

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1252

H.P. 938

House of Representatives, February 28, 2001

An Act to Create Certainty in Maine's Air Quality Program.

Reference to the Committee on Natural Resources suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative MCKENNEY of Cumberland.

Cosponsored by Representatives: GAGNE of Buckfield, LOVETT of Scarborough, PERRY of Bangor, TOBIN of Windham.

2
3 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 38 MRSA §585-E, sub-§1, ¶C** is enacted to read:

6 C. "California Stage II Enhanced Vapor Recovery Program"
7 means the program adopted on March 23, 2000, by the
8 California Air Resource Board.

10 **Sec. 2. 38 MRSA §585-E, sub-§2,** as enacted by PL 1995, c. 493,
11 §15, is amended to read:

12 **2. Stage II rule adoption.** The board may adopt a rule
13 requiring installation of Stage II vapor recovery systems in
14 gasoline stations in Cumberland, York and Sagadahoc counties.
15 The rule may impose the requirements only on stations that sold
16 1,000,000 gallons of gasoline or more in calendar year 1994 or a
17 subsequent calendar year, unless department information gathering
18 indicates that a threshold of 1,000,000 gallons is insufficient
19 to provide emission reduction credits needed to meet the volatile
20 organic compound 15% reduction plan requirement. The department
21 shall confer with the joint standing committee of the Legislature
22 having jurisdiction over natural resource matters at least one
23 week before the public hearing on any rule that proposes a
24 threshold lower than 1,000,000 gallons per calendar year. Any
25 rules or amendment to rules adopted under this subsection are
26 major substantive rules as defined in Title 5, chapter 375,
27 subchapter II-A.

28 **Sec. 3. 38 MRSA §585-E, sub-§§2-A and 6** are enacted to read:

30 **2-A. California Stage II Enhanced Vapor Recovery Program.**
31 The board may not adopt rules to implement the California Stage
32 II Enhanced Vapor Recovery Program in the State. Any Stage II
33 vapor recovery system installed in the State prior to the
34 effective date of this subsection may only be reviewed for
35 certification under rules in effect on that date and is not
36 subject to any more stringent standards adopted after that date.

38 **6. Section repealed on January 1, 2008.** This section is
39 repealed on January 1, 2008.

42 **SUMMARY**

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45 This bill prohibits the Department of Environmental
46 Protection, Board of Environmental Protection from adopting rules
47 to implement the California Stage II Enhanced Vapor Recovery
48 Program in Maine, as adopted by the California Air Resource Board
on March 23, 2000. The bill states that any Stage II vapor

2 recovery system installed in Maine prior to the effective date of
3 this Act may be reviewed for certification only under rules in
4 effect on the effective date of this Act and is not subject to
5 any more stringent standards subsequently adopted. The bill also
6 makes rules adopted by the board for Stage II gasoline station
7 vapor recovery requirements major substantive rules and includes
8 a provision that repeals the statutory gasoline station vapor
recovery requirements on January 1, 2008.