

REQUEST FOR TECHNICAL CHANGE

AGENCY: Gasoline and Oil Inspection Board

RULE CITATION: 02 NCAC 42 .0201

DEADLINE FOR RECEIPT: February 9, 2021

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

G.S. 119-26 says, "...provided, however, that the action of said Gasoline and Oil Inspection Board shall be subject to the approval of the Governor of the State...." Did the Governor approve this amendment?

In (a)(1-3) and (b)(1-9), please do not capitalize the first word for each item in the list since each item is not a complete sentence.

At lines 9 and 18, by "vapor/liquid," do you mean "vapor to liquid?"

At the end of (a)(2), please insert an "and" if that was your intent.

In (b)(3), line 32, do you mean "shall" instead of "may?"

In (b)(7) what is the "EPA Substantially Similar Rule?" Can you provide a citation to the CFR?

On page 2, line 13, by "vapor/liquid," do you mean "vapor to liquid?"

In (c), line 17, please insert a space between "56" and "shall."

In (i), what do you mean by "shall be suitable for the intended use?" What are you requiring here?

In (j), please review the list of costs associated with each ATSM publication. Some costs have increased since publication.

In (j), line 6, did you intend to refer to "6751" instead of "6571?"

In your history note, please delete 150B-14 because it has been repealed.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Ashley Snyder
Commission Counsel
Date submitted to agency: January 26, 2021

02 NCAC 42 .0201 is amended as proposed in 34:22 NCR 2098-2099 as follows:

SECTION .0200 - QUALITY OF LIQUID FUEL PRODUCTS

02 NCAC 42 .0201 STANDARD SPECIFICATIONS

(a) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following modifications:

- (1) Applications for temporary exceptions to vapor pressure and vapor/liquid ratio specifications as provided in this Subparagraph may be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;
- (2) The minimum lead content for gasoline registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;
- (3) Vapor pressure and vapor/liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.

(b) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for alcohol blends with the following modifications:

- (1) A vapor pressure tolerance not exceeding one pound per square inch (1 psi) for ethanol blends of ~~up to 10 percent~~; 9 percent to 15 percent by volume;
- (2) Vapor pressure seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification;
- (3) Applications for temporary exceptions to vapor pressure specifications as provided in this Subparagraph may be made to the Director. Said applications shall contain evidence that outlets marketing gasoline in North Carolina cannot feasibly be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Board at which time the Board shall establish the duration of the exception;

- (4) The minimum temperature at 50 percent evaporated shall be 150 degrees F (66 degrees C) as determined by ASTM Test Method D 86 for ethanol blends of ~~up to 10 percent;~~ 1 percent to 15 percent by volume;
- (5) The minimum lead content for gasoline and alcohol blends registered or labeled as "leaded" shall be as defined in 02 NCAC 42 .0102;
- (6) Octane rating shall not be less than the octane index certified on the brand name registration as required by 02 NCAC 42 .0500;
- (7) All blends, both leaded and unleaded, shall be blended according to the EPA "Substantially Similar" rule or an EPA waiver for unleaded fuel;
- (8) Water tolerance shall be such that no phase separation occurs when subjected to a temperature equal to the temperatures specified in the table for "Maximum Temperature for Phase Separation, °C," ASTM D 4814;
- (9) The vapor/liquid ratio specification shall be waived for ethanol blends of up to 10 percent.
- (c) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 975, "Standard Specification for Diesel Fuel Oils" as standard specification for diesel motor fuels and renewable diesel fuels with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D 56 shall be 115 degrees F (46 degrees C).
- (d) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 396, "Standard Specification for Fuel Oils" as standard specification for fuel oils and blends of biodiesel and fuel oil.
- (e) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 3699, "Standard Specification for Kerosene" as standard specification for kerosenes with the following modification: For grade 2-K, the presence or absence of coloring matter shall in no way be determinative of whether a substance meets the requirements of this grade of kerosene.
- (f) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 6751, "Standard Specification for Biodiesel (B100) Blend Stock for Distillate Fuels" as standard specification for biodiesel (B100) and for B99 (a blend of 99 percent biodiesel and one percent petroleum diesel).
- (g) The Board hereby adopts by reference, including subsequent amendments and editions, ASTM D 5798, "Standard Specification for ~~Fuel Ethanol (Ed75 Ed85)~~ Ethanol Fuel Blends for Flexible Fuel for Automotive Spark-Ignition Engines" as standard specification for ~~E85 fuel ethanol.~~ Ethanol Flex Fuel.
- (h) The Board hereby adopts by reference, including subsequent amendments and editions, NIST Handbook 130, "Uniform Engine Fuels, Petroleum Products and Automotive Lubricants Regulation," section 2.2.1 "Premium Diesel Fuel" as the standard specification of premium diesel fuels in addition to ASTM D 975. Copies of this document may be obtained at no cost from the NIST Web site - <http://ts.nist.gov/WeightsandMeasures/> <http://nist.gov/pml/weights-and-measures/publications/nist-handbooks/handbook-130>.
- (i) In addition to meeting all specification requirements as set forth in this Rule, each fuel must be suitable for the intended use. Motor fuels shall not contain concentrations of methyl tertiary butyl ether (MTBE) in violation of G.S. 119-26.3.

(j) ASTM documents adopted by reference herein are available for inspection in the office of the Director of the Standards Division and may be obtained from ASTM International, 100 Barr Harbor Drive, PO Box C700, West Conshohocken, PA 19428-2959 or their Web site - www.astm.org, at the following cost for each document: D 396, ~~thirty five dollars (\$35.00);~~ fifty-four dollars (\$54.00); D 975, ~~forty one dollars (\$41.00);~~ sixty-nine dollars (\$69.00); D 3699, ~~thirty dollars (\$30.00);~~ forty-eight dollars (\$48.00); D 4814, ~~forty seven dollars (\$47.00);~~ sixty-nine dollars (\$69.00); D 5798, ~~thirty five dollars (\$35.00);~~ forty-eight dollars (\$48.00); and D 6571, ~~thirty five dollars (\$35.00);~~ forty-eight dollars (\$48.00).

History Note: Authority G.S. 119-26; 119-26.1; 150B-14;

Eff. December 1, 1981;

Amended Eff. September 1, 1992; May 1, 1990; March 1, 1989; June 1, 1987;

Temporary Amendment Eff. March 14, 2008;

Amended Eff. July 1, 2008;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015.

Amended Eff. March 1, 2021.