

2015 DRAFTING REQUEST

Bill

Received: 1/29/2015 Received By: btradewe
Wanted: As time permits Same as LRB: -1189
For: Frank Lasee (608) 266-3512 By/Representing: Adam Gibbs
May Contact: Drafter: btradewe
Subject: Environment - air quality Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of wood stoves

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>
/1	btradewe 1/30/2015	jdyer 1/30/2015	jmurphy 1/30/2015	_____	srose 1/30/2015	sbasford 2/3/2015	State

FE Sent For:

<END>

→ AT
Intro.

2015 DRAFTING REQUEST

Bill

Received: **1/29/2015** Received By: **btradewe**
Wanted: **As time permits** Same as LRB: **-1189**
For: **Frank Lasee (608) 266-3512** By/Representing: **Adam Gibbs**
May Contact: Drafter: **btradewe**
Subject: **Environment - air quality** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lasee@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of wood stoves

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>
/1	btradewe 1/30/2015	jdyer 1/30/2015	jmurphy 1/30/2015	_____	srose 1/30/2015		State

FE Sent For:

<END>

2015 DRAFTING REQUEST

Bill

Received: 1/29/2015 Received By: btradewe
Wanted: As time permits Same as LRB: -1189
For: Frank Lasee (608) 266-3512 By/Representing: Adam Gibbs
May Contact: Drafter: btradewe
Subject: Environment - air quality Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Lasee@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Regulation of wood stoves[✓]

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>
/1	btradewe	T 1/30 jld	jm 1/30	jm 1/30			State

FE Sent For:

<END>

Tradewell, Becky

From: Gibbs, Adam
Sent: Thursday, January 29, 2015 4:19 PM
To: Tradewell, Becky
Subject: RE: Senate version of LRB-1189/2

Yes. Thank you, Becky!

Adam Gibbs
Chief of Staff
Senator Frank Lasee
1st Senate District
(608) 266-3512

From: Tradewell, Becky
Sent: Thursday, January 29, 2015 3:00 PM
To: Gibbs, Adam
Subject: FW: Senate version of LRB-1189/2

Adam,

Should I draft this for Sen. Lasee now?

Becky Tradewell
Legislative Reference Bureau
266-7290

From: Hope, Sam
Sent: Thursday, January 29, 2015 1:40 PM
To: Tradewell, Becky
Cc: Gibbs, Adam
Subject: Senate version of LRB-1189/2

Becky,

I am writing to let you know that Senator Frank Lasee will be introducing a Senate version of LRB-1189/2: regulating air pollution from residential and commercial wood heaters. We wanted to give you permission to work on that and share in relevant information with Senator Lasee's office. Adam Gibbs from his office is copied on this email.

Let me know if you have any questions.

Thanks,

Sam Hope
Office of Representative Craig
83rd Assembly District
608-266-3363
Sam.Hope@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

Wanted 1/30

1550/1
LRB-1189/2
RCT:cjs:jm
keep create companion rule
tjld

2015 BILL

No changes
except D-note

Note

✓

Gen

1 AN ACT to create 285.27 (5) of the statutes; relating to: regulating air pollution
2 from residential and commercial wood heaters.

Analysis by the Legislative Reference Bureau

The federal Clean Air Act requires the federal Environmental Protection Agency (EPA) to establish regulations (called new source performance standards) to limit air pollution from categories of air pollution sources that cause or contribute significantly to air pollution that may endanger public health or welfare. A new source performance standard does not apply to a source that is in existence when EPA establishes the standard. The Clean Air Act authorizes EPA to delegate to a state the authority to implement and enforce the new source performance standards.

In 1988, EPA established a new source performance standard for certain wood-burning appliances used for residential heating, commonly called residential wood stoves. In 2014, EPA proposed changes that would apply the new source performance standard to more residential wood stoves and make it more stringent.

Current state law provides that, when EPA promulgates a new source performance standard, the Department of Natural Resources (DNR) must promulgate by rule a new source performance standard, which must be no more restrictive than EPA's standard. DNR promulgated a new source performance standard for residential wood stoves in 1990.

This bill prohibits DNR from promulgating a rule, or enforcing a federal regulation, that specifies a new source performance standard or other emission standard for residential or commercial wood stoves that is more stringent than any new source performance standard in effect on December 31, 2014.

BILL

For further information see the *state* 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.** 285.27 (5) of the statutes is created to read:

2 285.27 (5) RESIDENTIAL AND COMMERCIAL WOOD HEATERS. (a) In this subsection,
3 “residential or commercial wood heater” means an enclosed wood-burning appliance
4 intended for residential or commercial use to heat the space in which it is located or
5 to heat water for domestic or commercial use, including an appliance that is designed
6 to burn pellets made of wood.

7 (b) Notwithstanding sub. (1), the department may not promulgate a rule, or
8 enforce a federal regulation, that specifies a new source performance standard or
9 other emission standard for residential or commercial wood heaters that is more
10 stringent than any new source performance standard for residential or commercial
11 wood heaters in effect on December 31, 2014.

12 (END)

Wife

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1189/1dn 1550
RCT:cjs:rs
L+jld

January 15, 2015 } new date

Representative Craig = Senator Laesche
allow ✓

wood stoves ⊙

rules on

to apply

DNR promulgated a new source performance standard for residential wood stoves in 1990, based on EPA's current new source performance standard, which was established in 1988. This bill would continue the current state regulation of residential wood stoves but prohibit DNR from promulgating or enforcing a performance standard for wood stoves that is more stringent than the current standard. ~~It~~ also applies to commercial.

The federal Clean Air Act requires EPA to establish new source performance standards for kinds of sources of air pollution that it determines will cause air pollution that endangers human health or welfare and to review the standards periodically. These standards apply to new sources and have no effect on sources that were previously manufactured or constructed. The Clean Air Act allows EPA to delegate to states the authority to implement and enforce new source performance standards that are consistent with the federal standards. I am not certain whether there would be any repercussions under federal law if this state fails to adopt any EPA changes to the new source performance standard for wood stoves.

In February of 2014, EPA published its proposed changes to the new source performance standard for residential wood stoves, including stoves that burn pellets made from wood. The changes would have no effect on individuals who already have wood stoves in their homes. ~~The proposed regulations do not cover commercial wood stoves.~~

If this bill is enacted, a manufacturer of wood stoves in this state would still be required under federal law to obtain a certificate of compliance from EPA in order for the manufacturer's wood stoves to be legally sold in this country.

Please contact me if you have any questions or want to make any changes to this draft.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1550/1dn
RCT:cjs&jld:jm

January 30, 2015

Senator Lasee:

DNR promulgated a new source performance standard for residential wood stoves in 1990, based on EPA's current new source performance standard, which was established in 1988. This bill would allow the current state rules on residential wood stoves to continue to apply, but prohibit DNR from promulgating or enforcing a performance standard for residential wood stoves that is more stringent than the current standard. It also applies to commercial wood stoves.

The federal Clean Air Act requires EPA to establish new source performance standards for kinds of sources of air pollution that it determines will cause air pollution that endangers human health or welfare and to review the standards periodically. These standards apply to new sources and have no effect on sources that were previously manufactured or constructed. The Clean Air Act allows EPA to delegate to states the authority to implement and enforce new source performance standards that are consistent with the federal standards. I am not certain whether there would be any repercussions under federal law if this state fails to adopt any EPA changes to the new source performance standard for wood stoves.

In February of 2014, EPA published its proposed changes to the new source performance standard for residential wood stoves, including stoves that burn pellets made from wood. The changes would have no effect on individuals who already have wood stoves in their homes. The proposed regulations do not cover commercial wood stoves.

If this bill is enacted, a manufacturer of wood stoves in this state would still be required under federal law to obtain a certificate of compliance from EPA in order for the manufacturer's wood stoves to be legally sold in this country.

Please contact me if you have any questions or want to make any changes to this draft.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

Barman, Mike

From: Gibbs, Adam
Sent: Monday, February 02, 2015 4:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -1550/1 Topic: Regulation of wood stoves

Please Jacket LRB -1550/1 for the SENATE.