

DEPARTMENT OF AGRICULTURE

LABORATORY DIVISION

REGULATION NO. 561. DISPENSING FACILITY VAPOR PRESSURE

(By authority conferred on the director of agriculture by section 3 of 1984 PA 44, as amended, MCL 290.643)

R 285.561.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1984 PA 44, MCL 290.641.

(b) "ASTM International" means the scientific and technical organization founded for the development of standards and located at 100 Barr Harbor Drive, W. Conshohocken, PA 19428-2959.

(c) "Reformulated gasoline" or "RFG" means gasoline that fully satisfies the federal specifications for reformulated gasoline as defined in the clean air act amendments of 1990, 42 U.S.C. §7545 et seq.

(d) "Vapor pressure" means the vapor pressure of gasoline or gasoline oxygenate blends as determined by any of the following ASTM International test methods:

(i) Test method D 5191-07 (2007), entitled, "Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method)."

(ii) Test method D 5482-07 (2007), entitled, "Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method-Atmospheric)."

(2) The terms defined in the act have the same meanings when used in these rules.

History: 1997 AACCS; 2009 AACCS.

R 285.561.2 Applicability of rule; control period; authority of director to implement requirement for other locations.

Rule 2. (1) This rule shall apply for dispensing facilities in the following counties for the control period June 1 through September 15 until the measure is no longer required for air quality maintenance as provided for in section 10d of the act:

(a) Wayne.

(b) Livingston.

(c) Washtenaw.

(d) Oakland.

(e) Macomb.

(f) St. Clair.

(g) Monroe.

(h) Lenawee.

(2) The director retains the authority to implement the vapor pressure 7.0 psi or 7.8 psi requirement for dispensing facilities as a contingency measure for other geographic locations as provided for in section 10d of the act.

History: 1997 AACCS; 2009 AACCS.

R 285.561.3 Dispensed gasoline; compliance with vapor pressure and ASTM International requirements required.

Rule 3. Gasoline that is dispensed in the areas specified in R 285.561.2 during the control periods shall be in compliance with the 7.0 vapor pressure requirements and shall be in compliance with the associated ASTM International D 4814-08b (2008) distillation class requirements as required by section 3 of the act, unless an exemption from these rules specified in R 285.561.7 applies. ASTM International D 4814-08b (2008) is adopted by reference in R 285.561.10.

History: 1997 AACS; 2009 AACS.

R 285.561.4 Recordkeeping.

Rule 4. Recordkeeping requirements are specified in section 7(3) and (4) and section 9b(2) of the act.

History: 1997 AACS; 2009 AACS.

R 285.561.5 Sampling.

Rule 5. Sampling requirements are specified in sections 3 and 7(4) of the act. Gasoline sampling for volatility shall be in compliance with the procedure contained in the federal regulation entitled, "Sampling Methods for Gasoline and Diesel Fuel" 40 C.F.R. part 80.8 (July 2007). The regulations are adopted by reference in R 285.561.10.

History: 1997 AACS; 2009 AACS.

R 285.561.6 Testing.

Rule 6. (1) Gasoline testing procedure for vapor pressure shall be in compliance with the procedure contained in the federal regulations entitled, "Measurement of Reformulated Gasoline Fuel Parameters," 40 C.F.R. part 80.46(c) (July 2007). The regulation is adopted by reference in R 285.561.10.

(2) Gasoline testing procedure for ethanol shall be in compliance with the procedure contained in the federal regulations entitled, "Measurement of Reformulated Gasoline Fuel Parameters," 40 C.F.R. part 80.46(g)(1) (July 2007) or 40 C.F.R. 80.46(g)(2) (July 2007). The regulation is adopted by reference in R 285.561.10.

History: 1997 AACS; 2009 AACS.

R 285.561.7 Exceptions from rules.

Rule 7. (1) Dispensing facilities at a vehicle manufacturer's proving grounds or other testing facilities, or at the facilities of a manufacturer's agent, that are used exclusively for the testing of vehicles, components, or materials are exempt from these rules.

(2) At a vehicle manufacturer's assembly facility, the fueling of production line vehicles before sale for in-plant relocation or distribution, or both, is exempt from these rules.

(3) Gasoline that is in compliance with the federal requirements and specifications for RFG as defined in the clean air act amendments of 1990, 42 U.S.C. §7545 et seq., is exempt from these rules.

(4) Gasoline that exceeds the vapor pressure limits does not violate these rules if the gasoline is separately stored, sealed, clearly labeled, and not used until it is in compliance with this rule. The label shall state that the gasoline is prohibited by Michigan law from being sold, dispensed, supplied, offered for sale, offered for supply, transported, or exchanged in trade in the areas specified in R 285.561.2 until the specific date that the gasoline is in compliance with these rules.

History: 1997 AACS; 2009 AACS.

R 285.561.8 Gasoline; compliance.

Rule 8. (1) If field analysis shows that the vapor pressure is 7.0 or less, then the gasoline will be deemed to be in compliance with the requirements in section 3 of the act.

(2) If field analysis shows that the vapor pressure is above 7.0 psi, but is not more than 8.0 psi and the gasoline contains between 9.0 and 10.0% ethanol by volume, then the gasoline will be deemed to be in compliance with the vapor pressure requirements in section 3 of the act.

(3) If field analysis shows the vapor pressure is between 7.0 and 7.5 psi, then the bills of lading and other delivery documents are subject to review by the department to determine the source of the gasoline. If the

bills of lading and other delivery documents show RFG was delivered and the gasoline is registered with the department under section 6(12) of the act and meets all of the specifications in the registration, then the gasoline will be deemed to be in compliance with the requirements of section 3 of the act.

History: 1997 AACCS; 2009 AACCS.

R 285.561.9 Stop use orders; seizure; fines and penalties.

Rule 9. (1) Gasoline that is not in compliance with these rules shall be subject to stop use orders as provided for in section 7(5) of the act and section 13 of 1964 PA 283, MCL 290.613, or seizure as provided for in section 7(5) of the act and section 15 of 1964 PA 283, MCL 290.613.

(2) Administrative fines and civil and criminal penalties are specified in sections 10, 10a, and 10b of the act.

History: 1997 AACCS; 2009 AACCS.

R 285.561.10. Adoption of standards by reference.

Rule 10. (1) The provisions of 40 C.F.R. part 80, subpart A and D (July 2007), are adopted by reference in these rules and may be purchased from the Superintendent of Documents, United States Government Printing Office, P.O. Box 37954, Pittsburgh, Pennsylvania 15250-7954, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$62.00.

(2) The department adopts the following standards of the ASTM for gasoline or an ASTM Method approved the department:

(a) D 4814-08b (2008)

(b) D 5191-07 (2007)

(c) D-5482-07 (2007)

(3) Copies of these standards may be obtained, at actual printing and mailing cost, by writing to the Department of Agriculture, Laboratory Division, 940 Venture Lane, Williamston, Michigan 48895, or, for a fee as specified in this sub rule, from the ASTM, 100 Barr Harbor Drive, W. Conshohocken, PA 19428-2959. The ASTM standards are composed are priced as follows:

(a) Standard Specification for Automotive Spark-Ignition Engine Fuel, ASTM International Standard D 4814-08b (2008) \$51.00.

(b) Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method), ASTM International Standard D 5191-07 (2007) \$35.00.

(c) Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method - Atmospheric), ASTM International Standard D 5482-07 (2007) \$35.00.

History: 1997 AACCS; 2009 AACCS.