

## Notice of Rulemaking Hearing

### Tennessee Department of Agriculture Division of Regulatory Services

There will be a hearing before the Tennessee Department of Agriculture to consider the promulgation of amendments of rules pursuant to T.C.A. § 47-18-1304 and § 47-18-1309. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T. C. A. § 4-5-204, and will take place in the Porter Building Conference Room located at the Ellington Agricultural Center, 440 Hogan Road Nashville, TN 37220-9029, at 10:30 a.m. (CST) on the 16<sup>th</sup> day of November, 2007.

Any individuals with disabilities who wish to participate in these proceedings (to review these filings) should contact the Tennessee Department of Agriculture to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date the party intends to review such filings), to allow time for the Department to determine how it may reasonably provide such aid or service. Initial contact may be made with Liz Sneed, the Department's ADA Coordinator, at Tennessee Department of Agriculture, P.O. Box 40627, Nashville, TN 37204 and (615) 837-5116.

For a copy of this notice of rulemaking hearing, contact: Randy Jennings, Regulatory Services Division, Tennessee Department of Agriculture, P.O. Box 40627, Nashville, TN 37204 at (615) 837-5280.

### Substance of Proposed Rules

Rule 0080-5-12-.02 Standard Fuel Specifications Paragraph (1) and Subparagraphs (a) and (b) are amended by deleting the current language in its entirety and submitting the following language so that, as amended, the paragraph and subparagraphs shall read:

0080-5-12-.02 Standard Fuel Specifications.

- (1) Gasoline and Gasoline-Oxygenate Blends. - (as set forth in this regulation) shall meet the following requirements:
  - (a) The most recent version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel." Gasoline blended with ethanol at concentrations up to ten percent by volume shall be blended under any of the following three options:

1. The base gasoline used in such blends meets the requirements of ASTM D 4814 and the ethanol meets the requirements of ASTM D 4806. The finished blend meets ASTM D 4814 with the following permissible exceptions;
    - (i) The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150 °F).
    - (ii) The Minimum Test Temperature at which the Vapor/Liquid Ratio is equal to 20 shall be as follows for the applicable vapor lock protection class:
      - Class 1 shall be 51.5 °C (125 °F)
      - Class 2 shall be 49.0 °C (120 °F)
      - Class 3 shall be 45.0 °C (113 °F)
      - Class 4 shall be 41.5 °C (107 °F)
      - Class 5 shall be 37.0 °C (99 °F)
      - Class 6 shall be 35.0 °C (95 °F)
  2. The blend meets the requirements of ASTM D 4814.
  3. The base fuel used in such blends meets all the requirements of ASTM D 4814 except distillation, and the blend meets the distillation requirements of ASTM D 4814.
- (b) Blends of gasoline and ethanol shall meet the following vapor pressure requirements:
1. During the period between June 1 and September 15 of each calendar year, blends containing a minimum of 9 percent ethanol by volume and a maximum of 10 percent ethanol by volume shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 p.s.i. All other blend concentrations shall meet the ASTM D 4814 vapor pressure limits.
  2. During the period between September 16 and May 31 of each calendar year, all blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 p.s.i.

Authority: T.C.A. §47-18-1304 and §47-18-1309.

Rule 0080-5-12-.02 Standard Fuel Specifications is amended by adding the following language and renumbering the remainder of the section:

- (c) Blends of gasoline and ethanol shall contain no more than 10 volume percent ethanol.

Authority: T.C.A. §47-18-1304 and §47-18-1309.

The notice of rulemaking set out herein was properly filed in the Department of State on the 18th day of September, 2007. (FS 09-07-07; DBID 702)