

2011 DRAFTING REQUEST

Bill

Received: 02/17/2012

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Mary Lazich (608) 266-5400

By/Representing: Kapenga's aide

May Contact:

Drafter: btradewe

Subject: Environment - air quality

Addl. Drafters:

Extra Copies:

Submit via email: YES

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

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

End gasoline vapor recovery requirements

Instructions:

See attached - Like 11-4116

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> |
|--------------|------------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /? | btradewe 02/23/2012 | kfollett 02/23/2012 | | _____ | | | State |
| /1 | | | rschluet 02/23/2012 | _____ | mbarman 02/23/2012 | mbarman 02/23/2012 | |

FE Sent For:

<END>

*at intro
2/27*

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|--------------|----------------|-----------------|--|----------------|------------------|---|-----------------|
| /? | btradewe | 1/5 2/23 |  MSR | == | |  | |

FE Sent For:

<END>

Tradewell, Becky

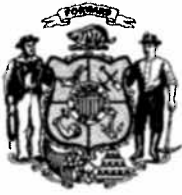
From: Brabender, Lindsey
Sent: Friday, February 17, 2012 10:47 AM
To: Tradewell, Becky
Cc: Sieg, Tricia
Subject: Stage II Vapor Recovery Bill

Hi Becky,

Senator Lazich will be introducing the senate companion to the Stage II Vapor Recovery bill that you are drafting. We authorize you to release a draft to the Senator's office.

Thanks!
Lindsey

Lindsey Brabender
Legislative Assistant
Office of State Representative Chris Kapenga
33rd Assembly District
19 North, State Capitol
608-266-7274



State of Wisconsin
2011 - 2012 LEGISLATURE

~~500 (12/13)~~
Today

4/14/11



LRB-4116/2
RCT:kjf:jf

vmnr

2011 BILL

No change

Regen

Note

- 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

BILL

would take effect on June 30, 2013. However, the regulation would prohibit a state from removing requirements for vapor recovery systems at gasoline stations before the EPA approves a revision of the state's SIP. The proposed EPA regulation was not finalized as of February 20, 2012.

Under this bill, a gasoline station the construction of which begins after the bill takes effect is not required to have a gasoline vapor recovery system. Also under the bill, the requirements to maintain vapor recovery systems at existing gasoline stations would cease to apply on the effective date of the federal waiver.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 285.31 (5) of the statutes is created to read:

2 **285.31 (5) TERMINATION OF REQUIREMENTS.** (a) The rules promulgated under
3 sub. (3) cease to apply on the effective date of the waiver of the requirement for vapor
4 control systems specified by the federal environmental protection agency in a
5 regulation promulgated under 42 USC 7521 (a) (6). Beginning on that day, persons
6 owning or operating retail stations are not required to maintain vapor control
7 systems described in sub. (3) (a).

8 (b) The department may promulgate by rule requirements for capping and
9 closing vapor control systems described in sub. (3) (a).

10 (c) The rules promulgated under sub. (3) (a) do not apply to a retail station the
11 construction of which begins after the effective date of this paragraph [LRB
12 inserts date].

13 (END)

Olte

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

NOTE

Date

-4/14/12
RET: kjf

This draft is the same as LRB-4116/2, drafted for
Rep. Kapenga.
Kapenga

RET

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

LRB-4142/1dn
RCT:kjfrs

February 23, 2012

This draft is the same as LRB-4116/2, drafted for Rep. Kapenga.

Rebecca C. Tradewell
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E-mail: becky.tradewell@legis.wisconsin.gov