

SENATE BILL REPORT

SB 5330

As Passed Senate, March 5, 2015

Title: An act relating to stage II gasoline vapor control programs.

Brief Description: Concerning stage II gasoline vapor control programs.

Sponsors: Senators Braun, Angel, Miloscia, Rivers, Bailey, Becker, Padden, Ericksen, Warnick, Honeyford and Hewitt.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/04/15, 2/11/15, 2/12/15 [DP].

Passed Senate: 3/05/15, 47-0.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; McCoy, Ranking Minority Member; Braun, Brown, Cleveland, Habib, Honeyford and Ranker.

Staff: Jeff Olsen (786-7428)

Background: Gasoline vapors that escape when fueling motor vehicles pose a risk to public health and the environment. Stage II and onboard refueling vapor recovery (ORVR) devices are designed to control emissions released during vehicle refueling. A Stage II device is designed to capture gasoline vapors during refueling, while an ORVR system is installed on the vehicle by the manufacturer to capture emissions. The use of ORVR systems was phased in for new vehicles beginning in 1998.

In 1996 legislation was enacted that established the conditions under which the Department of Ecology (Department) may require the use of Stage II devices. Certain nonattainment areas may be required to use Stage II devices, while other areas may require Stage II devices based on the volume of gasoline sold or if the devices are necessary to achieve federal standards. Congress recognized that ORVR and Stage II devices would eventually become redundant technologies and authorized the Environmental Protection Agency (EPA) to allow states to remove Stage II devices if there is widespread use of ORVR devices. The interaction between some Stage II devices and ORVR systems can lead to an increase in vapor emissions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In May 2012 the EPA provided guidance on how states could evaluate and remove their current Stage II gasoline vapor programs. In January 2015 the Joint Legislative Audit and Review Committee (JLARC) issued a proposed final report recommending that the Department and the local clean air agencies should estimate and publish when Stage II requirements will begin to increase emissions. The JLARC report recommendations also directed the Department to conduct an analysis to determine whether keeping Stage II systems helps the region meet EPA's current ozone standard and the costs and benefits associated with keeping these systems.

Summary of Bill: The Department must analyze Stage II gasoline vapor recovery systems in consultation with clean air agencies. The analysis must include an estimate of when stage II gasoline vapor control requirements will begin to increase emissions; costs to businesses and timeframes for removing Stage II systems; impacts to ozone standards; identification of areas needing EPA approval for removal of Stage II systems; and the need for revisions to state implementation plans. The Department must provide its analysis and recommendations to the Legislature by December 1, 2015.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The JLARC study finds that there could be negative environmental outcomes from the continued use of Stage II systems by 2020. Removing Stage II systems could be costly and require several years of planning and implementation. There needs to be a clear plan to prevent environmental damage and allow businesses time to plan for these potential changes and costs. While not addressed in the bill, Stage 1 vapor recovery systems also require periodic inspections by local air agencies or the Department. There is a wide variety of fees for very similar inspections, and the study should be expanded to investigate the reasons why the costs for Stage I inspections vary so dramatically.

Persons Testifying: PRO: Senator Braun, prime sponsor; Dave Ducharme, WA Oil Marketers Assn.