

2003 Senate Bill 117

Date of enactment: **August 11, 2003**
Date of publication*: **August 25, 2003**

2003 WISCONSIN ACT 45

AN ACT to *renumber and amend* 168.04; and to *create* 168.04 (2) and 168.04 (3) of the statutes; **relating to:** prohibiting methyl tertiary-butyl ether in gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, providing an exemption from emergency rule procedures, and granting rule-making authority.

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

SECTION 1. 168.04 of the statutes is renumbered 168.04 (1) and amended to read:

168.04 (1) The department by rule shall prescribe minimum product grade specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, reformulated gasoline, as defined in s. 285.37 (1), and kerosene and may prescribe product grade specifications for automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and diesel fuels. Automotive gasoline specifications shall include lead content. The rules shall, to the extent feasible, be in conformity with nationally recognized standards, specifications and classifications, such as those published by the American society for testing and materials, the society of automotive engineers and the U.S. environmental protection agency. The department may not promulgate or enforce a rule prohibiting additional information from placement on the dispensing device.

SECTION 2. 168.04 (2) of the statutes is created to read:

168.04 (2) (a) Except as provided in par. (b), the rules required under sub. (1) shall prohibit gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, as defined in s. 285.37 (1), beginning on

August 1, 2004, from containing more than 0.5%, by volume, of methyl tertiary-butyl ether.

(b) The rules required under sub. (1) shall not prohibit racing fuel used at racing events or in preparation for racing events from containing any amount of methyl tertiary-butyl ether.

SECTION 3. 168.04 (3) of the statutes is created to read:

168.04 (3) Except as otherwise provided in this section, rules promulgated under this section shall be in conformity with nationally recognized standards, specifications, and classifications, such as those published by the American Society for Testing and Materials, the Society of Automotive Engineers, and the U.S. Environmental Protection Agency. The department may not promulgate or enforce a rule prohibiting the placement of additional information on the dispensing device.

SECTION 4. Nonstatutory provisions.

(1) EMERGENCY RULE. Using the procedure under section 227.24 of the statutes, the department of commerce shall promulgate the rules described under section 168.04 (2) of the statutes, as created by this act, for the period before the permanent rules becomes effective, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide evidence that promulgat-

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

2003 Wisconsin Act 45

2003 Senate Bill 117

ing a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for the rules promulgated under this subsection.

(2) STATEMENT OF LEGISLATIVE FINDINGS AND PURPOSE. The legislature finds that methyl tertiary-butyl ether may contaminate groundwater through various

means, including leaking fuel storage tanks and pipelines, refueling spills, automobile accidents, and improper consumer disposal of gasoline. As a result of its odor and taste, methyl tertiary-butyl ether can make drinking water supplies undrinkable. The purpose of section 168.04 (2) of the statutes, as created by this act, is to reduce or eliminate the instances of methyl tertiary-butyl ether contaminating groundwater.
