

## CHAPTER 10 FUELS

### Subchapter 1 Oxygenated Fuels Program

#### Rule 10.101 - Intent

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles in the control area through the wintertime use of oxygenated gasoline. The use of oxygenated fuel in the Missoula area is mandated by the 1990 Federal Clean Air Act.

#### Rule 10.102 - Definitions

The following definitions apply in this subchapter:

- (1) "Control Area" means those portions of Missoula County, excluding the Salish/Kootenai Indian Reservation, located within: township 11 north, range 17 through 21, and; township 12 north, range 17 through 21, and township 13 north, range 17 through 21, and; township 14 north, range 17 through 421, and; township 15 north, range 17 through 21. (see Appendix A)
- (2) "Control Area Terminal" means a terminal capable of receiving gasoline in bulk (i.e., by pipeline or rail), and where gasoline intended for use in the control area is sold or dispensed into trucks or where gasoline is altered either in quantity or quality, excluding the addition of deposit control additives.
- (3) "Control period" means November 1<sup>st</sup> through the last day of February, during which oxygenated gasoline must be sold and dispensed in the control area.
- (4) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any oxygenate blending facility, gasoline refinery or control area terminal and any fueling facility.
- (5) "Fueling facility operator" means any person who owns, leases, operates, controls or supervises a fueling facility.
- (6) "Fueling facility" means any establishment where gasoline is sold, offered for sale, or dispensed to the ultimate consumer for use in motor vehicles, including facilities that dispense gasoline to any motor vehicle.
- (7) "Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline.
- (8) "Motor Vehicle" means any self-propelled vehicle that is designed primarily for travel on public highways, streets, and roads and that is generally and commonly used to transport persons and property. For the purpose of this regulation, motor vehicles refers to spark ignition motor vehicles that use, on a part or full time basis, gasoline or gasoline-type products.
- (9) "Oxygenate" means any substance that, when added to gasoline, increases the amount of oxygen in that gasoline blend. Lawful use of any combination of these substances requires that they be "Substantially Similar" under Section 211 (f)(1) of the FCAA or be permitted under a waiver granted by the EPA Administrator under the authority of Section 211(f)(4) of the FCAA.
- (10) "Oxygenate Blending Facility" means any facility where gasoline, intended for use in the control area, is altered through the addition of oxygenate to gasoline and where the quality or quantity of gasoline is not otherwise altered, except through the addition of deposit-control additives.
- (11) "Oxygenated fuel" means gasoline uniformly blended with an oxygenate and having a minimum oxygen content of 2.7% by weight, as determined using the test methods in Appendix F "Test for Determining the Quantity of Alcohol in Gasoline", 40 CFR Part 80.

#### Rule 10.103 - Oxygenated Fuel Required

During the control period, gasoline intended as a final product for fueling of motor vehicles within the control area may not be supplied or sold by any person, or sold at retail, or sold to a private fleet for consumption, or introduced into a motor vehicle by any person unless the gasoline is oxygenated fuel. The definition of person in this requirement includes, but is not limited to, a control area terminal, oxygenate blending facility, distributor, or fueling facility operator. This section does not apply to the sale of gasoline from a refinery to a control area terminal, from a control area terminal to an oxygenate blending facility, or from any person to a fueling facility located outside the control area.

**Rule 10.104 - Labeling Gasoline Pumps**

- (1) During the control period, each gasoline pump stand from which oxygenated gasoline is dispensed at a fueling facility in the control area must have a legible and conspicuous label that contains the following statement:  
“The gasoline dispensed from this pump is oxygenated with (fill in blank with ethanol or other SIP-approved oxygenate name) which will reduce carbon monoxide pollution from motor vehicles.”
- (2) The posting of the above statement must be in block letters of no less than 20-point bold type; in a color contrasting the intended background.
- (3) The label must be placed in the vertical surface of the pump on each side with gallonage and dollar amount meters and must be on the upper one-third of the pump, clearly readable to the public.

**Rule 10.105 - Oxygenate Blending Facility Requirements**

- (1) All oxygenate blending facilities operating during the control period shall provide facilities, operational procedures, and record keeping that insure that gasoline to be delivered into the control area during the control period is uniformly blended to an oxygen content of not less than 2.7% by weight.
- (2) All oxygenate blending facilities shall register with the department on forms provided by the department no less than thirty (30) days before commencing operation. The department shall require that oxygenate blending facilities provide information to the department that indicates that the facility will comply with Rule 10.105(1). Any changes in the information required on the registration must be reported by the blending facility to the department in writing within thirty (30) days of occurrence.
- (3) From September 1<sup>st</sup> through the end of February of each year, all oxygenate blending facilities shall maintain records of gasoline loaded onto trucks or into on-site fueling facilities indicating: date of loading, the grade of gasoline loaded, the quantity of gasoline loaded, type of oxygenate, and the percent oxygen content. A copy of these records must be provided to the distributor. These records must be maintained for a period of at least two years and must be available for inspection by the department or its designee.
- (4) Oxygenate blending facilities shall provide adequate facilities and oxygenate to make oxygenated fuel available for purchase from September 1 through the end of February.
- (5) Each oxygenate blending facility shall collect samples and conduct oxygen content analysis of oxygenated fuel distributed in the control area. The number of samples analyzed must be adequate to characterize the oxygen content of the gasoline leaving the facility. The oxygen content of all samples analyzed must be reported to the department on a monthly basis. The department shall maintain written procedures to determine the number of samples required for analysis by each facility. (See Appendix D for current sampling schedule.)

**Rule 10.106 - Distributor Requirements**

- (1) A distributor may not deliver gasoline to any fueling facility inside the control area during the control period unless the gasoline is oxygenated fuel.
- (2) From September 1<sup>st</sup> through the end of February, all distributors shall maintain the following records:
  - (a) from the blending facility that show date of receipt from the blending facility, the grade of gasoline, the oxygenate blending facility source, the quantity of gasoline received, type of oxygenate, and the percent oxygen content; and

(b) records indicating the date on which oxygenated fuels are ordered by a fueling facility, and delivered, including records that show the name of the fueling facility, date of delivery, the grade of gasoline delivered, the oxygenate blending facility source, the quantity of gasoline delivered, the storage tank that the gasoline is unloaded to, type of oxygenate, and the percent oxygen content.

- (3) These records must be maintained for at least two years and must be available for inspection by the department or its designee.

**Rule 10.107 - Fueling Facility Operator Requirements**

- (1) All fueling facility operators in the control area shall plan bulk gasoline purchases in such a manner as to insure that all gasoline dispensed is oxygenated fuel by no later than November 1<sup>st</sup> and for the entire control period.
- (2) All fueling facilities in operation in the control area during the control period must be registered with the department on forms provided by the department no later than September 1, 1992, or, in the case of new facilities, thirty (30) days before commencing operation. Any changes in the information required on the registration form must be reported by the fueling facility to the department in writing within thirty (30) days of occurrence.
- (3) All fueling facilities dispensing gasoline in the control area during the control period shall obtain all oxygenated fuel from a registered oxygenate blending facility.
- (4) All fueling facilities in the control area shall maintain records indicating the date on which oxygenated fuels are ordered, and delivered, including receipts of delivery from the distributor showing date of delivery, the grade of gasoline, the oxygenate blending facility source, the quantity of gasoline delivered, the storage tank that the gasoline is unloaded to, type of oxygenate, and the percent oxygen content. These records must be maintained for a period of at least two years and must be available for inspection by the department or its designee.

**Rule 10.108 - Inability to Produce Oxygenated Fuel in Extraordinary Circumstances**

- (1) In appropriate extreme and unusual circumstances (e.g., natural disaster or Act of God) that are clearly outside the control of the oxygenate blending facility, distributor, or fueling facility and that could not have been avoided by the exercise of prudence, diligence and due care, the department may permit an oxygenate blending facility, distributor, or fueling facility, for a brief period, to distribute gasoline that does not meet the requirements for oxygenated fuel if:
- (a) It is in the public interest to do so (e.g., distribution of the nonconforming gasoline is necessary to meet projected shortfalls that cannot otherwise be compensated for), and;
- (b) The oxygenate blending facility, distributor, or fueling facility exercised prudent planning and was not able to avoid the violation and has taken all reasonable steps to minimize the extent of the nonconformity, and;
- (c) The oxygenate blending facility, distributor, or fueling facility can show how the requirements for oxygenated fuel will be expeditiously achieved, and;
- (d) The blending facility agrees to make up the air quality detriment associated with the nonconforming gasoline, where practicable, and;
- (e) The oxygenate blending facility, distributor, or fueling facility pays the department an amount equal to the economic benefit of the nonconformity minus the amount expended pursuant to (d) above, in making up the air quality detriment.

**Rule 10.109 - Registration Fees**

- (1) The Control Board shall set a fee schedule for the registration of affected facilities. The total amount of fees collected per budget period must be sufficient to defray all costs of assuring compliance with this rule, including but not limited to the costs of collection and analysis of samples from 20% of all regulated gasoline

storage tanks and the costs of collection and analysis of samples from blending facilities. (See Attachment A for current registration fee schedule.)

**Rule 10.110 - Contingency Measure**

- (1) Upon notification by the DEQ and the EPA that a violation of the 8 hour NAAQS for carbon monoxide has occurred, and with departmental determination that motor vehicles are greater than 40 percent of the cause, the control period must be extended to include the month of the violation and any intervening months.