

ASSEMBLY BILL 467 (LRB -2998)

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. (FE)

2012

01-09.	A.	Introduced by Representatives Klenke, Brooks, Litjens, Steineke, Krug, A. Ott, Endsley, Ballweg and Molepske Jr ; cosponsored by Senator Galloway .	
01-09.	A.	Read first time and referred to committee on Natural Resources	734
01-11.	A.	Representative Jacque added as a coauthor	737
01-17.	A.	Fiscal estimate received.	
01-18.	A.	Public hearing held.	
01-18.	A.	Executive action taken.	
01-24.	A.	Report passage recommended by committee on Natural Resources, Ayes 16, Noes 0	749
01-24.	A.	Referred to committee on Rules	749
01-24.	A.	Placed on calendar 1-26-2012 by committee on Rules.	
01-26.	A.	Read a second time	760
01-26.	A.	Ordered to a third reading	760
01-26.	A.	Rules suspended	760
01-26.	A.	Read a third time and passed	760
01-26.	A.	Ordered immediately messaged	760
01-27.	S.	Received from Assembly	678
01-31.	S.	Read first time and referred to committee on Natural Resources and Environment	681
02-02.	S.	Public hearing held.	
02-08.	S.	Executive action taken.	
02-08.	S.	Report introduction and adoption of Senate Amendment 1 recommended by committee on Natural Resources and Environment, Ayes 7, Noes 0 (LRB a2268)	690
02-08.	S.	Report concurrence as amended recommended by committee on Natural Resources and Environment, Ayes 7, Noes 0	690
02-08.	S.	Available for scheduling.	
02-13.	S.	Referred to joint committee on Finance by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 3, Noes 2	698
02-13.	S.	Withdrawn from joint committee on Finance and made Available for Scheduling by committee on Senate Organization, pursuant to Senate Rule 41 (1)(e), Ayes 3, Noes 2	698
02-13.	S.	Placed on calendar 2-14-2012 pursuant to Senate Rule 18(1)	698
02-14.	S.	Read a second time	709
02-14.	S.	Senate amendment 1 adopted	709
02-14.	S.	Ordered to a third reading	709
02-14.	S.	Rules suspended	709
02-14.	S.	Read a third time and concurred in , Ayes 33, Noes 0	709
02-14.	S.	Ordered immediately messaged	709
02-16.	A.	Received from Senate amended and concurred in as amended (Senate amendment 1 adopted)	801
02-16.	A.	Referred to committee on Rules	802
02-16.	A.	Placed on calendar 2-21-2012 by committee on Rules.	
02-21.	A.	Senate amendment 1 concurred in , Ayes 90, Noes 5.	
02-21.	A.	Action ordered immediately messaged.	

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2011
ENROLLED BILL

11en AB-467

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

11-2998/1

Amendments to above (if none, write "NONE"):

SA1 — a 2268/1

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

2-23-12

Date

J. R. Rindley

Enrolling Drafter



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-2998/1
RCT:med:jf

2011 ASSEMBLY BILL 467

January 9, 2012 - Introduced by Representatives KLENKE, BROOKS, LITJENS, STEINEKE, KRUG, A. OTT, ENDSLEY, BALLWEG and MOLEPSKE JR, cosponsored by Senator GALLOWAY. Referred to Committee on Natural Resources.

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

Analysis by the Legislative Reference Bureau

The federal Clean Air Act allows the Environmental Protection Agency (EPA) to authorize a state to administer the act if the state's air pollution control program is at least as stringent as the act. Currently, EPA delegates the authority to administer the federal Clean Air Act in this state to the Department of Natural Resources (DNR).

Current federal law and state law require construction permits and operation permits for certain stationary sources of air pollution, based on the amount of specified air contaminants emitted by the sources. Current law also requires certain stationary sources for which an air pollution permit is required to use what is called best available control technology (BACT) to control emissions of certain air pollutants. BACT requires the maximum degree of emission reduction achievable as specified by the permitting agency on a case-by-case basis, considering energy, economic, and environmental impacts.

EPA promulgated regulations, effective in 2011, requiring stationary sources that emit over threshold amounts of greenhouse gases to obtain construction and operation permits and requiring those sources to use BACT for greenhouse gas emissions. Greenhouse gases are gases, including carbon dioxide, that trap heat in the atmosphere. DNR promulgated corresponding rules. More recently, EPA

ASSEMBLY BILL 467

modified its regulations by providing that, before July 21, 2014, carbon dioxide emissions from the burning or decomposition of organic material, other than fossil fuels, will not be counted toward the threshold for permitting because of greenhouse gas emissions or toward the requirement to use BACT. The modified federal regulation excludes from counting toward the threshold, for example, carbon dioxide emissions resulting from the decomposition of waste in a landfill, from burning gas derived from a landfill or manure digester, and from burning wood, wood waste, and other biomass.

This bill prohibits DNR from considering carbon dioxide emissions from the burning or decomposition of organic material, other than fossil fuels, in determining whether an air pollution construction permit or operation permit is required because of greenhouse gas emissions and in determining whether a stationary source is required to use BACT for greenhouse gas emissions, as long as this prohibition is consistent with federal law.

For further information see the *state and local* 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 (3m) of the statutes is created to read:

2 285.60 (3m) CONSIDERATION OF CERTAIN GREENHOUSE GAS EMISSIONS. Unless
3 required under the federal clean air act, in determining whether a person is required
4 to obtain a construction permit or an operation permit for a stationary source under
5 this section based on emissions of greenhouse gases, the department may not
6 consider carbon dioxide emissions resulting from the combustion or decomposition
7 of nonfossilized and biodegradable organic material originating from plants,
8 animals, or microorganisms, consistent with 40 CFR 51.166 (b) (48) and the
9 definition of "subject to regulation" in 40 CFR 70.2.

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

11 285.63 (3m) CONSIDERATION OF CERTAIN GREENHOUSE GAS EMISSIONS. Unless
12 required under the federal clean air act, in determining whether a major source is
13 subject to best available control technology under sub. (3) (a) for greenhouse gas

SAI-1

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ASSEMBLY BILL 467

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1 emissions, the department may not consider carbon dioxide emissions resulting from
2 the combustion or decomposition of nonfossilized and biodegradable organic
3 material originating from plants, animals, or microorganisms, consistent with 40
4 CFR 51.166 (b) (48) and the definition of "subject to regulation" in 40 CFR 70.2.

5

(END)

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SENATE AMENDMENT 1,
TO 2011 ASSEMBLY BILL 467

February 8, 2012 - Offered by COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 5: delete the material beginning with “, the department” and
3 ending with “emissions” on line 6.

4 2. Page 2, line 8: after “microorganisms,” insert “the department may only
5 consider carbon dioxide emissions”.

6 3. Page 3, line 1: delete that line and substitute “emissions resulting from”.

7 4. Page 3, line 3: after “microorganisms,” insert “the department may only
8 consider carbon dioxide emissions”.

9 (END)

SAI-2

SAI-3

SAI-4