

State of Misconsin 2011 - 2012 LEGISLATURE



2011 ASSEMBLY BILL 195

June 28, 2011 - Introduced by Joint Committee For Review of Administrative Rules. Referred to Committee on Natural Resources.

AN ACT to create 285.28 of the statutes; relating to: the regulation of emissions of hazardous air contaminants associated with agricultural waste and the partial suspension of rules promulgated by the Department of Natural Resources.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) promulgates emission standards for hazardous air contaminants. EPA regulates sources of those contaminants in categories that it identifies as sources that must be regulated. Under current state law, when EPA promulgates an emission standard for a hazardous air contaminant, the Department of Natural Resources (DNR) must promulgate by rule a similar standard that may not be more restrictive than the federal standard. Current law provides that if EPA does not promulgate an emission standard for a hazardous air contaminant, DNR may promulgate an emission standard for that hazardous air contaminant if DNR finds that the standard is needed to provide adequate protection for public health or welfare and if the finding is supported with certain written documentation.

This bill prohibits DNR from regulating sources that emit hazardous air contaminants associated with agricultural waste except to the extent required by federal law.

This bill is introduced as required by s. 227.26 (2) (f), stats., in support of the action of the Joint Committee for Review of Administrative Rules in suspending portions of sections NR 406.04, 407.03, and 445.08, Wis. Adm. Code, rules of the

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Department of Natural Resources on May 24, 2011. The suspended portions of the rules required an owner or operator of a source of emissions of hazardous air contaminants associated with agricultural waste to implement, by July 31, 2011, best management practices for handling those emissions.

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:

- **Section 1.** 285.28 of the statutes is created to read:
- 2 285.28 Agricultural waste; hazardous air contaminants. The 3 department may not regulate the emission of hazardous air contaminants associated 4 with agricultural waste except to the extent required by federal law.
- 5 (END)