



## Legislation Text

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ORIGINAL

ALD. BOHL

Resolution urging the U.S. Congress to amend the Clean Air Act to eliminate the requirement for use of reformulated gasoline in 6 counties in southeastern Wisconsin.

This resolution urges the U.S. Congress to amend the Clean Air Act to eliminate the requirement for use of reformulated gasoline in 6 counties in southeastern Wisconsin. It also directs the City Clerk to send copies of this resolution to all Wisconsin representatives in the United States Congress.

Whereas, Since 1995, a federal Clean Air Act mandate has required the use of reformulated gasoline in 6 southeastern Wisconsin counties - Kenosha, Milwaukee, Ozaukee, Racine, Washington and Waukesha; and

Whereas, As reported in the March 31, 2012, edition of the *Milwaukee Journal Sentinel*, since the introduction of reformulated gasoline, the environmental advantages of this fuel relative to conventional gas have diminished for a variety of reasons, including:

1. The quality of conventional gasoline has been greatly improved, meaning that fewer pollutants are produced. For example, federal regulations enacted in 2004 reduced the sulfur content in all gasoline, thereby virtually eliminating the difference between the two types of gasoline in terms of the amount of smog-forming nitrogen oxides produced.

2. Improved emission-control equipment on motor vehicles has reduced the amount of emissions, even when the fuel burned is conventional gasoline. Vehicles built in 2004 or later were 77% to 93% cleaner than those built in 2003 or earlier.

; and

Whereas, According to the same *Journal Sentinel* article, the U.S. Environmental Protection Agency ("EPA") has not released any findings of its ongoing study of the effectiveness of the reformulated gas requirement; and

Whereas, One of the primary reasons for establishing the reformulated gas requirement was to address the problem of volatile organic compound emissions that lead to formation of ground-level ozone; and

Whereas, The 6 southeastern Wisconsin counties with the reformulated gas requirement were designated as "nonattainment" with respect to the 1997 federal ozone standard (84 parts per billion, or ppb) on April 15, 2004; and

Whereas, Compliance with the ozone standard is determined by looking at 3 years of ozone

measurements; and

Whereas, The 6-county Milwaukee-Racine Nonattainment Area began meeting the 1997 federal ozone standard in the 2006-2008 data collection period (78 ppb) and has continued to meet the standard ever since (76 ppb in 2007-2009, 74 ppb in 2008-2010 and 77 ppb in 2009-2011); and

Whereas, The EPA formally recognized these achievements by proposing reclassification of the area to "attainment" on February 9, 2012 (77 FR 6727), an action that is expected to be finalized by the end of May, 2012; and

Whereas, The EPA notified the State of Wisconsin through letters dated December 9, 2011, and January 31, 2012, that it intends to designate Kenosha and Sheboygan Counties as "nonattainment" with respect to a second federal ozone standard, the 2008 standard (75 ppb); and

Whereas, According to the Wisconsin Department of Natural Resources, compliance with the 2008 standard - which is again determined by looking at 3 years of ozone values - has been attained in all of southeastern Wisconsin's reformulated-gas counties except Kenosha during the 2008-2010 and 2009-2011 periods (Sheboygan is not currently a reformulated-gas county); and

Whereas, Reformulated gasoline contains a blend of corn-based ethanol; and

Whereas, The growing of corn for ethanol production is diverting agricultural land from other crops or land-conservation efforts, as well as from corn production for animals or human consumption, thereby driving up corn and food prices; and

Whereas, While corn ethanol has been promoted as a environmentally-friendly fuel that reduces greenhouse gas emissions, the production of corn for ethanol, and the production of the ethanol itself, involve a number of processes that actually increase carbon dioxide emissions; and

Whereas, Incentives to grow corn for ethanol lead to less crop rotation, necessitating the use of more fertilizer and increasing the amount of nitrate runoff, thereby compromising surface and ground water quality; and

Whereas, The process of converting corn to ethanol is a water-intensive one, requiring between 4 to 6 gallons of municipal or well water to generate one gallon of ethanol; and

Whereas, Among the various biofuels, corn ethanol has, by far, the worst "energy balance" ratio (amount of energy input versus energy output) -- 1:1.3, versus 1:2.5 for biodiesel, 1:8 for sugarcane and as much as 1:36 for cellulosic ethanol; and

Whereas, According to the U.S. Department of Energy, using gasoline with a 10% ethanol blend reduces fuel economy by 3-4%, while reformulated gasoline reduces it by another 1-3%; and

Whereas, Because of the special additives and other improvements required to make reformulated gasoline, it costs more to produce this type of fuel than conventional gasoline, thereby making retail gasoline considerably more expensive in regions required to use reformulated gas than in regions where conventional gasoline is sold; and

Whereas, According to the U.S. Energy Information Administration, as of April 2, 2012, the average retail price of reformulated regular gasoline nationwide was \$4.08 per gallon, compared to an average nationwide price of \$3.87 per gallon for conventional regular gasoline; and

Whereas, The price differential between reformulated and conventional gas is reflected just as dramatically by variations in gas prices within the state of Wisconsin, which, according to the April 4, 2012, AAA Daily Fuel Gauge Report, range from a high of \$4.12 per gallon in the Milwaukee metro area to \$3.85 and \$3.89 in the La Crosse and Eau Claire areas, respectively; and

Whereas, At the same time that gas prices nationwide are approaching record levels, the requirement to use reformulated gasoline is exacerbating the “pain at the pump” in regions of the country where reformulated fuel is sold, including southeastern Wisconsin; and

Whereas, Sky-high gas prices in reformulated-fuel areas are harming those regions economically, not only by driving gas-station customers to purchase cheaper gasoline in conventional-fuel areas but, much more significantly, by forcing consumers in reformulated-fuel areas to spend a larger portion of their income on gasoline, leaving less for other purchases that would have stronger multiplier effects on the local economy; and

Whereas, The Common Council finds that the greatly diminished, if not negligible, environmental benefits of reformulated gasoline no longer justify the significantly higher retail price of this fuel and the resulting negative economic effects; and

Whereas, The Common Council further finds that, because all 6 counties in the region now meet the 1997 federal ozone standard, with all but one county meeting the 2008 standard as well, it is no longer necessary or appropriate to require the use of reformulated gasoline in southeastern Wisconsin; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City of Milwaukee urges the U.S. Congress to amend the Clean Air Act to eliminate the requirement for use of reformulated gasoline in 6 counties in southeastern Wisconsin; and, be it

Further Resolved, That the City Clerk shall send copies of this resolution to all Wisconsin representatives in the U.S. Congress.

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Jeff Osterman  
04/05/2012