

**SENATE AMENDMENT 2,
TO 2005 ASSEMBLY BILL 15**

March 8, 2006 – Offered by Senators HARSDORF, KAPANKE and ERPENBACH.

1 At the locations indicated, amend the bill, as shown by assembly substitute
2 amendment 3, as follows:

3 **1.** Page 1, line 6: substitute “2007” for “2006”.

4 **2.** Page 1, line 11: after that line insert:

5 “(bg) The standards established under par. (a) do not apply to automotive
6 gasoline that is sold in an area in which the use of reformulated gasoline is required
7 under s. 285.37 (2).”.

8 **3.** Page 2, line 1: after “(c)” insert “or (e)”.

9 **4.** Page 2, line 7: delete “on which” and substitute “in which”.

10 **5.** Page 3, line 8: after that line insert:

11 “**SECTION 2t.** 285.14 (title) of the statutes is amended to read:

12 **285.14 (title) State implementation plans; ethanol requirements in**
13 **automotive gasoline.**

1 **SECTION 2v.** 285.14 (2m) of the statutes is created to read:

2 **285.14 (2m) SUBMISSION OF REVISED PLAN.** The department shall prepare a
3 report under sub. (2) if the federal environmental protection agency requires the
4 department to submit a revision of a state implementation plan due to a finding that
5 the state implementation plan as submitted by the department does not meet the
6 minimum criteria established under 42 USC 7410 (k) (1) (A) or is substantially
7 inadequate under 42 USC 7410 (k) (5) and the basis for the finding is that the plan
8 fails to adequately account for emissions caused by the standards for automotive
9 gasoline established under s. 168.04 (2m) (a).”.

10 **6.** Page 3, line 17: after “7491.” insert “To make the determination under this
11 paragraph, the department shall determine what, if any, reductions in emissions of
12 air contaminants would be necessary to attain and maintain a federal ambient air
13 quality standard or to protect visibility without the standards for automotive
14 gasoline established under s. 168.02 (2m) (a) and compare those reductions to the
15 reductions that would be necessary to attain and maintain a federal ambient air
16 quality standard or to protect visibility with the standards for automotive gasoline
17 established under s. 168.02 (2m) (a) in effect.”.

18 **7.** Page 3, line 18: delete lines 18 to 24.

19 **8.** Page 4, line 4: after that line, on page 1, line 5, of the material inserted by
20 assembly amendment 4, after “lignocellulosic” insert “or hemicellulosic”.

21 **9.** Page 4, line 4: after that line, before the material inserted by assembly
22 amendment 4, insert:

23 “(d) If, based on ambient air monitoring conducted after September 30, 2007,
24 the department determines that the ambient air quality in an attainment area

1 violates a federal ambient air quality standard promulgated under 42 USC 7409, the
2 department shall determine whether the standards for automotive gasoline
3 established under s. 168.04 (2m) (a) caused or contributed to the violation.

4 (e) If the department determines under par. (d) that the standards for
5 automotive gasoline established under s. 168.04 (2m) (a) caused or contributed to the
6 violation of a federal ambient air quality standard promulgated under 42 USC 7409,
7 all of the following apply:

8 1. The department shall notify the department of commerce of that
9 determination.

10 2. The department may not impose additional emission reductions on any air
11 contaminant source in any part of the state to compensate for, or offset, any
12 contribution of the standards to the violation.

13 **SECTION 3m.** 285.23 (5) of the statutes is created to read:

14 **285.23 (5) EFFECT OF TERMINATION OF ETHANOL REQUIREMENTS IN AUTOMOTIVE**
15 **GASOLINE.** If the department determines under s. 285.14 (3) (d) that the standards
16 for automotive gasoline established under s. 168.04 (2m) (a) caused the violation of
17 a federal ambient air quality standard promulgated under 42 USC 7409 or that the
18 violation of a federal ambient air quality standard would not have occurred in the
19 absence of the standards for automotive gasoline and if the revisor of statutes has
20 published the notice under s. 168.04 (2m) (c), the department may not issue a
21 document under sub. (2) that defines or lists the area in which the violation of the
22 ambient air quality standard was recorded as a nonattainment area unless the
23 definition or listing is required under the federal clean air act.”.

24 (END)