

Emergency Rules

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

EMERGENCY AMENDMENT

2 CSR 90-30.040 Quality Standards for Motor Fuels. The division is amending paragraph (1)(C)5.

PURPOSE: This amendment changes the vapor pressure exceptions date from May 1, 2016, to May 1, 2017.

EMERGENCY STATEMENT: This emergency amendment extends the volatility exception date allowed for gasoline containing up to fifteen percent (15%) ethanol from May 1, 2016, to May 1, 2017. This emergency amendment is necessary to protect the public health, safety, and welfare as this will prevent potential gasoline shortages in Missouri during the period of September 16, 2016, through May 1, 2017.

Effective May 30, 2014, Missouri Code of State Regulations 2 CSR 90-30.040 subsection (1)(C), was amended to align Missouri's rule with the National Institute of Standards and Technology (NIST) Handbook 130 Uniform Laws and Regulations in the areas of legal metrology and engine fuel quality, section IV. G. Uniform Engine Fuels and Automotive Lubricants Regulation. NIST Handbook 130 compiles the latest uniform laws and regulations adopted by the National Conference on Weights and Measures, Inc. (NCWM). This was done in order to establish national uniformity of regulations related to motor fuel quality. It also provided protection from excessive gasoline volatility in the event of any changes that may occur if, and when, American Society for Testing and Materials (ASTM) International Designation: D 4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" is amended. The current rule also contains a sunset date of May 1, 2016, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier. This sunset language is also found in the NIST model regulation which many states use as their model regulations. At the ASTM D02 Committee on Petroleum Products, Liquid Fuels, and Lubricants meeting on June 28, 2016, ASTM failed to incorporate changes to the vapor pressure maximums for ethanol blends. The failure to incorporate changes places an immediate burden upon petroleum refineries to produce a lower volatile gasoline than has been traditionally allowed for the period September 16, 2016, through May 1, 2017. NCWM will be meeting July 23-28, 2016, to vote on approval to extend the sunset date to May 1, 2017. This will give ASTM additional time to incorporate changes to the vapor pressure requirements for gasoline-ethanol blends. This emergency amendment will be the same as NCWM's proposal and will become effective within three (3) days of each other. This will allow Missouri to have the same requirements as our neighboring states ensuring no disruption of gasoline supply to Missouri. Most of Missouri's gasoline is refined out of state and is distributed through a network of common carrier pipelines shared with many other states in our region. The vapor pressure allowance, as provided in this emergency amendment, is supported by the American Coalition for Ethanol, American Petroleum Institute, National Association of Convenience Stores, National Association of Truck Stop Operators, Petroleum Marketers Association of America, Renewable Fuels Association, and Society of Independent Gasoline Marketers of America. There is no known person or organization in opposition to this emergency amendment. Missouri's Renewable Fuel Standard Act (Chapter 414.255, RSMo) requires all gasoline, with only a few minor exemptions, to contain ten percent (10%) ethanol. Failure to provide this emergency amendment could result in special refinery batches of fuel for Missouri or it will require marketers to provide higher priced ethanol-free gasoline. In either case, increased cost to

the consumer is expected and the possibility of fuel shortages could be expected if the date is not extended to May 1, 2017. As a result, the Weights, Measures and Consumer Protection Division has determined an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest, which requires this emergency action. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Weights, Measures and Consumer Protection Division believe this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 15, 2016, becomes effective July 25, 2016, and expires January 20, 2017.

(1) Regulation Regarding Quality of Motor Fuels. The following fuels when sold, offered for sale, or when used in this state shall meet the following requirements:

(C) All automotive gasoline containing oxygenated additives shall meet the requirements set in ASTM D4814 and the following requirements:

1. When methanol is blended in quantities greater than three-tenths (0.3) volume percent, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol;
2. When gasoline contains nine percent (9%) to ten percent (10%) ethanol, a vapor pressure tolerance not exceeding one pound per square inch (1.0 psi) is allowed from June 1 through September 15;
3. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, and D from September 16 through May 31;
4. When gasoline contains one percent (1%) or up to and including fifteen percent (15%) ethanol, a one-half pound per square inch (0.5 psi) vapor pressure tolerance is allowed for volatility class E from September 16 through May 31; and
5. The vapor pressure exceptions in paragraphs (1)(C)2., 3., and 4. of this rule will remain in effect until May 1, [2016] 2017, or until ASTM incorporates changes to the vapor pressure maximums for ethanol blends, whichever occurs earlier;

AUTHORITY: section 414.142, RSMo 2000, and section 414.300, RSMo Supp. 2015. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 15, 2016, effective July 25, 2016, expires Jan. 20, 2017. An emergency amendment and a proposed amendment covering this same material will be published in the August 15, 2016, issue of the Missouri Register.