

1983 Senate Bill 354

Date of enactment: **May 8, 1984**  
Date of publication: **May 14, 1984**

**1983 Wisconsin Act 413**

AN ACT *to create* 20.370 (2) (da) of the statutes, *relating to* studying the costs of reducing emissions of sulfur dioxide and making an appropriation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1. Legislative findings and intent.** (1) **LEGISLATIVE FINDINGS.** (a) The legislature finds that emissions of sulfur dioxide from stationary sources of air pollution contribute to the acid deposition phenomenon, commonly called acid rain.

(b) The legislature further finds that Wisconsin's natural resources and, in particular, its northern lakes, may be susceptible to substantial harm from acid rain.

(c) The legislature further finds that the state, in its role as trustee of its navigable waters and protector of public health and welfare, has a responsibility to control acid rain so as to prevent it from damaging Wisconsin's resources.

(d) The legislature further finds that emissions of sulfur dioxide from stationary sources of air pollution in one state often contributes to the acid deposition phenomenon, commonly called acid rain, in another state.

(2) LEGISLATIVE INTENT. It is the intent of the legislature to create a study to help determine the costs of reducing sulfur dioxide emissions, which results can then be used to help the state respond to any federally mandated acid rain control program, to craft new state regulations to reduce sulfur dioxide emissions or to formulate and evaluate the advisability of entering into interstate compacts to reduce sulfur dioxide emissions.

SECTION 2. 20.005 (2) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	1983-84	1984-85
<b>20.370 Natural resources,</b>		
<b>Department of</b>		
(2 ) ENVIRONMENTAL STANDARDS		
(da) Air management--sulfur		
dioxide emission		
reduction study	GPR B	400,000
		0

SECTION 3. 20.370 (2) (da) of the statutes is created to read:

20.370 (2) (da) *Air management — sulfur dioxide emission reduction study.* Biennially, the amounts in the schedule to conduct the sulfur dioxide emission reduction study.

SECTION 4. **Study of cost of reducing sulfur dioxide emissions.** (1) DEFINITIONS. In this section:

(a) "Base emissions" means the sum of the maximum annual emissions of sulfur dioxide for all large sources.

(b) "Commission" means the public service commission.

(c) "Department" means the department of natural resources.

(d) "Electric utility" has the meaning given under section 196.491 (1) (d) of the statutes.

(e) "Emission" has the meaning given under section 144.30 (10) of the statutes.

(f) "Emission limitation" has the meaning given under section 144.30 (11) of the statutes.

(g) "Federal clean air act" has the meaning given under section 144.30 (14) of the statutes.

(h) "Large sulfur dioxide source" or "large source" means a stationary source whose average annual emissions of sulfur dioxide, as determined by the department, for the years 1980 to 1982 exceeded 1,000 tons per year and which is not subject to a standard of performance for new stationary sources for emissions of sulfur dioxide under section 144.375 (4) of the statutes or the federal clean air act.

(i) "Maximum annual emissions of sulfur dioxide" means, for each large sulfur dioxide source, the lesser of:

1. The annual emissions of sulfur dioxide which the source could emit while complying with the most stringent emission limitation applicable to the source, if such a limitation exists; or

2. The largest annual emissions of sulfur dioxide from the source reported for the years 1980 to 1982, as determined by the department.

(j) "Person" means an individual, owner, operator, partnership, corporation, association, municipality, state agency, interstate agency, federal agency or corporation owned by a province of the dominion of Canada.

(k) "Stationary source" has the meaning given under section 144.30 (23) of the statutes.

(2) COST STUDY. (a) The department shall prepare at least 2 sets of projections of the cost to large sulfur dioxide sources of reducing the aggregate annual emissions of sulfur dioxide from these sources by 30% to 70% beneath the base emissions. The commission shall assist the department in preparing those portions of the study pertaining to electric utilities.

(b) The first set of cost projections shall be based upon each large source reducing its actual annual emissions of sulfur dioxide beneath the source's maximum annual emissions of sulfur dioxide by the percentages specified in paragraph (a).

(c) The 2nd set of cost projections shall be based upon each large source reducing its actual emissions of sulfur dioxide beneath the source's maximum annual emissions of sulfur dioxide by an amount necessary to achieve, in the aggregate, the percentage reductions specified in paragraph (a) and the lowest cost on a statewide basis, irrespective of the distribution of these costs among large sources.

(3) ASSUMPTIONS AND CONDITIONS. (a) *Incorporation in estimates.* The department shall incorporate the assumptions and conditions specified in this subsection into each of the cost estimates prepared under subsection (2).

(b) *Timing.* All emissions reductions called for under subsection (2) shall be achieved by December 31, 1995. After that date, all large sources shall continue to comply with the reduced level of emissions.

(c) *Control techniques.* The study shall analyze the costs of all reasonable sulfur dioxide emission control techniques, including:

1. The precombustion cleaning of coal.
2. One or more blends of different sulfur content coals.
3. The conversion of a large source's boiler to a boiler capable of burning low-sulfur coal.
4. The installation of flue gas desulfurization equipment.
5. For persons operating multiple large sources, the coordinated operation of these sources to minimize the discharge of sulfur dioxide from them.
6. The early retirement of a large source.
7. The purchasing of electricity or steam from another person or the generation of electricity or steam by another stationary source, so as to lessen the operation of a large source.
8. The implementation of energy conservation measures to lessen the amount of operation of a large source.

(d) *Federal requirements.* Notwithstanding subsection (2) or paragraphs (b) or (c), the department shall incorporate, to the extent practical, any relevant requirements of any new federal sulfur dioxide emissions reduction program relating to acid rain.

(e) *Accuracy.* The cost estimates shall be as detailed as is feasible, based on information available from operators of large sources and other knowledgeable persons.

(4) ADDITIONAL STUDY ITEMS. The department shall also study the following subjects related to the control of sulfur dioxide emissions:

(a) Quantification of additional, associated costs which large sources or persons residing near these sources may incur in addition to the costs of installing and operating necessary air pollution control equipment, such as the cost of installing and maintaining sludge disposal facilities if flue gas desulfurization equipment was installed.

(b) Identification of pending or possible future air pollution control regulations which may conflict with or complement the objective of reducing sulfur dioxide emissions from large sources.

(c) The accuracy and precision of the methods used under section 144.96 of the statutes to estimate sulfur dioxide emissions.

(d) Pending and possible interstate compacts which have the objective of reducing sulfur dioxide emissions from various sources in various states. As a part of this study, the department may initiate meetings, engage in drafting proposed interstate compacts and enter into preliminary negotiations concerning interstate compacts.

(e) Alternative mechanisms for providing financial assistance to large sources to defray part or all of the capital or operating costs of air pollution control equipment which would be necessary to comply with the emissions reductions set forth in subsection (2) (a), the cost of these mechanisms and possible source of funds for these mechanisms.

(5) **ADVISORY COMMITTEE.** (a) *Creation; membership.* There is created a sulfur dioxide emissions reduction advisory committee, attached to the department and consisting of the following members:

1. The secretary of the department, the chairperson of the commission and the administrator of the division of state energy in the department of administration, or their designees.

2. One representative of the utility industry.

3. One representative of the papermaking industry.

4. Two persons having an interest in emissions of sulfur dioxide and in acid rain but not affiliated with or employed by a utility or papermaking company.

(b) *Appointment of public members.* The governor shall appoint the public members under paragraph (a) 2 to 4 to the committee.

(c) *Chairperson.* The representative of the department shall chair the committee.

(d) *Responsibilities.* The committee shall advise the department on all aspects of the design or conduct of the study created by this act, including:

1. The availability of data.

2. The consistency, quality and usefulness of data obtained from different origins.

3. Appropriated formulas and mathematical models which may be used to compute the costs specified in subsection (2).

4. The desirability of considering any additional assumption or condition.

5. The identification of any other benefits to society related to reducing sulfur dioxide emissions, in addition to controlling acid rain, including the consequences to public health.

6. Elaboration of the additional study items identified in subsection (4).

(6) **INFORMATIONAL HEARINGS.** The department shall hold public hearings under section 227.022 of the statutes for the purpose of soliciting information and comments from the public on the design and the preliminary results of the study.

(7) **RECIPIENTS AND DUE DATE.** (a) The department shall issue a final report presenting the findings and recommendations of the study created by this act within one year after the effective date of this act. The final report shall include any comments on the report prepared by the commission or the division of state energy in the department of administration.

(b) The department shall submit copies of the report to:

1. The governor.

2. The standing committees in the senate and assembly responsible for environmental issues.

3. The legislative council.

**SECTION 5. Position authorization.** The authorized positions for the department of natural resources are increased by 2.0 GPR project positions to begin on the day following publication of this act and to expire upon the completion of the study, to be funded from the appropriation under section 20.370 (2) (da) of the statutes, as created by this act, in order to provide 2.0 GPR project positions to assist in the sulfur dioxide emission reduction study.

**SECTION 6. Nonstatutory provisions; natural resources.** The amounts in the schedule for the appropriation under section 20.370 (2) (da) of the statutes, as created by this act, may not be expended and shall be held in unallotted reserve until:

(1) The department of natural resources submits to the governor and the joint committee on finance an expenditure plan for the sulfur dioxide emissions reduction study. This plan shall include an identification of departmental and contractor costs, a specific identification of the level of detail of the study and an analysis of the possibility of partial industry funding for the study; and

(2) The joint committee on finance approves the expenditure acting under section 13.101 of the statutes.

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