



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 171
[2011 Assembly Bill 467]

**Consideration of Certain
Greenhouse Gas Emissions**

Current federal and state laws 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 best available control technology (BACT) to control emissions of certain air pollutants. The Environmental Protection Agency recently modified its regulations to provide 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.

2011 Wisconsin Act 171 specifies that, unless required under the federal Clean Air Act, the Department of Natural Resources may only consider 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 or whether BACT is required for greenhouse gas emissions if the carbon dioxide emissions are considered in a manner consistent with federal regulations.

Effective date: 2011 Wisconsin Act 171 takes effect on April 17, 2012.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.