

# State of Wisconsin



2011 Assembly Bill 467

Date of enactment: **April 2, 2012**  
Date of publication\*: **April 16, 2012**

## 2011 WISCONSIN ACT 171

AN ACT to create 285.60 (3m) and 285.63 (3m) of the statutes; relating to: consideration of certain greenhouse gas emissions in determining requirements applicable to a stationary source of air pollution.

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

**SECTION 1.** 285.60 (3m) of the statutes is created to read:

285.60 (3m) CONSIDERATION OF CERTAIN GREENHOUSE GAS EMISSIONS. Unless required under the federal clean air act, in determining whether a person is required to obtain a construction permit or an operation permit for a stationary source under this section based on emissions of greenhouse gases resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms, the department may only consider carbon dioxide emissions consistent with 40 CFR 51.166 (b)

(48) and the definition of "subject to regulation" in 40 CFR 70.2.

**SECTION 2.** 285.63 (3m) of the statutes is created to read:

285.63 (3m) CONSIDERATION OF CERTAIN GREENHOUSE GAS EMISSIONS. Unless required under the federal clean air act, in determining whether a major source is subject to best available control technology under sub. (3) (a) for greenhouse gas emissions resulting from the combustion or decomposition of nonfossilized and biodegradable organic material originating from plants, animals, or microorganisms, the department may only consider carbon dioxide emissions consistent with 40 CFR 51.166 (b) (48) and the definition of "subject to regulation" in 40 CFR 70.2.

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\* Section 991.11, WISCONSIN STATUTES 2009-10 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].