

State of Misconsin 2015 - 2016 LEGISLATURE

LRB-3924/1 MCP:kjf

## **2015 ASSEMBLY BILL 634**

January 7, 2016 – Introduced by Representatives DANOU, BERCEAU, BILLINGS, BROSTOFF, CONSIDINE, GOYKE, MASON, MILROY, OHNSTAD, SINICKI, SPREITZER, SUBECK, C. TAYLOR, WACHS and ZEPNICK, cosponsored by Senators VINEHOUT, HARRIS DODD, MILLER and RINGHAND. Referred to Committee on Mining and Rural Development.

1 AN ACT *to create* 285.17 (2) (am) and 285.21 (1) (c) of the statutes; **relating to:** 

2 regulating and monitoring airborne particulate matter and respirable silica

3 and granting rule–making authority.

## Analysis by the Legislative Reference Bureau

This bill requires an owner or operator of an industrial sand mining or processing facility to monitor the ambient air near the facility for small crystalline silica particles and other particulate matter and report the results to the Department of Natural Resources (DNR). Under current law, DNR may require an owner or operator of an air contaminant source to monitor the ambient air near the air contaminant source and report the results.

This bill also requires DNR to promulgate an ambient air quality standard for small crystalline silica particles. Under current law, DNR may promulgate an ambient air quality standard for an air contaminant for which a standard has not been promulgated under the federal Clean Air Act, but only if certain conditions are met. Silica is not a contaminant for which a standard has been promulgated under the federal Clean Air Act. This bill allows DNR to promulgate an ambient air quality standard for crystalline silica without meeting the conditions required under current law.

## **ASSEMBLY BILL 634**

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.** 285.17 (2) (am) of the statutes is created to read:

 $\mathbf{2}$ 285.17 (2) (am) The department shall, by rule or in an operation permit, require 3 an owner or operator of an industrial sand mining or processing facility to set up and operate no fewer than 2 monitors to monitor the ambient air in the vicinity of the 4  $\mathbf{5}$ facility for crystalline silica particles with a diameter of less than 4 micrometers, 6 particulate matter with a diameter of less than 10 micrometers, and particulate 7 matter with a diameter of less than 2.5 micrometers, and report the results of the 8 monitoring to the department. The department shall specify methods for conducting 9 the monitoring and for analyzing the results of the monitoring.

10 SECTION 2. 285.21 (1) (c) of the statutes is created to read:

11 285.21 (1) (c) *Standard for respirable silica*. The department shall promulgate 12 an ambient air quality standard and increments for crystalline silica particles with 13 a diameter of less than 4 micrometers. The findings and documentation required 14 under par. (b) do not apply to standards promulgated under this paragraph.

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(END)