



2011 SENATE BILL 518

February 27, 2012 – Introduced by Senators LAZICH, WANGGAARD, OLSEN, GROTHMAN, WIRCH and HOLPERIN, cosponsored by Representatives KAPENGA, RIVARD, PETERSEN, THIESFELDT, JACQUE, CRAIG, BROOKS, DOYLE, BALLWEG, AUGUST, STROEBEL, ENDSLEY, KOOYENGA, TIFFANY, STONE, KUGLITSCH and VAN ROY. Referred to Committee on Economic Development and Veterans and Military Affairs.

- 1 **AN ACT** *to create* 285.31 (5) of the statutes; **relating to:** gasoline vapor recovery
2 requirements and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under the federal Clean Air Act, a state, rather than the federal Environmental Protection Agency (EPA), may administer an air pollution control program in the state if the program is consistent with the federal Clean Air Act and EPA approves the state's plan for implementing the program (SIP). EPA has approved this state's SIP and the Department of Natural Resources administers an air pollution control program in accordance with the SIP.

EPA's regulations, as provided in the Clean Air Act, currently require a state with an area that has levels of atmospheric ozone that violate federal standards to include, in its SIP, requirements that gasoline stations in that area have systems for capturing gasoline vapors from the fueling of motor vehicles (vapor recovery systems). Currently, state law requires vapor recovery systems at gasoline stations in ozone nonattainment areas and those requirements are included in this state's SIP.

The Clean Air Act also currently requires manufacturers to install systems in motor vehicles to control emissions of gasoline from refueling motor vehicles (onboard systems). The act authorizes EPA to promulgate a regulation that waives the requirement for vapor recovery systems at gasoline stations after it finds that the onboard systems are in widespread use throughout the motor vehicle fleet. In July 2011, EPA proposed a regulation that would find that onboard systems are in widespread use throughout the motor vehicle fleet and that includes a waiver that

