

2011 DRAFTING REQUEST

Bill

Received: **06/05/2011**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Leah Vukmir (608) 266-2512**

By/Representing: **Jason Rostan**

May Contact: **Scott Grosz**

Drafter: **rkite**

Subject: **Environment - air quality**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Vukmir@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Suspension of agricultural emissions rules

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>
/?				_____			State
/1	rkite 06/08/2011	nnatzke 06/08/2011	jfrantze 06/08/2011	_____	ggodwin 06/08/2011		State
/2	rkite 06/16/2011	nnatzke 06/17/2011	rschluet 06/17/2011	_____	lparisi 06/17/2011	ggodwin 06/27/2011	

FE Sent For:

*At intro
6/30/2011*

<END>

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6/17
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6/17
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Pre Topic:

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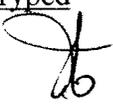
Topic:

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See attached

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FE Sent For:

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JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR LEAH VUKMIR AND REPRESENTATIVE JIM OTT

Motion on Ch. NR 406, 407 & 445

That the Joint Committee for Review of Administrative Rules suspend the following provisions included in Ch. NR 406, 407 & 445, pursuant to s. 227.26 (2) (d), Stats., effective May 24, 2011, on the basis of testimony received at its April 27, 2011 meeting, and on the grounds that these provisions included in Ch. NR 406, 407 & 445 impose an undue hardship on Wisconsin's dairy industry as stated in s. 227.19 (4) (d) 6.

406.04(3)(e): For the purposes of determining emissions under sub.(2)(f), the owner or operator of a sources is not required to consider emissions of hazardous air contaminants associated with agricultural waste ~~prior to July 31, 2011.~~

407.03(2)(d): The maximum theoretical emissions from the source for any hazardous air contaminant listed in Table A, B or C of s. NR 445.07 do not exceed the emission rate listed in the table for the hazardous air contaminant for the respective stack height. For the purposes of determining emissions under this paragraph, the owner or operator of a source is not required to consider emission of hazardous air contaminants associated with agricultural wastes ~~prior to July 31, 2011.~~

445.08(3)(c): Entire provision

445.08(6)(d):

~~1. The owner or operator of a source with emissions of hazardous air contaminants associated with agricultural waste and constructed or last modified on or after July 31, 2011, shall achieve compliance with any applicable requirements in s. NR 445.07 in accordance with either s. NR 445.08 (2) or (3) (c) for the agricultural waste upon startup of the source.~~

~~2. Emissions of hazardous air contaminants associated with agricultural waste from a source constructed or last modified prior to July 31, 2011, are exempt from the requirements in this chapter until July 31, 2011. Subsequently, the owner or operator of the source shall do both of the following if non-exempt, potential to emit emissions of a hazardous air contaminant from agricultural waste are greater than an applicable threshold in column (e), (d), (e) or (f) of Table A of s. NR 445.07:~~

~~a. Achieve compliance with applicable requirements in s. NR 445.07 in accordance with either s. NR 445.08 (2) or (3) (c) no later than July 31, 2011.~~

~~b. Submit the required information in accordance with sub. (7) (b).~~

Vote:

Ayes 6 (Vukmir, Ott, Leibham, Grothman, LeMahieu, Meyer)

Nays 4 (Hebl, Kessler, Risser, Taylor)

Motion Passed

Kite, Robin

From: Rostan, Jason
Sent: Friday, June 03, 2011 12:53 PM
To: Kite, Robin
Cc: Grosz, Scott; Mueller, Virginia
Subject: Ag Emission Suspension

Attachments: Ag Emission Suspension Motion.doc

Hi Robin,

Here is a copy of the motion. The long and short of it is that DNR was going to start regulating air emissions from farms as of July 31, 2011. The DNR has no real way to figure out how to regulate that, so we suspended that requirement.

If you have any questions, you can call me or Scott Grosz at Leg Council.

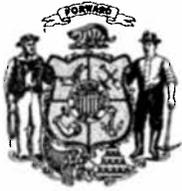
As last time, we will need Senate and Assembly companions.

Thanks.

Jason Rostan
Sen. Vukmir's Office



Ag Emission
uspension Motion.



Wanted 6/15
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2203
RNK:.....
Rm
run
1
nwn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In
6/8
SAV

D-N

Gen.

- 1 AN ACT ...; relating to: the regulation of emissions of hazardous air contaminants
- 2 associated with agricultural waste and the partial suspension of rules
- 3 promulgated by the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) promulgates emission standards for hazardous air contaminants. EPA regulates sources of those contaminants in categories that it identifies as sources that must be regulated. Under current state law, when EPA promulgates an emission standard for a hazardous air contaminant, the Department of Natural Resources (DNR) must promulgate by rule a similar standard that may not be more restrictive than the federal standard. Current law provides that if EPA does not promulgate an emission standard for a hazardous air contaminant, DNR may promulgate an emission standard for that hazardous air contaminant if DNR finds that the standard is needed to provide adequate protection for public health or welfare and if the finding is supported with certain written documentation.

This bill prohibits DNR from regulating sources that emit hazardous air contaminants associated with agricultural waste.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending portions of sections NR 406.04, 407.03, and 445.08, Wis. Adm. Code, rules of the Department of Natural Resources on May 24, 2011. The suspended portions of the rules required an owner or operator of a source of emissions of hazardous air contaminants associated with agricultural waste to implement, by July 31, 2011, best management practices for handling those emissions.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2203/01n

RNK:|:....

nwn

Date

This draft prohibits the Department of Natural Resources (DNR) from regulating the emission of hazardous air contaminants associated with agricultural waste. If the federal Environmental Protection Agency promulgates emission standards for hazardous air contaminants associated with agricultural waste, DNR will not be in compliance with that federal law under the prohibition created in this draft.

If you have any questions about this draft, please feel free to contact me.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2203/1dn
RNK:nwn:jf

June 8, 2011

This draft prohibits the Department of Natural Resources (DNR) from regulating the emission of hazardous air contaminants associated with agricultural waste. If the federal Environmental Protection Agency promulgates emission standards for hazardous air contaminants associated with agricultural waste, DNR will not be in compliance with that federal law under the prohibition created in this draft.

If you have any questions about this draft, please feel free to contact me.

Robin N. Kite
Senior Legislative Attorney
Phone: (608) 266-7291
E-mail: robin.kite@legis.wisconsin.gov



Wanted 6/20
State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2203/A

RNK:nwn:jf

2011 BILL

Regen.

1 AN ACT *to create* 285.28 of the statutes; **relating to:** the regulation of emissions
2 of hazardous air contaminants associated with agricultural waste and the
3 partial suspension of rules promulgated by the Department of Natural
4 Resources.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) promulgates emission standards for hazardous air contaminants. EPA regulates sources of those contaminants in categories that it identifies as sources that must be regulated. Under current state law, when EPA promulgates an emission standard for a hazardous air contaminant, the Department of Natural Resources (DNR) must promulgate by rule a similar standard that may not be more restrictive than the federal standard. Current law provides that if EPA does not promulgate an emission standard for a hazardous air contaminant, DNR may promulgate an emission standard for that hazardous air contaminant if DNR finds that the standard is needed to provide adequate protection for public health or welfare and if the finding is supported with certain written documentation.

This bill prohibits DNR from regulating sources that emit hazardous air contaminants associated with agricultural waste.

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except to the extent
required by federal law

Godwin, Gigi

From: Rostan, Jason
Sent: Friday, June 24, 2011 11:00 AM
To: LRB.Legal
Subject: Draft Review: LRB 11-2203/2 Topic: Suspension of agricultural emissions rules

Please Jacket LRB 11-2203/2 for the SENATE.