



2013 ASSEMBLY BILL 463

October 23, 2013 – Introduced by Representative KERKMAN, cosponsored by Senator FARROW. Referred to Committee on Environment and Forestry.

- 1 **AN ACT** *to create* 285.27 (3m) of the statutes; **relating to:** nitrogen oxide
2 emission standards for certain simple cycle combustion turbines.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, the Environmental Protection Agency (EPA) establishes performance standards for new stationary sources that emit air pollutants. A stationary source is a facility that emits an air pollutant only from a fixed location. Under current state law, when EPA establishes an air pollution emission performance standard (emission standard), the Department of Natural Resources (DNR) must promulgate by rule a similar emission standard that may not be more restrictive than the federal standard. DNR's rule must include administrative requirements that are consistent with the federal administrative requirements.

Among the emission standards promulgated by DNR rule are standards for emission of nitrogen oxides from certain combustion turbines. This bill provides that certain of those standards do not apply to a simple cycle combustion turbine that undergoes a modification on or after February 1, 2001 and that meets certain conditions. The first condition requires DNR and EPA to find that the owner or operator of the combustion turbine has satisfactorily demonstrated that equipping the turbine with a dry low nitrogen oxide combustion system is not technologically or economically feasible or such a system is not commercially available from the manufacturer of the combustion turbine. The EPA must concur with DNR's finding in writing. In addition, the owner or operator of the combustion turbine must control nitrogen oxide emissions during operation of the combustion turbine by injecting

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water into the combustion turbine according to the manufacturer's specifications. Finally, the concentration of nitrogen oxide emitted from the combustion turbine may not exceed certain levels specified in the bill.

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:

1 **SECTION 1.** 285.27 (3m) of the statutes is created to read:

2 **285.27 (3m) EXEMPTION FROM STANDARDS FOR CERTAIN COMBUSTION TURBINES.** (a)

3 In this subsection, "combustion turbine" means a simple cycle combustion turbine.

4 (b) The performance standards promulgated by the department under NR
5 428.04 (2) (g) 1. a. and 2. a., Wis. Adm. Code, do not apply to a combustion turbine
6 that undergoes a modification on or after February 1, 2001 if all of the following
7 apply:

8 1. The department and the federal environmental protection agency find that
9 the owner or operator of the combustion turbine has satisfactorily demonstrated that
10 equipping the turbine with a dry low nitrogen oxide combustion system is not
11 technologically or economically feasible or a dry low nitrogen oxide combustion
12 system is not commercially available from the manufacturer of the combustion
13 turbine.

14 2. The federal environmental protection agency concurs, in writing, with the
15 department's finding under subd. 1.

16 3. The owner or operator of the combustion turbine controls nitrogen oxide
17 emissions during operation of the combustion turbine by injecting water into the
18 combustion turbine according to the manufacturer's specifications.

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1 4. The concentration of nitrogen oxide emitted from the combustion turbine
2 does not exceed 25 parts per million dry volume, corrected to 15 percent oxygen, on
3 a 30 day rolling average basis during combustion of gaseous fuels and does not exceed
4 65 parts per million dry volume, corrected to 15 percent oxygen, on a 30 day rolling
5 average basis during combustion of distillate fuels.

6 (c) The department shall determine whether a combustion turbine undergoes
7 a modification under par. (b) in accordance with NR 428.04 (1), Wis. Adm. Code.

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(END)