

2007 DRAFTING REQUEST

Senate Amendment (SA-SB380)

Received: 01/14/2008

Received By: btradewe

Wanted: As time permits

Identical to LRB:

For: Pat Kreitlow (608) 266-7511

By/Representing: Matt Pagel

This file may be shown to any legislator: NO

Drafter: btradewe

May Contact: DATCP

Addl. Drafters:

Subject: Agriculture - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Sen.Kreitlow@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Add requirements related to advanced biofuels and cellulosic biofuel

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>
/?							
/P1	btradewe 01/15/2008	kfollett 01/15/2008	pgreensl 01/15/2008	_____	lparisi 01/15/2008		
/1	btradewe 01/23/2008	kfollett 01/23/2008	pgreensl 01/23/2008	_____	sbasford 01/23/2008	sbasford 01/23/2008	

FE Sent For:

<END>

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FE Sent For:		1/16/08 1/23	1/23 P8	1/23 P8 <END>			

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/?	btradewe	1/15/08 P/K/gf	1/15/08 pb	1/15/08 pb			

FE Sent For:

<END>

Tradewell, Becky

From: Pagel, Matt
Sent: Thursday, January 10, 2008 9:28 AM
To: Tradewell, Becky
Subject: LRB 1619/1

Attachments: New Energy Bill chart percentage advanced biofuels.doc

Becky, we will be introducing this today and there will be a hearing next week Jan 16th. As we discussed yesterday HR 6 requires that a certain percent of RFS must be Advanced Biofuel or Cellulosic Biofuel and I would like add amendment that would be similar with this bill either by cross reference or separate language with DATCAP being responsible to certify that Wisconsin is achieving this goal. I would like the Advanced Biofuel requirement to start in 2014 with a waiver that could be applied for if technology does not get us there.

If you could look at those options I would appreciate it.

Here is the chart, this is in gallons not percentages. Datcap would also be happy to assist you if need be.



New Energy Bill
chart percenta...

Matthew Pagel
Office of Senator Pat Kreitlow
Wisconsin State Senate - 23rd District
Room 10 South - State Capitol
PO Box 7882
Madison, WI 53703-7882
Phone: 608-266-7511 or 888-437-9436
Matt.Pagel@legis.wisconsin.gov

Year	Conventional Biofuel	Advanced Biofuel	Cellulosic Biofuel	Biomass-based Diesel	<i>Undifferentiated Advanced Biofuel</i>	Total RFS
2008	9.0					9.0
2009	10.5	.6		.5	0.1	11.1
2010	12	.95	.1	.65	0.2	12.95
2011	12.6	1.35	.25	.8	0.3	13.95
2012	13.2	2	.5	1	0.5	15.2
2013	13.8	2.75	1		1.75	16.55
2014	14.4	3.75	1.75		2	18.15
2015	15	5.5	3		2.5	20.5
2016	15	7.25	4.25		3.0	22.25
2017	15	9	5.5		3.5	24
2018	15	11	7		4.0	26
2019	15	13	8.5		4.5	28
2020	15	15	10.5		4.5	30
2021	15	18	13.5		4.5	33
2022	15	21	16		5	36

Tradewell, Becky

From: Pagel, Matt
Sent: Thursday, January 10, 2008 10:06 AM
To: Tradewell, Becky
Subject: RE: LRB 1619/1

SB 380

Becky, I asked DATCAP to look into it and call you. I have been talking with Gary Radloff but I believe you were talking with different staff, I asked Gary to call you or whoever he thinks to be most helpful to call you.

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Matt.Pagel@legis.wisconsin.gov

From: Tradewell, Becky
Sent: Thursday, January 10, 2008 9:56 AM
To: Pagel, Matt
Subject: RE: LRB 1619/1

Matt,

It would be very helpful to me in considering this to have the federal language. I would ordinarily find it myself, but I am extremely busy right now and it would really help if someone could provide it to me or at least the public law number. Once I have the language, I will consider how to draft an amendment and get back to you with options and questions. Also, I think you mentioned who from DATCP talked to you about this, but I do not remember who it was. Could you please remind me?

Thanks,
Becky

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Tradewell, Becky

From: Pagel, Matt
Sent: Monday, January 14, 2008 10:17 AM
To: Tradewell, Becky
Subject: RE: LRB 1619/1

Becky, I just talked to Gary, who told me that even if we did percentages they would need to convert them to gallons to verify that we are meeting the Federal requirement. So if the cross reference will work, can we just delay the biofuels and cellulosic ethanol portions until 2014 and then have DATCAP verify the fuels meet the EPA standard and that from 2014 forward we will meet the same gallons/percentage in this state.

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Matt.Pagel@legis.wisconsin.gov

From: Tradewell, Becky
Sent: Friday, January 11, 2008 4:14 PM
To: Pagel, Matt
Subject: RE: LRB 1619/1

Matt,

I have not heard from anyone from DATCP, so I have located the federal language. I think that an amendment could incorporate the federal definitions by cross-reference. Note that the federal law requires the EPA administrator to determine which fuels qualify as advanced biofuels and as cellulosic biofuels.

Is your intent to have this amendment require each refiner to sell a specified percentage of advanced biofuel and a specified percentage of cellulosic biofuel in this state, unless DATCP grants a waiver? If so, someone will need to tell me what the percentages should be. If not, I am unsure what you do intend.

Becky Tradewell
6-7290

From: Pagel, Matt
Sent: Thursday, January 10, 2008 10:06 AM
To: Tradewell, Becky
Subject: RE: LRB 1619/1

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Matt,

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H.R. 6

Energy Independence and Security Act of 2007 (Enrolled as Agreed to or Passed by Both House and Senate)

became Public Law No. 110-140
Not available from GPO
as of
1/11/2008

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

(1) DEFINITIONS- In this section:

(A) ADDITIONAL RENEWABLE FUEL- The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

(B) ADVANCED BIOFUEL-

(i) IN GENERAL- The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

(ii) INCLUSIONS- The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

(I) Ethanol derived from cellulose, hemicellulose, or lignin.

(II) Ethanol derived from sugar or starch (other than corn starch).

(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

(IV) Biomass-based diesel.

(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

(VII) Other fuel derived from cellulosic biomass.

(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS- The term 'baseline lifecycle greenhouse gas

emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

`(D) BIOMASS-BASED DIESEL- The term `biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from co-processing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

`(E) CELLULOSIC BIOFUEL- The term `cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

`(F) CONVENTIONAL BIOFUEL- The term `conventional biofuel' means renewable fuel that is ethanol derived from corn starch.

`(G) GREENHOUSE GAS- The term `greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

`(H) LIFECYCLE GREENHOUSE GAS EMISSIONS- The term `lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

`(I) RENEWABLE BIOMASS- The term `renewable biomass' means each of the following:

` (i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.

` (ii) Planted trees and tree residue from actively managed tree plantations on non-federal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

` (iii) Animal waste material and animal byproducts.

` (iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

` (v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

` (vi) Algae.

` (vii) Separated yard waste or food waste, including recycled cooking and trap grease.

` (J) RENEWABLE FUEL- The term `renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

` (K) SMALL REFINERY- The term `small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

` (L) TRANSPORTATION FUEL- The term `transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).'

SEC. 202. RENEWABLE FUEL STANDARD.

(a) Renewable Fuel Program- Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS- Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: 'Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions.'

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL- Subparagraph (B) is amended to read as follows:

(B) APPLICABLE VOLUMES-

(i) CALENDAR YEARS AFTER 2005-

(I) RENEWABLE FUEL- For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

Applicable volume of renewable fuel

**Calendar year:
(in billions of gallons):**

2006 --4.0

2007 --4.7

2008 --9.0

2009 --11.1

2010 --12.95

2011 --13.95

2012 --15.2

2013 --16.55

2014 --18.15
2015 --20.5
2016 --22.25
2017 --24.0
2018 --26.0
2019 --28.0
2020 --30.0
2021 --33.0
2022 --36.0

(II) ADVANCED BIOFUEL- For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

Applicable volume of advanced biofuel
Calendar year:
(in billions of gallons):

2009 --0.6
2010 --0.95
2011 --1.35
2012 --2.0
2013 --2.75
2014 --3.75
2015 --5.5
2016 --7.25
2017 --9.0

2018 --11.0
2019 --13.0
2020 --15.0
2021 --18.0
2022 --21.0

(III) CELLULOSIC BIOFUEL- For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

Applicable volume of cellulosic biofuel
Calendar year:
(in billions of gallons):

2010 --0.1
2011 --0.25
2012 --0.5
2013 --1.0
2014 --1.75
2015 --3.0
2016 --4.25
2017 --5.5
2018 --7.0
2019 --8.5
2020 --10.5
2021 --13.5
2022 --16.0

` (IV) BIOMASS-BASED DIESEL- For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

Applicable volume of biomass-based diesel

**` Calendar year:
(in billions of gallons):**

2009 --0.5
2010 --0.65
2011 --0.80
2012 --1.0

` (ii) OTHER CALENDAR YEARS- For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of--

- ` (I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wetlands, ecosystems, wildlife habitat, water quality, and water supply;
- ` (II) the impact of renewable fuels on the energy security of the United States;
- ` (III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);
- ` (IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;
- ` (V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

`(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

`(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL- For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

`(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL- For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

`(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL- For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.'

(b) Applicable Percentages- Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking `2011' and inserting `2021'.

(2) In subparagraph (A), by striking `gasoline' and inserting `transportation fuel, biomass-based diesel, and cellulosic biofuel'.

(3) In subparagraph (B), by striking `2012' and inserting `2021' in clause (i).

(4) In subparagraph (B), by striking `gasoline' and inserting `transportation fuel' in clause (ii)(II).

(c) Modification of Greenhouse Gas Percentages- Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

`(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES-

`(A) IN GENERAL- The Administrator may, in the regulations under the last sentence of paragraph

(2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i) (relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i) (relating to advanced biofuel), and (1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

`(B) AMOUNT OF ADJUSTMENT- In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

`(C) ADJUSTED REDUCTION LEVELS- An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

`(D) 5-year review- Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

`(E) SUBSEQUENT ADJUSTMENTS- After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been

a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

`(F) LIMIT ON UPWARD ADJUSTMENTS- If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraphs (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D), (1)(B)(i), or (1)(E).

`(G) APPLICABILITY OF ADJUSTMENTS- If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.'

(d) Credits for Additional Renewable Fuel- Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

`(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL- The Administrator may issue regulations providing: (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator; and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).'

(e) Waivers-

(1) IN GENERAL- Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting ', by any person subject to the requirements of this subsection, or by the Administrator on his own motion' after 'one or more States' in subparagraph (A) and by striking out 'State' in subparagraph (B).

(2) CELLULOSIC BIOFUEL- Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

`(D) CELLULOSIC BIOFUEL- (i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the

preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

` (ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of \$0.25 per gallon or the amount by which \$3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

` (iii) Eighteen months after the date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.'

(3) BIOMASS-BASED DIESEL- Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

` (E) BIOMASS-BASED DIESEL-

` (i) MARKET EVALUATION- The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

` (ii) WAIVER- If the Administrator determines that there is a significant renewable feedstock

disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

` (iii) EXTENSIONS- If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

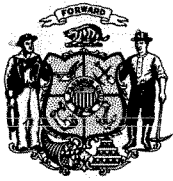
` (F) MODIFICATION OF APPLICABLE VOLUMES- For any of the tables in paragraph (2)(B), if the Administrator waives--

` (i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

` (ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within 1 year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).'

1/15/08 I asked Matt about whether he would ^{a1075} want the amendment to require DATCP to promulgate rules establishing requirements for advanced biofuels and cellulose (that would be based on the requirements in the federal legislation. He said "yes!"
RT



wanted wed (1/16) 8am.

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2007 SENATE BILL 380

LPS:
Fix
request
sheet pls

ANote

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 2: after that line insert:
- 3 “(a) “Advanced biofuel” has the meaning given in 42 USC 7545 (o) (1) (b).”
- 4 **2.** Page 2, line 3: substitute “(ag)” for “(a)”.
- 5 **3.** Page 2, line 8: after that line insert:
- 6 “(ar) “Cellulosic biofuel” has the meaning given in 42 USC 7547 (o) (1) (e).”
- 7 **4.** Page 4, line 6: after that line insert:
- 8 “(ae) The department shall promulgate rules specifying requirements for the
- 9 sale by refiners of advanced biofuel and cellulosic biofuel beginning in 2014. The
- 10 department shall design the rules to make the amounts of advanced biofuel and
- 11 cellulosic biofuel that are required to be sold similar to the amounts that are required
- 12 to be sold under 42 USC 7545 (o) (2) and regulations promulgated under that

1 paragraph. The department shall include in the rules provisions for granting
2 waivers of the requirements if available supplies are not sufficient to enable refiners
3 to comply.”.

4 (END)

D Note

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

LRBa1075/P1dn

RCT... *KJF*

Date

Matt Pagel:

This amendment draft requires the Department of Agriculture, Trade and Consumer Protection to promulgate rules to specify the requirements for selling advanced biofuel and cellulosic biofuel.

*projections
projections*

X I have, by the way, concluded that cellulosic biofuel is ^a kind of advanced biofuel.

*** In talking to Kevin LeRoy, it appears that it would be possible to come up with percentages that would roughly translate the federal volume requirements into percentages, using projections of total fuel sales from the federal Energy Information Administration. It seems, though, that those ~~predictions~~ would not be measuring the sales of the same substances as are used in the bill as the denominator for determining the percentage of renewable fuel sold. Also, the percentages would be based on projections that may change as we get closer to 2014.

Please let me know if you have any questions or want any changes in the draft.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1075/P1dn
RCT:kjf.pg

January 15, 2008

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Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov



State of Wisconsin
2007 - 2008 LEGISLATURE

LRBa1075/P1

RCT:kjf:pg

today

VMV

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2007 SENATE BILL 380

No changes

1 At the locations indicated, amend the bill as follows:

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5 **3.** Page 2, line 8: after that line insert:

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7 **4.** Page 4, line 6: after that line insert:

8 “(ae) The department shall promulgate rules specifying requirements for the
9 sale by refiners of advanced biofuel and cellulosic biofuel beginning in 2014. The
10 department shall design the rules to make the amounts of advanced biofuel and
11 cellulosic biofuel that are required to be sold similar to the amounts that are required
12 to be sold under 42 USC 7545 (o) (2) and regulations promulgated under that

1 paragraph. The department shall include in the rules provisions for granting
2 waivers of the requirements if available supplies are not sufficient to enable refiners
3 to comply.”.

4 (END)

CCC to
Senate Amendment 1
to 2007 Senate Bill 380
(February 5, 2008)

#. Page 1, line 6: substitute
" 7545" for " 7547".

(End)

LRBa 1075/1ccc-1

KJF

¹
SENATE AMENDMENT,
TO 2007 SENATE BILL 380

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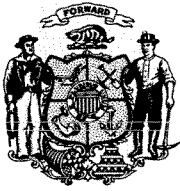
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State of Wisconsin
2007-2008 LEGISLATURE

CORRECTIONS IN:

**SENATE AMENDMENT 1,
TO 2007 SENATE BILL 380**

Prepared by the Legislative Reference Bureau
(February 5, 2008)

1. Page 1, line 6: substitute "7545" for "7547".

(END)

ccc to

Senate Amendment 1,
to 2007 Senate Bill 380
(February 13, 2008)

#. Page 1, line 3: delete "(b)" and
substitute "(B)", as affected by P.L. 110-140."

#. Page 1, line 6: delete "(e)" and
substitute "(E)", as affected by P.L. 110-140."

#. Page 1; line 12: after "(2)" insert
"(o)", as affected by P.L. 110-140."

7545 (o) ← ^{ps.} letter

(End)

CRBa1075/1ccc-2

KJF

**SENATE AMENDMENT 1,
TO 2007 SENATE BILL 380**

January 29, 2008 – Offered by COMMITTEE ON CAMPAIGN FINANCE REFORM, RURAL ISSUES AND INFORMATION TECHNOLOGY.

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*(B), as affected
by R.L.
P 110-140,*

4 **2.** Page 2, line 3: substitute “(ag)” for “(a)”.

*done
↓
7545*

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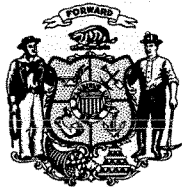
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*(E), as affected
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P 110-140*

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State of Wisconsin
2007-2008 LEGISLATURE

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TO 2007 SENATE BILL 380**

Prepared by the Legislative Reference Bureau
(February 13, 2008)

1. Page 1, line 3: delete "(b)" and substitute "(B), as affected by P.L. 110-140".
2. Page 1, line 6: delete "(e)" and substitute "(E), as affected by P.L. 110-140".
3. Page 1, line 12: after "7545 (o) (2)" insert ", as affected by P.L. 110-140,".

(END)