

ILLINOIS DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Motor Fuel and Petroleum Standards Act
- 2) Code Citation: 8 Ill. Adm. Code 850
- 3) Section Number: 850.60 Proposed Action: Amendment
- 4) Statutory Authority: Motor Fuel and Petroleum Standards Act [815 ILCS 370/5.1(i)]
- 5) A Complete Description of the Subjects and Issues Involved: Gasoline blended with ethanol has a higher vapor pressure than gasoline alone. For gasoline-ethanol blends, Illinois adopts Section 2.1.2 of the Uniform Engine Fuels and Automotive Fuel Lubricants Regulations, NIST Handbook 130, which in turn adopts ASTM D4814. Although considered by ASTM several times, ASTM has not adopted vapor pressure exceptions to ASTM D4814. Handbook 130 therefore contains specific vapor pressure exceptions for gasoline-ethanol blends, but said exceptions expire on May 1, 2016. Without the vapor pressure exceptions, petroleum marketers are concerned with the cost of compliant fuel. The rule also adopts the latest version of Handbook 130 (2016).
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: Uniform Engine Fuels and Automotive Fuel Lubricants Regulations, NIST Handbook 130 and ASTM D4814.
- 7) Will this rulemaking replace any emergency rule currently in effect? Yes, 40 Ill. Reg. 7478
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking allows consistent standards for the petroleum industry to continue.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period will begin on the day the Notice of Proposed Amendments appears in the *Illinois Register*. Please mail written comments on the proposed rulemaking to the attention of:

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- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: There will be little to no impact to small businesses, small municipalities and not-for-profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Petroleum refiners will be given more latitude in the chemical make-up of components used in the production of motor fuels. The American Petroleum Institute supports this change.
 - C) Types of professional skills necessary for compliance: Petroleum refiners will need to continue to utilize a laboratory technician/analyst.
- 14) Regulatory Agenda on which this rulemaking was summarized: The agency believed ASTM would incorporate the vapor pressure exceptions into ASTM D4814 before May 1, 2016, but ASTM has not done so yet. Therefore, the agency did not anticipate the need for this rulemaking.

The full text of the Proposed Amendment begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER s: MOTOR FUELSPART 850
MOTOR FUEL AND PETROLEUM STANDARDS ACT

Section

| | |
|--------|--|
| 850.10 | Written Complaint Required |
| 850.20 | Access to Motor Fuels and Records |
| 850.30 | Responsibility for Standards of Quality |
| 850.40 | Administrative, Laboratory and Sampling Fees |
| 850.50 | Label on Motor Fuel Dispensing Device |
| 850.60 | ASTM Standards |

AUTHORITY: Implementing and authorized by the Motor Fuel and Petroleum Standards Act [815 ILCS 370].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 1455, effective January 12, 1984; adopted at 8 Ill. Reg. 5993, effective April 23, 1984; amended at 9 Ill. Reg. 12711, effective August 6, 1985; amended at 14 Ill. Reg. 5072, effective March 26, 1990; emergency amendment at 28 Ill. Reg. 16352, effective December 1, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1886, effective January 24, 2005; amended at 29 Ill. Reg. 5372, effective April 1, 2005; emergency amendment at 34 Ill. Reg. 301, effective December 21, 2009, for a maximum of 150 days; amended at 34 Ill. Reg. 6050, effective April 19, 2010; emergency amendment at 34 Ill. Reg. 10532, effective July 8, 2010, for a maximum of 150 days; amended at 34 Ill. Reg. 19468, effective December 3, 2010; emergency amendment at 35 Ill. Reg. 5615, effective March 17, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 11241, effective July 1, 2011; emergency amendment at 36 Ill. Reg. 7330, effective May 1, 2012, for a maximum of 150 days; amended at 36 Ill. Reg. 14685, effective September 24, 2012; amended at 37 Ill. Reg. 14004, effective September 16, 2013; emergency amendment at 40 Ill. Reg. 7478, effective April 26, 2016, for a maximum of 150 days; amended at 40 Ill. Reg. _____, effective _____.

Section 850.60 ASTM Standards

- a) *The standards set forth in the Annual Book of ~~(ASTM)~~ Standards American Society for Testing and Materials Section 5, Volumes 05.01, 05.02, 05.03, 05.04 and 05.05 and supplements thereto, and revisions thereof are adopted unless*

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modified or rejected by a regulation adopted by the Department. [815 ILCS 370/4]

- b) The effective date for the lubricity requirement contained in Table 1 (Detailed Requirements for Diesel Fuel Oils) of D 975-04b is extended until October 1, 2005.
- c) The quality of gasoline-~~ethanol~~~~oxygenate~~ blends sold or offered for sale in this State shall meet the standards set forth in Section 2.1.2 of the Uniform Engine Fuels and Automotive Lubricants Regulations as provided ~~in~~~~under the~~ National Institute of Standards and Technology Handbook 130, ~~2016~~~~2013~~ edition, ~~as adopted by the 100th National Conference on Weights and Measures, November 2015, <http://www.nist.gov/pml/wmd/pubs/upload/hb130-2016-wfinal3.pdf>. Notwithstanding the other provisions of this subsection, the Department expressly rejects the May 1, 2016 expiration of the vapor pressure exceptions in Section 2.1.2 of Handbook 130. Therefore, the vapor pressure exceptions in Section 2.1.2 of Handbook 130 shall remain in effect until ASTM incorporates those exceptions into ASTM D4814~~~~NIST Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg MD 20899-2600, <http://www.nist.gov/pml/wmd/pubs/hb13013.cfm>.~~ These standards do not include any later amendments or editions of NIST Handbook 130.

(Source: Amended at 40 Ill. Reg. _____, effective _____)