

SENATE BILL REPORT

SHB 2376

As Reported By Senate Committee On:
Ecology & Parks, February 23, 1996

Title: An act relating to gasoline vapor recovery at service stations and other dispensing facilities.

Brief Description: Recovering gasoline vapors.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Koster, Johnson, Boldt, McMorris, Thompson and Mulliken).

Brief History:

Committee Activity: Ecology & Parks: 2/22/96, 2/23/96 [DPA].

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass as amended.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

Staff: Susan Ridgley (786-7444)

Background: Gasoline vapors are one source of volatile organic compounds (VOCs). Ground level ozone is formed when VOCs combine with oxides of nitrogen in the presence of sunshine. If the federal ozone standard is exceeded a total of four or more times during any three consecutive years, an area becomes a nonattainment area. Washington has two areas in "marginal" nonattainment for ozone, Puget Sound and Vancouver. Gasoline vapors and other VOCs generated in a county that meets the federal ozone standard can contribute to ozone problems in nonattainment areas.

Gasoline vapor recovery (stage II) devices used at service stations help to reduce VOC emissions. Federal law does not mandate their installation at gasoline service stations in marginal nonattainment areas, but does require that these areas develop plans that will ensure that the ozone threshold will not be exceeded. Rules adopted by the Department of Ecology require stage II devices in service stations that sell more than a specified volume of gas in a year. This rule applies to counties in western Washington only. The volume threshold is lower in ozone nonattainment areas than in attainment areas. The requirement to install the stage II devices is phased over a four-year period, from 1994 to 1998. Under Ecology's rules, about 40 percent of services stations in western Washington will eventually be required to install stage II devices.

Summary of Amended Bill: The conditions under which stage II devices can be required by the Department of Ecology are established. For areas designated as nonattainment for ozone or if included in a maintenance plan, these devices are required and thus, there are no changes to the department's rules. The department's authority to require stage II in

counties that do meet federal ozone standards is limited by the bill. Until 1998, stage II devices can be required in "ozone contributing counties" only at service stations that sell more than 1.2 million gallons per year. After 1998, the department can require stage II devices in an ozone attainment area only if (1) the facility sells more than 840,000 gallons of gas per year; and (2) the department determines, by December 31, 1997, that stage II devices are appropriate in order to achieve or maintain federal ozone standards.

Amended Bill Compared to Substitute Bill: The evaluation criteria that Ecology uses to determine if devices must be required in attainment areas is changed from "necessary" to "appropriate." Ecology's and local air authorities' abilities to regulate are retained with respect to both new and existing sources and for other reasons.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: These devices are very expensive and if not needed, should not be required. The bill will provide certainty for these businesses. The bill's language has been extensively worked and should satisfy all parties.

Testimony Against: This bill could result in existing controls being removed from pumps. It is better to wait until Ecology finishes rulemaking in six months, which will allow all parties to better craft language. Current language implies that agencies could not regulate existing sources.

Testified: Vern Lindskog, WSPA (pro); Mike Ryherd, PSAPCA; Mike Sciacca, WA Oil Marketers Assn. (pro); Tim Hamilton, AUTO (pro); Tammie Warnke, Southland Corp. (pro).