

2005 ASSEMBLY BILL 277

1 **AN ACT** *to amend* 285.60 (1) (a) 1., 285.60 (3) (a), 285.66 (2) (b) (intro.), 285.66
2 (2) (b) 1., 285.66 (2) (b) 2., 285.66 (2) (b) 3. and 285.81 (1m) (b) of the statutes;
3 **relating to:** general air pollution control permits, the term of registration air
4 pollution control permits, the effect of a challenge to an emission limitation in
5 an air pollution operation permit, and a report on regulatory barriers affecting
6 manufacturing.

Analysis by the Legislative Reference Bureau

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

7 **SECTION 1.** 285.60 (1) (a) 1. of the statutes is amended to read:
8 285.60 **(1)** (a) *Construction permit.* 1. Except as provided in sub. (2g), (3), (5m),
9 or (6), no person may commence construction, reconstruction, replacement, or
10 modification of a stationary source unless the person has a construction permit from
11 the department.

ASSEMBLY BILL 277**SECTION 2**

1 **SECTION 2.** 285.60 (3) (a) of the statutes is amended to read:

2 285.60 **(3)** (a) *Rules.* The department shall promulgate rules for the issuance
3 of general permits authorizing construction or operation or both for similar
4 stationary sources. In the rules, the department shall specify criteria for identifying
5 categories of sources for which the department may issue general permits and
6 general requirements applicable to sources that qualify for general permits. In the
7 rules, the department may exempt persons who qualify for a general permit from the
8 requirement to obtain a construction permit.

9 **SECTION 3.** 285.66 (2) (b) (intro.) of the statutes is amended to read:

10 285.66 **(2)** (b) (intro.) Notwithstanding par. (a), the department may not specify
11 that coverage under a registration permit under s. 285.60 (2g) or coverage under a
12 general permit under s. 285.60 (3) expires except as follows:

13 **SECTION 4.** 285.66 (2) (b) 1. of the statutes is amended to read:

14 285.66 **(2)** (b) 1. The department may specify an expiration date for coverage
15 under a registration permit or for coverage under a general permit at the request of
16 an owner or operator.

17 **SECTION 4m.** 285.66 (2) (b) 2. of the statutes is amended to read:

18 285.66 **(2)** (b) 2. The department may specify a term of 5 years or longer for
19 coverage under a registration permit or for coverage under a general permit if the
20 department finds that expiring coverage would significantly improve the likelihood
21 of continuing compliance with applicable requirements compared to coverage that
22 does not expire.

23 **SECTION 5.** 285.66 (2) (b) 3. of the statutes is amended to read:

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1 285.66 **(2)** (b) 3. The department may specify a term of 5 years or less for
2 coverage under a registration permit or for coverage under a general permit if
3 required by the federal clean air act.

4 **SECTION 6.** 285.81 (1m) (b) of the statutes is amended to read:

5 285.81 **(1m)** (b) An emission limitation contained in a construction permit
6 becomes effective despite a challenge under par. (a), unless the permit holder or
7 applicant challenging the emission limitation obtains a stay of the emission
8 limitation from the hearing examiner or court considering the challenge.

9 **SECTION 7. Nonstatutory provisions.**

10 (1) REPORT ON REGULATORY BARRIERS. The department of administration, in
11 consultation with representatives of industry and others, shall prepare a report that
12 identifies major regulatory barriers to the growth of this state's manufacturing
13 sector. The department shall examine state rules in areas that include employment,
14 the environment, financial services, utilities, and transportation and shall report on
15 unnecessary barriers to growth and on consistency with the requirements of federal
16 law and the laws of surrounding states. The department shall submit the report
17 under this subsection to the joint committee for review of administrative rules no
18 later the first day of the 13th month beginning after the effective date of this
19 subsection.

20 **SECTION 8. Initial applicability.**

21 (1) The treatment of section 285.81 (1m) (b) of the statutes first applies to
22 challenges to operation permits that were issued on the effective date of this
23 subsection.

24 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
25 except as follows:

