



2013 SENATE BILL 346

October 14, 2013 – Introduced by Senators LAZICH, GROTHMAN, GUDEX and OLSEN, cosponsored by Representatives LEMAHIEU, NYGREN, KOOYENGA, STRACHOTA, ENDSLEY, PRIDEMORE, TAUCHEN and BIES. Referred to Committee on Agriculture, Small Business, and Tourism.

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.

Analysis by the Legislative Reference Bureau

Until 2012, state and federal law required operators of gasoline stations in certain areas to operate systems (called stage II vapor recovery 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 stage II 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:

SENATE BILL 346**SECTION 1**

1 **SECTION 1.** 285.31 (6) (a) of the statutes, as created by 2013 Wisconsin Act 20,
2 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:

5 1. “Dispenser” means a device that dispenses fuel and measures the amount
6 dispensed.

7 2. “Hanging hardware” means the equipment on the outside of a dispenser
8 cabinet through which fuel is dispensed, including hose adapters, breakaway
9 connectors, hoses, swivels, and nozzles.

10 3. “PEI/RP300-09” means the 2009 version of the Petroleum Equipment
11 Institute publication Recommended Practices for Installation and Testing of
12 Vapor-Recovery Systems at Vehicle-Fueling Sites.

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14 is repealed and recreated to read:

15 285.31 (6) (b) The costs of all of the following are eligible costs under this
16 subsection:

17 1. Labor and parts associated with any electrical work or programming
18 required to convert an existing dispenser from operating with vapor recovery to
19 operating without vapor recovery.

20 2. Labor and parts for replacing hanging hardware designed for vapor recovery
21 on an existing dispenser with hanging hardware that is not designed for vapor
22 recovery.

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

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1 4. Labor and parts to prepare the interior of a dispenser for the tests described
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, but the costs of
4 repair or parts associated with these tests or of any additional labor involved in the
5 repair, 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 parts and labor not described in par. (b) are eligible costs
9 under this subsection if the owner or operator itemizes the costs and includes an
10 explanation showing the reason for incurring those costs with the application for the
11 grant and the department determines that it was necessary to incur those costs. The
12 costs of work that is not consistent with the procedures specified in section 14 of
13 PEI/RP300–09 are not eligible costs unless the owner or operator obtains written
14 approval of the work from the department of safety and professional services or, after
15 July 1, 2013, the department of agriculture, trade and consumer protection and
16 includes a copy of the written approval with the application for the grant.

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(END)