



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2017 Senate Bill 466

Senate Amendments 1 and 2

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BACKGROUND

The federal Clean Air Act requires each state to describe its network of air monitoring sites in an “annual monitoring network plan.” The plan identifies each of the state’s monitoring sites, including site location and information about the type of air quality data collected at each site. [40 C.F.R. s. 58.10 (a) (1).] Any proposed network modification, including the discontinuation of a monitoring site, is subject to approval by the U.S. Environmental Protection Agency (EPA) Regional Administrator. [40 C.F.R. ss. 58.10 (a) (1) and 58.14 (b).]

Wisconsin’s air quality management program is administered by the Department of Natural Resources (DNR). As part of this program, DNR manages a network of 38 air monitoring sites throughout the state, including the Sheboygan Kohler Andrae air monitoring site located at the Kohler-Andrae State Park in Sheboygan County. The Sheboygan Kohler Andrae air monitoring site is currently included in Wisconsin’s 2018 annual monitoring network plan, which was submitted in June, 2017.

2017 SENATE BILL 466

2017 Senate Bill 466 (“the bill”) prohibits DNR from including the Sheboygan Kohler Andrae air monitoring site in the state’s monitoring network plan submitted on or after January 1, 2018. The bill also requires DNR to request a waiver of the relevant provisions of the federal Clean Air Act relating to the state implementation plan that may be implicated by discontinuing the use of the Sheboygan Kohler Andrae air monitoring site.

The bill also provides that, upon EPA approval of the state’s monitoring network plan that excludes the Sheboygan Kohler Andrae air monitoring site, DNR must cease funding the operation and maintenance of the site and must cease collecting data from it as well.

SENATE AMENDMENT 1

Under Senate Amendment 1 (SA 1), DNR is prohibited from including the Sheboygan Kohler Andrae air monitoring site in the state's **initial** monitoring network plan that is submitted on or after January 1, 2018. If the EPA does not approve the initial plan, then DNR may submit a revised plan to the EPA that includes the Sheboygan Kohler Andrae air monitoring site.

SENATE AMENDMENT 2

Senate Amendment 2 (SA 2) deletes provisions of the bill that require DNR, upon approval by the EPA of the state's monitoring network plan that excludes the Sheboygan Kohler Andrae air monitoring site, to cease funding the operation and maintenance of the Sheboygan Kohler Andrae air monitoring site and require DNR to cease collecting data from the air monitoring site.

BILL HISTORY

Senator LeMahieu introduced SA 1 on December 13, 2017 and introduced SA 2 on January 5, 2018. On January 9, 2018, the Senate Committee on Government Operations, Technology, and Consumer Protection voted to recommend adoption of SA 1 and SA 2 on votes of Ayes, 3; Noes, 2. The committee then voted to recommend passage of the bill, as amended, by a vote of Ayes, 3; Noes, 2.

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