

**OREGON DEPARTMENT OF AGRICULTURE
Measurement Standards Division**

**Excerpt of Temporary Administrative Rule OAR 603-027
Motor Fuel Quality Regulations**

**To Implement
Enrolled Senate Bill (SB) 1079
Exceptions to Gasoline/Ethanol Blends Renewable Fuel Standard (RFS)**

NOTE: The following is an excerpt of Temporary Administrative Rule OAR 603-027 to implement Senate Bill 1079 exceptions to blending gasoline with 10% by volume ethanol. This excerpt contains only the paragraphs with significant amendments. Amendments to simply renumber and re-letter paragraphs are not included. A complete copy of the OAR 603-027 temporary administrative rule is available on the ODA Measurement Standards Division web site at <http://egov.oregon.gov/ODA/MSD/>

603-027-0410 Definitions

(6) "Aviation Gasoline" means a type of gasoline suitable for use as a fuel in an aviation gas spark-ignition internal combustion engine.

603-027-0420 Standard Fuel Specifications

(3) Gasoline-Ethanol Blends Required

(a) Consistent with House Bill 2210 Section 17(1), the Oregon Department of Agriculture shall study and monitor ethanol fuel production, use, and sales in Oregon.

(b) Based upon the Department of Agriculture's study of ethanol production, use, and sales in the State of Oregon, the mandatory use of ethanol as provided in HB 2210 Section 18(1) shall be phased in through three Oregon regions. These regions are defined by counties as follows:

(A) Region 1; Clackamas, Clatsop, Columbia, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill Counties;

(B) Region 2; Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, and Linn Counties; and

(C) Region 3; Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler Counties.

(c) The ethanol facilities production capacity in Oregon has reached a level of at least 40 million gallons per year.

(A) As of January 15, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers within Region 1 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(B) As of April 15, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers within Region 2 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(C) As of September 16, 2008, except as provided in subparagraph (d) of this section, all retail dealers, nonretail dealers, or wholesale dealers within Region 3 may only sell or offer for sale gasoline that contains ten percent ethanol by volume.

(d) A retail dealer, nonretail dealer, or wholesale dealer may sell or offer for sale gasoline that is not blended with ethanol if the gasoline is for use in:

(A) An aircraft;

(i) With a supplemental type certificate approved by the Federal Aviation Administration that allows the aircraft to use gasoline that is intended for use in motor vehicles, or

(ii) Issued a type certificate by an aircraft engine manufacturer that allows the aircraft to use gasoline that is intended for use in motor vehicles;

- (B) An aircraft that has been issued an experimental certificate, described in 14 C.F.R. 21.191, by the Federal Aviation Administration and that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;
- (C) A light-sport aircraft, as defined in 14 C.F.R. 1.1, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;
- (D) A vintage aircraft, as defined by the Oregon Department of Aviation by rule, that is required by the manufacturer's specifications to use gasoline that is intended for use in motor vehicles;
- (E) An antique vehicle, as defined in ORS 801.125;
- (F) A Class I all-terrain vehicle, as defined in ORS 801.190;
- (G) A Class III all-terrain vehicle, as defined in ORS 801.194;
- (H) A racing activity vehicle, as defined in ORS 801.404;
- (I) A snowmobile, as defined in ORS 801.490;
- (J) Tools, including but not limited to lawn mowers, leaf blowers, and chain saws; or
- (K) A watercraft.

(e) Gasoline-ethanol blends shall contain not less than 9.2 percent by volume of agriculturally derived ethanol, exclusive of denaturants and permitted contaminants, that complies with

- (A) OAR 603-027-0420(2) Ethanol ASTM D 4806 standards,
- (B) Denatured as specified in 27 C.F.R parts 20 and 21, and
- (C) Complies with the volatility requirements specified in 40 C.F.R. part 80.

(f) The ethanol shall be derived from agricultural product, woody waste or residue.

(g) The gasoline and gasoline-ethanol blends shall comply with OAR 603-027-0420(1).

(h) It is prohibited to blend with casinghead gasoline, absorption gasoline, drip gasoline, or natural gasoline after it has been sold, transferred, or otherwise removed from a refinery or terminal.

603-027-0430 Classification and Method of Sale of Petroleum Products

(1) General Considerations:

(b) Retail and Nonretail Gasoline Dispenser Labeling. All retail and nonretail gasoline dispensing devices must identify conspicuously on each face of the dispenser(s),

- (A) The type of product,
- (B) The particular grade of the product,
- (C) Type of oxygenate contained if applicable,
 - (i) Including the specific volume percent of ethanol in gasoline-ethanol blends stating, for example, "THIS PRODUCT CONTAINS 10% ETHANOL" or other similar language in type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous from the driver's position,
 - (ii) Prohibited terms and phrases include but are not limited to, "Contains Up To 10% Ethanol", "May Contain Ethanol", or any other similar language,
- (D) The applicable automotive fuel rating, and
- (E) If non-ethanol blended gasoline in compliance with OAR 603-027-0420, the dispensers shall be labeled, "NON-ETHANOL BLENDED GASOLINE FOR EXEMPTED USE ONLY (ORS 646.913)" in capitol letters and type at least 12.7 millimeters (1/2 inch) in height, 1.5 millimeter (1/16 inch) stroke (width of type) located on each face and on the upper 50 percent of the dispenser front panels in a position clear and conspicuous to the consumer.

(c) Posting Exceptions for Non-Ethanol Blended Gasoline. The exceptions for non-ethanol blended gasoline shall be posted at a business that sells or offers for sale non-ethanol blended gasoline in a position that is clear and conspicuous to the consumer. The exceptions shall be posted;

"NON-ETHANOL BLENDED GASOLINE FOR USE IN THE FOLLOWING APPLICATIONS ONLY;" in capitol letters and type at least 6.4 millimeters (1/4 inch) in height, 1 millimeter (1/32 inch) stroke (width of type), followed by,
 "AIRCRAFT WITH A SUPPLEMENTAL TYPE CERTIFICATE APPROVED BY THE FEDERAL AVIATION ADMINISTRATION THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;

AIRCRAFT ISSUED A TYPE CERTIFICATE BY AN AIRCRAFT ENGINE MANUFACTURER THAT ALLOWS THE AIRCRAFT TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;
 AN AIRCRAFT THAT HAS BEEN ISSUED AN EXPERIMENTAL CERTIFICATE, DESCRIBED IN 14 C.F.R. 21.191, BY THE FEDERAL AVIATION ADMINISTRATION AND THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;
 A LIGHT-SPORT AIRCRAFT, AS DEFINED IN 14 C.F.R. 1.1, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;
 A VINTAGE AIRCRAFT, AS DEFINED BY THE OREGON DEPARTMENT OF AVIATION BY RULE, THAT IS REQUIRED BY THE MANUFACTURER'S SPECIFICATIONS TO USE GASOLINE THAT IS INTENDED FOR USE IN MOTOR VEHICLES;
 AN ANTIQUE VEHICLE, AS DEFINED IN ORS 801.125;
 A CLASS I ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.190;
 A CLASS III ALL-TERRAIN VEHICLE, AS DEFINED IN ORS 801.194;
 A RACING ACTIVITY VEHICLE, AS DEFINED IN ORS 801.404;
 A SNOWMOBILE, AS DEFINED IN ORS 801.490;
 TOOLS, INCLUDING BUT NOT LIMITED TO LAWN MOWERS, LEAF BLOWERS, AND CHAIN SAWS; OR A WATERCRAFT (Reference ORS 646.913)"
 in capitol letters and type at least 3 millimeters (1/8 inch) in height, 0.4 millimeter (1/64 inch) stroke (width of type).

(7) Aviation Gasoline: Labeling of Grade Required. Aviation gasoline and dispensers shall be identified by and labeled with Grade 80, Grade 100, or Grade 100LL.

603-027-0440 Storage Tanks

(2) Product Storage Identification:

- (a) Fill Connection Labeling. The fill connection for any motor vehicle fuel or aviation gasoline storage tank from which the fuels are dispensed directly into motor vehicle or aircraft fuel tanks shall be permanently, plainly, and visibly marked as to the grade of product contained therein.
- (A) In addition, storage tank fill connections of non-ethanol blended gasoline shall be permanently, plainly, and visibly marked that the product contained therein is non-ethanol blended gasoline for use only in the exceptions complying with ORS 646.913.

Stat. Auth.: ORS 561.190, OL 1997, Ch. 310 (SB 414) & 646.905 - 646.990
 Stats. Implemented: OL 1997, Ch. 310 (SB 414), ORS 646.905 - 646.990 & 183
 Hist.: AD 19-1997, f. 12-9-97, cert. ef. 1-1-98; DOA 17-2006, f. & cert. ef. 9-26-06

603-027-0490 Enforcement Proceedings; Civil Penalties

(10) The commission of each violation has been categorized as to its magnitude of violation as follows:

(a) Gravity 1 (Minor):

(A) Labeling of Dispenser(s) (Ref. OAR 603-027-0430):

(iv) Gasoline dispenser(s) of non-ethanol blended gasoline not labeled for exempted use only in compliance with OAR 603-027-0430.

(v) Exceptions for non-ethanol blended gasoline not posted in compliance with OAR 603-027-0430.

(B) Storage Tank(s); Motor vehicle fuel storage tank(s):

(i) Not correctly identified as to the product contained;

(ii) Not correctly identified that the product contained therein is non-ethanol blended gasoline for use only in exceptions complying with OAR 603-027-0420. (Ref. OAR 603-027-0440)