



State of Wisconsin  
2005 - 2006 LEGISLATURE

Wanted 3:30 today

LRBa2439/EP3  
RCT:cjs:jf  
7 rmy  
stays

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2005 ASSEMBLY BILL 15

bill list ✓

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 2, line 1: after "(c)" insert "(e) or (g)".

5 3. Page 2, line 7: delete "on which" and substitute "in which".

6 4. Page 3, line 8: after that line insert:

7 "SECTION 2t. 285.14 (title) of the statutes is amended to read:

8 285.14 (title) State implementation plans; ethanol requirements in  
9 automotive gasoline.

Insert  
1-9 →

10 5. 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

1 quality standard or to protect visibility without the standards for automotive  
2 gasoline established under s. 168.02 (2m) (a) and compare those reductions to the  
3 reductions that would be necessary to attain and maintain a federal ambient air  
4 quality standard or to protect visibility with the standards for automotive gasoline  
5 established under s. 168.02 (2m) (a) in effect.”.

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

7 **7.** Page 4, line 4: after that line, before the material inserted by assembly  
8 amendment 4, insert:

\* 9 *Insert 2-9* (d) The department shall determine whether the standards for automotive  
10 gasoline established under s. 168.04 (2m) (a) cause<sup>d</sup> or contribute<sup>d</sup> to the violation of  
11 ~~a federal ambient air quality standard promulgated under 42 USC 7409 or of a~~  
12 ~~requirement to protect visibility promulgated under 42 USC 7491.~~

13 (e) If the department determines under par. (d) that the standards for  
14 automotive gasoline established under s. 168.04 (2m) (a) cause<sup>d</sup> or contribute<sup>d</sup> to the  
15 violation of a federal ambient air quality standard promulgated under 42 USC 7409  
16 ~~or of a requirement to protect visibility promulgated under 42 USC 7491,~~ all of the  
17 following apply:

18 1. The department shall notify the department of commerce of that  
19 determination.

20 2. The department may not impose additional emission reductions on any air  
21 contaminant source in any part of the state ~~to address the violation or~~ to compensate  
22 for, or offset, any contribution of the standards to the violation.

*Insert 2-22* → 23 (f) If the federal environmental protection agency finds that a state  
24 implementation plan submitted by the department does not meet the minimum

1 criteria established under 42 USC 7410 (k) (1) (A) or is substantially inadequate  
2 under 42 USC 7410 (k) (5) because the plan does not adequately account for  
3 emissions caused by the standards for automotive gasoline established under s.  
4 168.04 (2m) (a), the department shall determine whether it would be necessary,  
5 because of those standards, to revise the plan to include additional requirements for  
6 the reduction of the emissions of an air contaminant by air contaminant sources in  
7 any part of this state in order to attain and maintain a federal ambient air quality  
8 standard promulgated under 42 USC 7409 or to protect visibility under 42 USC 7491.

9 (g) If the department determines under par. (f) that it would be necessary to  
10 include additional requirements in the state implementation plan, the department  
11 shall notify the department of commerce of that determination, and the department  
12 may not include those requirements in the state implementation plan.”

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

15 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBa2439/P2ins  
RCT:.....

**Insert 1-9**

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

285.14 (2m) SUBMISSION OF REVISED PLAN. The department shall prepare a report under sub. (2) if the federal environmental protection agency requires the department to submit a revision of a state implementation plan due to a finding

~~based on the failure to~~ adequately account for emissions caused by the standards for automotive gasoline established under s. 168.04 (2m) (a) that the state implementation plan as submitted by the department does not meet the minimum criteria established under 42 USC 7410 (k) (1) (A) or is substantially inadequate under 42 USC 7410 (k) (5).  
*and the basis for the finding is that the plan fails to*

**Insert 2-9**

*no #* If, based on ambient air monitoring conducted after September 30, 2007, the department determines that the ambient air quality in an attainment area violates a federal ambient air quality standard promulgated under 42 USC 7409,

**Insert 2-22**

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

285.23 (5) EFFECT OF TERMINATION OF ETHANOL REQUIREMENTS IN AUTOMOTIVE GASOLINE. If the department determines under s. 285.14 (3) (d) that the standards for automotive gasoline established under s. 168.04 (2m) (a) caused the violation of a federal ambient air quality standard promulgated under s. 42 USC 7409 or that the violation of a federal ambient air quality standard would not have occurred in the absence of the standards for automotive gasoline and if the revisor of statutes has published the notice under s. 168.04 (2m) (c), the department may not issue a

document under sub. (2) that defines or lists the area in which the violation of the ambient air quality standard was recorded as a nonattainment area unless the the definition or listing is required by the federal clean air act.”.



State of Wisconsin  
2005 - 2006 LEGISLATURE

*Today, if possible*

LRBa2439/P2 *P3*

RCT:cjs:rs

*Stays*

*rmy*

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT ,  
TO 2005 ASSEMBLY BILL 15

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 2, line 1: after "(c)" insert "or (e)".

5 **3.** Page 2, line 7: delete "on which" and substitute "in which".

6 **4.** Page 3, line 8: after that line insert:

7 "SECTION 2t. 285.14 (title) of the statutes is amended to read:

8 **285.14 (title) State implementation plans; ethanol requirements in**  
9 **automotive gasoline.**

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

11 285.14 (2m) SUBMISSION OF REVISED PLAN. The department shall prepare a  
12 report under sub. (2) if the federal environmental protection agency requires the

1 department to submit a revision of a state implementation plan due to a finding that  
2 the state implementation plan as submitted by the department does not meet the  
3 minimum criteria established under 42 USC 7410 (k) (1) (A) or is substantially  
4 inadequate under 42 USC 7410 (k) (5) and the basis for the finding is that the plan  
5 fails to adequately account for emissions caused by the standards for automotive  
6 gasoline established under s. 168.04 (2m) (a).”.

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

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

16 **7.** Page 4, line 4: after that line, before the material inserted by assembly  
17 amendment 4, insert:

18 “(d) If, based on ambient air monitoring conducted after September 30, 2007,  
19 the department determines that the ambient air quality in an attainment area  
20 violates a federal ambient air quality standard promulgated under 42 USC 7409, the  
21 department shall determine whether the standards for automotive gasoline  
22 established under s. 168.04 (2m) (a) caused or contributed to the violation.

23 (e) If the department determines under par. (d) that the standards for  
24 automotive gasoline established under s. 168.04 (2m) (a) caused or contributed to the

1 violation of a federal ambient air quality standard promulgated under 42 USC 7409,  
2 all of the following apply:

3 1. The department shall notify the department of commerce of that  
4 determination.

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

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

9 285.23 (5) EFFECT OF TERMINATION OF ETHANOL REQUIREMENTS IN AUTOMOTIVE  
10 GASOLINE. If the department determines under s. 285.14 (3) (d) that the standards  
11 for automotive gasoline established under s. 168.04 (2m) (a) caused the violation of  
12 a federal ambient air quality standard promulgated under 42 USC 7409 or that the  
13 violation of a federal ambient air quality standard would not have occurred in the  
14 absence of the standards for automotive gasoline and if the revisor of statutes has  
15 published the notice under s. 168.04 (2m) (c), the department may not issue a  
16 document under sub. (2) that defines or lists the area in which the violation of the  
17 ambient air quality standard was recorded as a nonattainment area unless the ~~the~~  
18 definition or listing is required <sup>under</sup> by the federal clean air act.”.

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 (END)



2/28 Per Kurt (Rep. Fries's office) -  
Add that the ethanal requirement does not apply  
in the ozone nonattainment area in SE Wisconsin.





State of Wisconsin  
2005 - 2006 LEGISLATURE

Wanted 11:30

LRBa2439/P3

RCT:cjs:pg

P4  
rnr

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2005 ASSEMBLY BILL 15

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 2, line 1: after "(c)" insert "or (e)".

5 3. Page 2, line 7: delete "on which" and substitute "in which".

6 4. Page 3, line 8: after that line insert:

7 "SECTION 2t. 285.14 (title) of the statutes is amended to read:

8 285.14 (title) **State implementation plans; ethanol requirements in**  
9 **automotive gasoline.**

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

11 285.14 (2m) SUBMISSION OF REVISED PLAN. The department shall prepare a  
12 report under sub. (2) if the federal environmental protection agency requires the

Insert  
1-5 →

1 department to submit a revision of a state implementation plan due to a finding that  
2 the state implementation plan as submitted by the department does not meet the  
3 minimum criteria established under 42 USC 7410 (k) (1) (A) or is substantially  
4 inadequate under 42 USC 7410 (k) (5) and the basis for the finding is that the plan  
5 fails to adequately account for emissions caused by the standards for automotive  
6 gasoline established under s. 168.04 (2m) (a).”.

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

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

16 **7.** Page 4, line 4: after that line, before the material inserted by assembly  
17 amendment 4, insert:

18 “(d) If, based on ambient air monitoring conducted after September 30, 2007,  
19 the department determines that the ambient air quality in an attainment area  
20 violates a federal ambient air quality standard promulgated under 42 USC 7409, the  
21 department shall determine whether the standards for automotive gasoline  
22 established under s. 168.04 (2m) (a) caused or contributed to the violation.

23 (e) If the department determines under par. (d) that the standards for  
24 automotive gasoline established under s. 168.04 (2m) (a) caused or contributed to the

1 violation of a federal ambient air quality standard promulgated under 42 USC 7409,  
2 all of the following apply:

3 1. The department shall notify the department of commerce of that  
4 determination.

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

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

9 **285.23 (5) EFFECT OF TERMINATION OF ETHANOL REQUIREMENTS IN AUTOMOTIVE**  
10 **GASOLINE.** If the department determines under s. 285.14 (3) (d) that the standards  
11 for automotive gasoline established under s. 168.04 (2m) (a) caused the violation of  
12 a federal ambient air quality standard promulgated under 42 USC 7409 or that the  
13 violation of a federal ambient air quality standard would not have occurred in the  
14 absence of the standards for automotive gasoline and if the revisor of statutes has  
15 published the notice under s. 168.04 (2m) (c), the department may not issue a  
16 document under sub. (2) that defines or lists the area in which the violation of the  
17 ambient air quality standard was recorded as a nonattainment area unless the  
18 definition or listing is required under the federal clean air act.”.

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 (END)

**2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa2439/P4ins  
RCT:.....

**Insert 1-5**

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

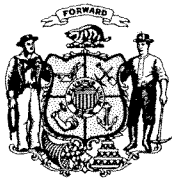
“(bg) The standards established under par. (a) do not apply to automotive gasoline that is sold in a nonattainment area, as defined in s. 285.01 (30), for ozone.”.

a2439/p4

2/28 Per John Stulzenberg -

The intent is to not require ethanol in reformulated gasoline. The reformulated gasoline requirement does not apply to all of the ozone nonattainment area, so the 1PQ is too broad.

RT



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2439/P4  
RCT:cjs:jf

Wanted 12:30

P5

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION  
SENATE AMENDMENT,  
TO 2005 ASSEMBLY BILL 15

*in which the use of reformulated gasoline is required under 5.285.37(2)*

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 ~~a nonattainment~~<sup>an</sup> area, as defined in s. 285.01 (30), for ozone.".

7 **3.** Page 2, line 1: after "(c)" insert "or (e)".

8 **4.** Page 2, line 7: delete "on which" and substitute "in which".

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

10 "SECTION 2t. 285.14 (title) of the statutes is amended to read:

11 **285.14 (title) State implementation plans; ethanol requirements in**  
12 **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)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

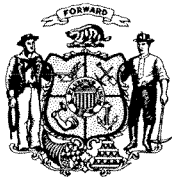
LRB

3/8/06 Per Kurt - change to 12 with no other changes.

a 2439/PS

Ret





State of Wisconsin  
2005 - 2006 LEGISLATURE

LRBa2439/157

RCT:cjs:cb

Today

Stays

vmr  
e

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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

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:

1           **285.14** (title) **State implementation plans; ethanol requirements in**  
2 **automotive gasoline.**

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

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

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

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

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

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

1           “(d) If, based on ambient air monitoring conducted after September 30, 2007,  
2           the department determines that the ambient air quality in an attainment area  
3           violates a federal ambient air quality standard promulgated under 42 USC 7409, the  
4           department shall determine whether the standards for automotive gasoline  
5           established under s. 168.04 (2m) (a) caused or contributed to the violation.

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

10           1. The department shall notify the department of commerce of that  
11           determination.

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

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

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

1 ambient air quality standard was recorded as a nonattainment area unless the  
2 definition or listing is required under the federal clean air act.”.

3 (END)