 285.60 (6m) of the statutes is created to read:

6 285.60 (6m) CONSTRUCTION PERMIT EXEMPTION FOR NONMETALLIC MINING
7 FACILITIES. (a) *Definitions.* In this section:

8 1. “Equipment” includes an engine or generator used to power other
9 equipment.

10 2. “Initial crusher” means a crusher at a nonmetallic mineral processing
11 facility into which nonmetallic minerals can be fed without prior crushing at that
12 facility.

13 3. “Initial grinding mill” means a grinding mill at a nonmetallic mineral
14 processing facility into which nonmetallic minerals can be fed without prior crushing
15 at that facility.

16 (b) *Permit exemption.* A person is not required to obtain a construction permit
17 under sub. (1) (a) for any equipment at a nonmetallic mineral processing facility,
18 other than an initial crusher or an initial grinding mill, if the person has an operation
19 permit under this section for the facility or has filed a complete application for an
20 operation permit under this section for the facility.

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(END)