



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2013 Senate Bill 189**

**Senate  
Amendment 1**

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**Senate Bill 189** makes several changes to statutes relating to or administered by the Department of Natural Resources (DNR). One of these changes relates to requirements for air dispersion modeling under the air permitting program. Under current law, the DNR is not required to use air dispersion modeling as a basis for making its findings on permit approvals for air permits for a minor source unless modeling is specifically provided for under the federal Clean Air Act (CAA), DNR administrative rules, or a federal or state agreement.

Senate Bill 189 provides that the DNR may not require an applicant to perform air dispersion modeling before the DNR determines whether a source qualifies for a registration permit, determines whether a source is covered by a general permit, issues or renews an operation permit for a minor source, renews an operation permit for a major source, or issues a construction permit for specified minor sources **unless** air dispersion modeling is specifically required under the federal CAA or the exception created in the bill applies.

Under this exception, if the federal Environmental Protection Agency treats a tribe as a state or designates all or a portion of a tribe's reservation as Class 1 area, the DNR may require an applicant to perform air dispersion modeling if the modeling is authorized under an agreement between the tribe and the state or between the tribe and the federal government, an implementation plan under the CAA or DNR administrative rules that implement the tribe's treatment as a state or designation as a Class 1 area.

**Senate Amendment 1** removes the provisions in the bill regarding air dispersion modeling; therefore the provision in current law would remain in effect.

### **Bill History**

Senate Amendment 1 was offered by the Senate Committee on Natural Resources on June 6, 2013. On the same date, the committee voted to recommend adoption of the amendment on a vote of Ayes 5; Noes, 0; and recommended passage of the bill, as amended, by the same vote.

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