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## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

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| <b>2003 Wisconsin Act 45</b><br>[2003 Senate Bill 117]  | <b>Prohibition on MTBE in Gasoline</b>  |
| 2003 Acts: <a href="http://www.legis.state.wi.us/2003/data/acts/">www.legis.state.wi.us/2003/data/acts/</a> | Act Memos: <a href="http://www.legis.state.wi.us/lc/act_memo/act_memo.htm">www.legis.state.wi.us/lc/act_memo/act_memo.htm</a> |

2003 Wisconsin Act 45 directs the Department of Commerce to establish by rule product grade specifications for gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline sold in Wisconsin that prohibit these petroleum products from containing more than 0.5%, by volume, of methyl tertiary-butyl ether (MTBE).

### Prior Law

Prior law directed the Department of Commerce to prescribe, by rule, minimum product grade specifications for gasoline, reformulated gasoline, and kerosene. Prior law also authorized the department to prescribe product grade specifications for automotive gasoline, gasoline-alcohol fuel blends, aviation gasoline, fuel oils, and diesel fuels. The department's specifications are set forth in ch. Comm 48, Wis. Adm. Code. If a shipment of one of these petroleum products received in this state does not meet the department's specifications, that product may not be sold or used in this state.

### Act 45

Act 45 directs the Department of Commerce to prescribe by rule additional product grade specifications that prohibit gasoline, automotive gasoline, gasoline-alcohol fuel blends, and reformulated gasoline, beginning on August 1, 2004, from containing more than 0.5%, by volume, of MTBE. The Act also provides an exception to this prohibition for any of these products that are used as racing fuel at racing events or in preparation for racing events.

Act 45 directs the Department of Commerce to promulgate the prohibitions described above as an emergency rule for the period before the permanent rule becomes effective, but not to exceed the period authorized for an emergency rule under current law. In promulgating the emergency rule, the Act specifies that, notwithstanding current law, the department is not required to provide: (a) evidence that

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

promulgating the emergency rule is necessary for the preservation of public peace, health, safety, or welfare; and (b) a finding of emergency.

Act 45 specifies a nonstatutory statement of legislative findings and purpose. The Act states that the purpose of the prohibitions on the use of MTBE described above is to reduce or eliminate the instances of MTBE contaminating groundwater.

***Effective Date:*** Act 45 takes effect on August 26, 2003. The prohibitions on MTBE in the specified petroleum products created by the Act begin on August 1, 2004.

***Prepared by:*** John Stolzenberg, Chief of Research Services

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