

Chapter 173-492 WAC

MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE

WAC

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WAC 173-492-010 Policy and purpose. The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the winter-time use of oxygenated gasolines.

[Statutory Authority: RCW 70.94 and section 211(m) of the Federal Clean Air Act. WSR 96-19-094 (Order 96-03), § 173-492-010, filed 9/18/96, effective 10/19/96. Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-010, filed 11/30/92, effective 12/1/92.]

WAC 173-492-020 Applicability. This regulation shall apply to all gasoline offered for sale in the control areas and over the control periods defined in WAC 173-492-070.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-020, filed 11/30/92, effective 12/1/92.]

WAC 173-492-030 Definitions. The following words and phrases shall have the following meanings:

"Authority" means an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source.

"Blender" means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.

"Control area" means an area in which only oxygenated gasoline under the oxygenated gasoline program of this chapter may be sold or dispensed. Each control area is a county or group of counties administered by a separate air pollution control authority.

"Control period" means the period during which oxygenated gasoline must be sold or dispensed within the control area.

"Ecology" means the Washington state department of ecology.

"Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly known or sold as gasoline.

"Large volume blender" means blenders that blend and offer for sale or sell one million gallons or more, but less than fifteen million gallons, of oxygenated gasoline per month on average during a control period within a control area.

"Medium volume blender" means blenders that blend and offer for sale or sell one hundred thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month on average during a control period within a control area.

"Oxygenate" means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be "substantially similar" under section 211 (f)(1) of the federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211 (f)(4) of the CAA.

"Oxygenated gasoline" means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

"Small volume blender" means blenders that blend and offer for sale or sell less than one hundred thousand gallons of oxygenated gasoline per month on average during a control period within a control area.

"Very large volume blender" means blenders that blend and offer for sale or sell fifteen million gallons or more of oxygenated gasoline per month on average during a control period within a control area.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-030, filed 11/30/92, effective 12/1/92.]

WAC 173-492-040 Compliance requirements. (1) Retail sales. No gasoline intended as a final product for fueling of motor vehicles within the control areas and control periods as defined in WAC 173-492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

(2) Average blend requirements. Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the control areas defined in WAC 173-492-070 supplied by blenders to purchasers within the control areas defined in WAC 173-492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.

(3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to ecology or the authority summarizing how the requirements of subsection (2) of this section were met. With prior approval from ecology or the authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by ecology or the authority.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-040, filed 11/30/92, effective 12/1/92.]

WAC 173-492-050 Registration requirements. Each blender shall register with ecology or the authority each year, in each control area where a blender offers for sale, sells, or dispenses gasoline. Each request for registration shall be on forms supplied by ecology or the authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee may be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of WAC 173-492-040, including separate fee categories for small, medium, large and very large volume blenders.

Registration fees shall be set by regulation by ecology or the authority.

[Statutory Authority: RCW 70.94 and section 211(m) of the Federal Clean Air Act. WSR 96-19-094 (Order 96-03), § 173-492-050, filed 9/18/96, effective 10/19/96. Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-050, filed 11/30/92, effective 12/1/92.]

WAC 173-492-060 Labeling requirements. In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control periods and in the control areas stated in WAC 173-492-070 as follows:

"The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-060, filed 11/30/92, effective 12/1/92.]

WAC 173-492-070 Control areas and control periods. Beginning in 1992, the oxygenated gasoline requirements of this chapter shall apply to the following control area during the following control period:

Control Period

Control Area	County	Beginning	Ending
Spokane	Spokane	September 1	February 29

Upon approval by EPA, the control period for Spokane will be from October 1 to February 29.

[Statutory Authority: RCW 70.94 and section 211(m) of the Federal Clean Air Act. WSR 96-19-094 (Order 96-03), § 173-492-070, filed 9/18/96, effective 10/19/96. Statutory Authority: Chapter 70.94 RCW and 42 U.S.C. 7545 Sec. 211(m). WSR 94-07-040 (Order 93-20), § 173-492-070, filed 3/9/94, effective 4/9/94. Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-070, filed 11/30/92, effective 12/1/92.]

WAC 173-492-080 Enforcement and compliance. (1) Compliance with the requirements of this section shall be monitored and enforced by ecology or the authority. Non-compliance shall be subject to the penalties and other remedies provided in chapter 70.94 RCW.

(2) Ecology or the authority may designate any appropriate agency of the state to assist in the compliance monitoring of this regulation. Ecology shall make every effort to coordinate compliance monitoring of this regulation with the cur-

rent duties of the department of agriculture division of weights and measures.

(3) Compliance with the standards set forth in this section shall be determined by use of testing methods approved by ecology. The maximum accuracy tolerance of this method shall be limited to +/-0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-080, filed 11/30/92, effective 12/1/92.]

WAC 173-492-090 Unplanned conditions. An unplanned condition, such as an unforeseen emergency or "act of God," which may interfere with compliance to this chapter, shall be reported to ecology or the authority as soon as possible. The responsible party shall also submit a full written report within ten days to ecology or the authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of this section does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this chapter nor from the resulting liabilities for failure to comply. Ecology or the authority must consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-090, filed 11/30/92, effective 12/1/92.]

WAC 173-492-100 Severability. The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

[Statutory Authority: Chapter 70.94 RCW and 1990 42 U.S.C. 7545 Sec. 211(m). WSR 92-24-057 (Order 91-58), § 173-492-100, filed 11/30/92, effective 12/1/92.]