

2013 DRAFTING REQUEST

Bill

Received: **9/5/2013** Received By: **btradewe**
 Wanted: **As time permits** Same as LRB: **-3300**
 For: **Daniel LeMahieu (608) 266-9175** By/Representing: **Jeff Grothman**
 May Contact: **Mike Bruhn, DNR** Drafter: **btradewe**
 Subject: **Environment - air quality** Addl. Drafters:
 Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.LeMahieu@legis.wisconsin.gov**
 Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Vapor recovery system removal grant program changes

Instructions:

Change vapor recovery system removal grant program. Eliminate rule-making requirement. See attached for other changes

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 9/13/2013			_____			
/P1	btradewe 9/24/2013	csicilia 9/16/2013	rschluet 9/16/2013	_____	sbasford 9/16/2013		
/1		csicilia 9/24/2013	jmurphy 9/24/2013	_____	sbasford 9/24/2013	lparisi 10/1/2013	

FE Sent For:

none

<END>

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FE Sent For:

1 gjs 9/24
13
Jim 9/24
<END>
Jim + KES 9/24

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1/?	btradewe	PI jjs 9/16/13		_____	_____		

FE Sent For:

<END>

The following are costs identified as eligible for reimbursement (at 50%) up to \$8,000 through the stage-2 vapor recovery decommissioning grant.

- Labor and parts associated with the conversion of a dispenser from vapor recovery to conventional hanging hardware. Typically this type of conversion includes a vapor-to-conventional hose adapter, break-away, hose(s), and nozzle(s). When a new or used conventional dispenser is used to decommission, only the costs of these parts shall be considered eligible for reimbursement.
- Labor and parts associated with any electrical and/or programming work to convert a dispenser from operating as a vapor recovery unit to a conventional unit.
- Labor and parts to prepare the inside of the dispenser for the final decommission test and to comply with section 14 of PEI manual 300-09. This includes the installation of a pipe plug into the vapor return line to the tanks.
- Costs to conduct tests (e.g., tank tie test and pressure decay test), required by section 14 of PEI manual 300-09. This reimbursement is only to cover the basic cost of conducting the test and not for any repair or parts associated with the test or any additional labor involved in the repair, replacement or installation of parts not associated with the stage 2 vapor recovery equipment.

Any costs for parts and labor not mentioned in the above paragraphs should be itemized and an explanation as to the necessity for inclusion for purposes of decommissioning included with the grant application. In special cases where it is necessary to do work that is not consistent with the procedure for decommissioning that is required in PEI 300-09 section 14, approval from DSPS must be obtained and included in the grant request.

9/12/13 Telephone call with Mike Bruhn, Bart Sponseller,
and Bryan Hauke of DNR.

↳ (414) 263-8659 supervisor of vapor recovery program

1. The parts listed in the first point are the typical parts
of hanging hardware. A swivel could be included.

2. IF the owner or operator of a retail station replaces
the dispenser (commonly called "pump"), only the costs of
the hanging hardware would be reimbursable. These
costs might not be broken out on the invoice, in which case
the owner or operator would have to ask the installer
to break that out for the purposes of the grant. ^{applying for}
^{for overseeing decommissioning}

3. They do think that the responsibility has been given
to NATCP.

RUT

Tradewell, Becky

From: Laude, Bryan T - DNR <Bryan.Laude@wisconsin.gov>
Sent: Thursday, September 12, 2013 1:34 PM
To: Bruhn, Michael L - DNR; Tradewell, Becky; Sponseller, Bart A - DNR
Subject: DSPS vs DATCP

I called Sheldon Schall who is the section chief for the storage tank regulatory services to determine if his group had been moved to DATCP from DSPS. Sheldon confirmed that his group was moved to DATCP and they are now within the Bureau of weights and measures. So Becky is correct that this function has be switched to DATCP.

 *Bryan Laude*

Wisconsin Department of Natural Resources
Bureau of Air Management
SER Air Monitoring and Transportation Supervisor
2300 Martin Luther King Drive
Milwaukee, WI 53212
Office Phone – (414) 263-8659
Cell Phone – (262) 309-7243
e-mail: Bryan.Laude@Wisconsin.gov

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State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3088/P1
RCT/.....
gjs

SOON (in 9/13)

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Note

Gen Cat

SA
x-x

1 AN ACT ...; relating to: vapor recovery system removal grants.

Analysis by the Legislative Reference Bureau

✓

Until 2012, state and federal law required operators of gasoline stations in certain areas to operate systems to capture vapors that would otherwise be released into the air when gasoline is pumped into motor vehicles. Current law requires the Department of Natural Resources (DNR) to administer a program to provide grants to operators of gasoline stations to pay a portion of the costs they incur in removing these systems. The law requires DNR to promulgate rules for the administration of the grant program, including rules that specify which costs are eligible costs.

This bill eliminates the requirement that DNR promulgate rules for the program that provides grants for the costs of removing gasoline vapor recovery systems. The bill specifies the costs that are eligible costs under the program, including the cost of labor and parts to replace hoses and nozzles and of performing testing that is required to ensure that the work involved has been performed properly.

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

↑ as created by 2013 Wisconsin Act 20

2 SECTION 1. 285.31 (6) (a) of the statutes is renumbered 285.31 (6) (am).

3 SECTION 2. 285.31 (6) (ae) of the statutes is created to read:

4 285.31 (6) (ae) In this subsection:

1 1. "Dispenser" means a device that dispenses fuel and measures the amount
2 dispensed.

3 2. "Hanging hardware" means the equipment on the outside of ^athe dispenser
4 cabinet through which fuel is dispensed, including hose adapters, breakaway
5 connectors, hoses, swivels, and nozzles.

6 3. "PEI/RP300-09" means the 2009 version of the Petroleum Equipment
7 Institute publication Recommended Practices for Installation and Testing of
8 Vapor-Recovery Systems at Vehicle-Fueling Sites.

9 SECTION 3. 285.31 (6) (b) of the statutes, as created by 2013 Wisconsin Act 20,
10 is repealed and recreated to read:

11 285.31 (6) (b) The costs of all of the following are eligible costs under this
12 subsection:

13 1. Labor and parts associated with any electrical work or programming
14 required to convert an existing dispenser from operating with vapor recovery to
15 operating without vapor recovery.

16 2. Labor and parts for replacing hanging hardware designed for vapor recovery
17 on an existing dispenser with hanging hardware that is not designed for vapor
18 recovery.

19 3. If the owner or operator replaces an existing dispenser with a new or used
20 dispenser, the cost of the hanging hardware on the new or used dispenser.

21 4. Labor and parts to prepare the interior of a dispenser for the tests described
22 in subd. 5., including the installation of a pipe plug in the vapor return line.

23 5. Conducting tests required by section 14 of PEI/300-09. The costs of repair
24 or parts associated with these tests or of any additional labor involved in the repair,

RP

LPS:
these two
letters follow
the slash mark
and precede the "3"
with 10 spaces before, after, or betw

1 replacement, or installation of parts not associated with the vapor recovery
2 equipment are not eligible costs.

3 (c) Costs of necessary parts and labor not described in par. (b) are eligible costs
4 under this subsection if the owner or operator itemizes the costs and includes an
5 explanation showing the necessity for incurring those costs with the application for
6 the grant. The costs of work that is not consistent with the procedures specified in
7 section 14 of PEI/300-09 are not eligible costs unless the owner or operator obtains
8 ✓ written approval of the work from the department of safety and professional services
9 or, after July 1, 2013, the department of agriculture, trade and consumer protection
10 and includes a copy of the written approval with the application for the grant.

11

(END)

285.31 (B)
(6)

note

④ SEC. #. CR; 285.31 (6)(c)

RF
==
↑
LPS:
See
note
about
these
letters
on
page 2.

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

LRB-3088/P1dn

RCT./.....

gjs

— late —

Jeff Grothman:

This is a preliminary draft of the proposal relating to the vapor recovery system grant program. I spoke with Mike Bruhn, Bart Sponseller, and Bryan Laude of DNR to get assistance with some questions about the technical language in the proposal. I recommend that you ask them to review this draft to ensure that the language works.

The current statute specifies that the grants are for eligible costs for removing vapor control systems. It appears that the systems are not necessarily removed, but that much of the system is often left in place unused. Perhaps the language in the current statute should be changed to “deactivating” a system, which is a term used in the relevant part of the administrative code, or to “decommissioning,” which might be less clear to the layperson, but is the term used in the industry.

Please contact me with any questions or redraft instructions.

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

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

LRB-3088/P1dn
RCT:cjs:rs

September 16, 2013

Jeff Grothman:

This is a preliminary draft of the proposal relating to the vapor recovery system grant program. I spoke with Mike Bruhn, Bart Sponseller, and Bryan Laude of DNR to get assistance with some questions about the technical language in the proposal. I recommend that you ask them to review this draft to ensure that the language works.

The current statute specifies that the grants are for eligible costs for removing vapor control systems. It appears that the systems are not necessarily removed, but that much of the system is often left in place unused. Perhaps the language in the current statute should be changed to "deactivating" a system, which is a term used in the relevant part of the administrative code, or to "decommissioning," which might be less clear to the layperson, but is the term used in the industry.

Please contact me with any questions or redraft instructions.

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

- 3088/P1

9/23 Discussion with Bryan Hauke -

1. They would like to have the analyses refer to stage II vapor recovery so it is clear that this does not include stage I.
2. He finds p. 3, lines 3 to 6 confusing because first part does not say "are eligible costs." I explained how the subdivisions must follow from the introductory language on page 2.
3. They want 285.31(6)(c) to say that WADR must determine that these costs are necessary.

/UT



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3088/P1

RCT:cjs:rs

Wed 9/25, if possible

stays

rnr

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

SA

Gen Cat

1 AN ACT *to renumber* 285.31 (6) (a); *to repeal and recreate* 285.31 (6) (b); and
2 *to create* 285.31 (6) (ae) and 285.31 (6) (c) of the statutes; **relating to:** vapor
3 recovery system removal grants.

(called stage II vapor recovery systems)
Analysis by the Legislative Reference Bureau

Until 2012, state and federal law required operators of gasoline stations in certain areas to operate systems to capture vapors that would otherwise be released into the air when gasoline is pumped into motor vehicles. Current law requires the Department of Natural Resources (DNR) to administer a program to provide grants to operators of gasoline stations to pay a portion of the costs they incur in removing these systems. The law requires DNR to promulgate rules for the administration of the grant program, including rules that specify which costs are eligible costs.

This bill eliminates the requirement that DNR promulgate rules for the program that provides grants for the costs of removing ~~gasoline~~ vapor recovery systems. The bill specifies the costs that are eligible costs under the program, including the cost of labor and parts to replace hoses and nozzles and of performing testing that is required to ensure that the work involved has been performed properly.

stage II

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

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2 is renumbered 285.31 (6) (am). ✓

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6 dispensed.

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8 cabinet through which fuel is dispensed, including hose adapters, breakaway
9 connectors, hoses, swivels, and nozzles.

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11 Institute publication Recommended Practices for Installation and Testing of
12 Vapor-Recovery Systems at Vehicle-Fueling Sites.

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24 dispenser, the cost of the hanging hardware on the new or used dispenser.

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2 in subd. 5., including the installation of a pipe plug in the vapor return line.

3 5. Conducting tests required by section 14 of PEI/RP300-09 ^{of the} ~~the~~ costs of repair ^{but}
4 or parts associated with these tests or of any additional labor involved in the repair,
5 replacement, or installation of parts not associated with the vapor recovery
6 equipment are not eligible costs.

7 SECTION 4. 285.31 (6) (c) of the statutes is created to read: ✓

8 285.31 (6) (c) Costs of necessary parts and labor not described in par. (b) are
9 eligible costs under this subsection if the owner or operator itemizes the costs and
10 includes an explanation showing the ^{reason} necessity for incurring those costs with the
11 application for the grant. The costs of work that is not consistent with the procedures
12 specified in section 14 of PEI/RP300-09 are not eligible costs unless the owner or
13 operator obtains written approval of the work from the department of safety and
14 professional services or, after July 1, 2013, the department of agriculture, trade and
15 consumer protection and includes a copy of the written approval with the application
16 for the grant.

17 (END)

and the department determines that it was necessary to incur those costs

Parisi, Lori

From: Grothman, Jeffrey
Sent: Tuesday, October 01, 2013 1:46 PM
To: LRB.Legal
Subject: Draft Review: LRB -3088/1 Topic: Vapor recovery system removal grant program changes

Please Jacket LRB -3088/1 for the ASSEMBLY.