

1999 DRAFTING REQUEST

Assembly Joint Resolution

Received: **03/13/2000**

Received By: **traderc**

Wanted: **Soon**

Identical to LRB:

For: **Neal Kedzie (608) 266-9650**

By/Representing: **Dan Johnson**

This file may be shown to any legislator: **NO**

Drafter: **traderc**

May Contact:

Alt. Drafters:

Subject: **Environment - water quality
Environment - air quality
Memorials - Congress to**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Reduction in use of MTBE

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	traderc 03/13/2000	gilfokm 03/14/2000		_____			
/1			martykr 03/14/2000	_____	lrb_docadmin 03/15/2000		
/2	traderc 03/17/2000	gilfokm 03/17/2000	martykr 03/17/2000	_____	lrb_docadmin 03/20/2000	lrb_docadmin 03/20/2000	

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1/?	traderc	1-3-14 kmq	kmz	1/3 km14			

FE Sent For:

<END>

Tradewell, Becky

From: Johnson, Dan (Legislature)
Sent: Monday, March 13, 2000 3:50 PM
To: Tradewell, Becky
Subject: Request for drafting of an Assembly Resolution

Becky,

Please call with any questions. Thank you!

Dan Johnson
Research Assistant
Clerk, Committee on Environment
State Representative Neal Kedzie
43rd Assembly District
(608) 266-9650



ltr to LRB-draft request
for M...



State Representative
Neal J. Kedzie
43rd Assembly District

March 13, 2000

Legislative Reference Bureau
Attention: Rebecca Tradewell, Managing Attorney
100 North Hamilton, 5th Floor
Madison, WI

Dear Rebecca,

Last summer, you drafted Assembly Joint 58, requesting Congress to prohibit the use of methyl tertiary butyl ether (MTBE) in gasoline. The resolution was never adopted by the Legislature. I would like to re-introduce a resolution to the Legislature at this time to prohibit the use of MTBEs in gasoline. The language for such a resolution is as follows:

Relating to: requesting Congress and the United States Environmental Protection Agency (USEPA) to expedite action on the agency's "Blue Ribbon Panel" of leading experts recommendation calling for an immediate, and significant reduction in the use of Methyl Tertiary-Butyl Ether (MTBE) in gasoline, leading to its discontinuation of use because of public health concerns associated with contaminated water supplies; and, further

Requesting that Congress and the USEPA grant a waiver to insure the use of ethanol in RFG Phase II in the Milwaukee non-attainment area this summer.

Whereas, the 1990 amendments to the federal Clean Air Act (CAA) required the use of reformulated gasoline (RFG) containing a minimum of 2% oxygenate content by weight to reduce concentration of various types of air contaminants, including ground level ozone and carbon monoxide, in regions in the United States exceeding the National Ambient Air Quality Standards (NAAQS); and

Whereas, under the CAA, 9 metropolitan areas in the country were designated to be in non-attainment for ozone, including 6 counties in the greater Milwaukee area (Milwaukee, Kenosha, Racine, Waukesha, Ozaukee and Washington), and in January 1995, were required to implement the use of RFG; and

Whereas, in 1995, media attention and public complaints ranging from health concerns, higher cost of the fuel, and decreased engine performance problems prompted EPA to hold public hearings in Milwaukee and assist Wisconsin with health studies related to the use of MTBE in RFG; and

Whereas, in Wisconsin there have been found to be leaking underground storage tanks with groundwater contamination caused by MTBE raising additional health concerns; and

Whereas, Wisconsin has a proud tradition of strong environmental protection policies and is committed to clean air; now, therefore, be it

Resolved, That the members of the Wisconsin Legislature request that the Congress of the United States and USEPA expedite measure to accelerate the USEPA's "Blue Ribbon Panel" recommendation pertaining to the elimination of MTBE use in gasoline; and be it further

Resolved, That the members of the Wisconsin Legislature request that Congress support legislation to phase out the use of MTBE by the year 2003; and be it further

Resolved, That the members of the Wisconsin Legislature strongly support the Congress and USEPA granting a federal waiver to guarantee the continued use of ethanol as an oxygenate in RFG Phase II summertime gasoline required to be used in the Milwaukee area beginning on May 1, 2000; and be it further

Resolved, That the assembly chief clerk shall provide copies of this joint resolution to the president of the U.S. senate, the speaker of the U.S. house of representatives, the administrator of the U.S. environmental protection agency and to each of the members of the congressional delegation from Wisconsin.

End

Neal Kedzie
State Representative
43rd Assembly District

500N

(Note)

1999 ASSEMBLY JOINT RESOLUTION 58

May 24, 1999 - Introduced by Representatives KEDZIE, STONE, HOVEN, GROTHMAN, WALKER, LADWIG, DUFF, GUNDERSON, JENSEN, PORTER, OWENS, SUDER, URBAN, NASS, WARD, SYKORA, TURNER, GOETSCH, VRAKAS and JESKEWITZ, cosponsored by Senators DARLING, HUELSMAN, GROBSCHMIDT and A. LASEE. Referred to Committee on Rules.

and the U.S. Environmental Protection Agency
Insert 7-2 ✓

1 **Relating to:** requesting Congress to grant this state a waiver from the requirement
2 to use reformulated gasoline. *Insert 1-2 ✓*

3 Whereas, the federal Clean Air Act amendments of 1990 require the use of
4 reformulated gasoline with oxygen additives in areas of the United States that have
5 substantial ozone pollution; and *where the national ambient air quality standards are exceeded*
Insert 1-4 ✓

6 Whereas, under the federal amendments, 6 ozone nonattainment counties in
7 Wisconsin (Milwaukee, Kenosha, Racine, Waukesha, Ozaukee and Washington
8 counties) *→* were required to implement *the* use of reformulated gasoline as of January 1,
9 1995; and

10 Whereas, industry studies initially indicated that reformulated gasoline, due
11 to its oxygen additives, reduces the rate at which pollutants evaporate into the air,
12 producing 15% to 17% less pollution than conventional gasoline; and

13 Whereas, in January 1995, media attention and a flood of public complaints,
14 *including* ranging from health concerns, *high* costs, *er* and engine performance *of fuel decreased* problems led the *prompted*

1 U.S. Environmental Protection Agency (EPA) to hold public hearings in Milwaukee
2 and assist Wisconsin with health studies related to reformulated gasoline; and

the use of methyl tertiary butyl ether (MTBE) in

3 ~~Whereas, when these studies concluded that usage of reformulated gasoline~~
4 ~~was sound, the Wisconsin legislature implemented laws requiring reformulated~~
5 ~~gasoline labeling at gas pumps; and~~

6 ~~Whereas, a new report by a committee of the National Research Council~~
7 ~~concludes that the 2 principal types of oxygen additives used in reformulated~~
8 ~~gasoline in the United States contribute little to reducing ozone pollution; and~~

9 ~~Whereas, the study, funded by the EPA, reports that peak ozone concentrations~~
10 ~~in many metropolitan areas have declined by 10% since 1986; and~~

*Insert
2-10*

11 Whereas, Wisconsin has a proud tradition of sound environmental policies and
12 is committed to clean air; now, therefore, be it

13 **Resolved by the assembly, the senate concurring, That** the members of the

14 Wisconsin legislature *Insert 2-14 ✓* recognize that air quality standards and improvements to
15 ~~vehicles over the last few decades have helped reduce emissions that create~~
16 ~~near-ground ozone~~; and, be it further

17 **Resolved, That** the members of the Wisconsin legislature *strongly support* request the

18 Congress of the United States *and the EPA* to grant the state of Wisconsin a waiver from the use
19 to *ensure that MTBE is not used in* reformulated gasoline *as mandated in the federal Clean Air Act amendments of*
20 *in the Milwaukee nonattainment area beginning on May 1, 2000*; and, be it further

21 ~~**Resolved, That** the members of the Wisconsin legislature request the~~

22 ~~Congress of the United States to conduct sound research on the recent findings of the~~
23 ~~National Research Council and evaluate federal policies and EPA rules relating to~~
24 ~~reformulated gasoline, air quality and the regulation of vehicle emissions; and, be~~
25 ~~it further~~

Inset 1-7 ✓
about ~~act~~.

act to bring ~~about~~ an immediate and significant
reduction in the use of methyl tertiary butyl ether in
gasoline and to
the elimination of

Inset 1-2 ✓

to ensure that methyl tertiary butyl ether is
not used in reformulated gasoline in the Milwaukee
nonattainment area this summer

Insert 1-4 ✓

containing a minimum of 2% oxygenate[✓] content
by weight[✓] to reduce^{the} concentration of various types
of air contaminants^{ts}, including ground level ozone
and carbon monoxide in regions in

Insert 1-6 ✓

Clean Air Act, 9 metropolitan areas in the country
were designated as nonattainment areas for ozone,
including 6 counties in the greater M. Waukegan area ✓

Insert 2-10 ✓

¶ Whereas, it has been found that in Wisconsin there are leaking underground storage tanks with groundwater contamination caused by MTBE raising additional health concerns; and

Whereas, the EPA's "blue ribbon panel" of leading experts has recommended ^{an} immediate and significant reduction in the use of MTBE in gasoline, leading to the discontinuation of its use because of public health concerns associated with contaminated water supplies; and

Insert 2-14 ✓

request that the Congress of the United States and
the EPA expedite action to implement the
blue ribbon panel recommendation pertaining to
the elimination of the use of MTBE in gasoline; and,
be it further

③ Resolved, That the members of the Wisconsin Legislature
request the Congress of the United States to phase out
the use of MTBE by 2003

RET

O>Note

I am not sure that a waiver is necessary to ensure that MTBE is not used in the Milwaukee area this summer. You might wish to change^{an} the language to ask Congress and EPA to take any action necessary to ensure^e this.

RET

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4742/1dn
RCT:kmg:km

March 14, 2000

I am not sure that a waiver is necessary to ensure that MTBE is not used in the Milwaukee area this summer. You might wish to change the language to ask Congress and the EPA to take any action necessary to ensure this.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: Becky.Tradewell@legis.state.wi.us

3/17/2000 - Per Dan Johnson - redraft as suggested
in my Note
J



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-4742/2

RCT:kmg:km

rmf

Today

1999 ASSEMBLY JOINT RESOLUTION

1 **Relating to:** requesting Congress and the U.S. Environmental Protection Agency
2 to act to bring about the elimination of the use of methyl tertiary butyl ether
3 in gasoline and to ~~grant this state a waiver~~^{act} to ensure that methyl tertiary butyl
4 ether is not used in reformulated gasoline in the Milwaukee nonattainment
5 area this summer.

6 Whereas, the federal Clean Air Act amendments of 1990 require the use of
7 reformulated gasoline containing a minimum of 2% oxygenate content by weight to
8 reduce the concentration of various types of air contaminants, including ground level
9 ozone and carbon monoxide in regions in the United States where the national
10 ambient air quality standards are exceeded; and

11 Whereas, under the federal Clean Air Act, 9 metropolitan areas in the country
12 were designated as nonattainment areas for ozone, including 6 counties in the
13 greater Milwaukee area (Milwaukee, Kenosha, Racine, Waukesha, Ozaukee and
14 Washington counties), and were required to implement the use of reformulated
15 gasoline as of January 1, 1995; and

1 Whereas, industry studies initially indicated that reformulated gasoline, due
2 to its oxygen additives, reduces the rate at which pollutants evaporate into the air,
3 producing 15% to 17% less pollution than conventional gasoline; and

4 Whereas, in January 1995, media attention and public complaints, including
5 health concerns, higher costs of fuel and decreased engine performance, prompted
6 the U.S. Environmental Protection Agency (EPA) to hold public hearings in
7 Milwaukee and assist Wisconsin with health studies related to the use of methyl
8 tertiary butyl ether (MTBE) in reformulated gasoline; and

9 Whereas, it has been found that in Wisconsin there are leaking underground
10 storage tanks with groundwater contamination caused by MTBE raising additional
11 health concerns; and

12 Whereas, the EPA's "blue ribbon panel" of leading experts has recommended an
13 immediate and significant reduction in the use of MTBE in gasoline, leading to the
14 discontinuation of its use because of public health concerns associated with
15 contaminated water supplies; and

16 Whereas, Wisconsin has a proud tradition of sound environmental policies and
17 is committed to clean air; now, therefore, be it

18 ***Resolved by the assembly, the senate concurring, That*** the members of the
19 Wisconsin legislature request that the Congress of the United States and the EPA
20 expedite action to implement the blue ribbon panel recommendation pertaining to
21 the elimination of the use of MTBE in gasoline; and, be it further

22 ***Resolved, That*** the members of the Wisconsin legislature request the
23 Congress of the United States to phase out the use of MTBE by 2003; and, be it
24 further

1 **Resolved, That** the members of the Wisconsin legislature strongly ^{urge} support the
2 Congress of the United States and the EPA ~~granting the state of Wisconsin a waiver~~
3 ^{to take any action necessary} to ensure that MTBE is not used in reformulated gasoline in the Milwaukee
4 nonattainment area beginning on May 1, 2000; and, be it further

5 **Resolved, That** the assembly chief clerk shall provide copies of this joint
6 resolution to the president of the U.S. senate, the speaker of the U.S. house of
7 representatives and the administrator of the EPA and to each of the members of the
8 congressional delegation from Wisconsin.

9

(END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 03/20/2000

To: Representative Kedzie

Relating to LRB drafting number: LRB-4742

Topic

Reduction in use of MTBE

Subject(s)

Environment - water quality, Environment - air quality, Memorials - Congress to

1. **JACKET** the draft for introduction KEDZIE

in the **Senate** ____ or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rebecca C. Tradewell, Managing Attorney
Telephone: (608) 266-7290