

Rulemaking Hearing Rules  
Tennessee Department of Agriculture  
Division of Regulatory Services

Chapter 0080-05-12  
Kerosene and Motor Fuels Quality Inspection Regulations

Amendments

Rule 0080-05-12-.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:

0080-05-12-.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 0080-05-12-.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.ney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 30th day of November and will become effective on the 13th day of February, 2008. (FS 11-26-07; DBID 2766)

Addendum  
Economic Impact Statement

(1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Only those fueling stations that elect or have elected to sell ethanol blended fuels will be subject to the proposed amendments, and it should be noted that the amendments proposed are a relaxation of the current rule. Although the Department does not anticipate any increased costs as a result of the proposed amendments, those stations offering ethanol blends may benefit economically as consumer demand for biofuels increases.

(2) Identification and estimate of the number of small businesses subject to the proposed rule:

An estimate of the number of small businesses subject to the proposed rule are as follows:

50 Fuel Distributors  
1500 independent retailers

(3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

As there are no reporting or recordkeeping requirements under the proposed amendments, there will be no associated costs. The proposed amendments will not result in any additional administrative costs.

(4) Statement of the probable effect on impacted small businesses and consumers:

The effect on impacted small businesses will likely be nonexistent. Consumers may realize some savings at the pump.

(5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the

purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

There are no less burdensome, less intrusive or less costly alternative methods of achieving the objectives of the proposed amendments. The proposed amendments do not pose any burden to small business or consumers, economically or otherwise.

(6) Comparison of the proposed rule with any federal or state counterparts:

There is no federal or state counterpart.

(7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

It would not be practical to exempt small business from this regulation. Small business entities account for a sizeable portion of the engine fuel distribution and retail network. If those businesses were exempt from the rule, the Department would not be able to meet its obligation of protecting Tennessee's consumers as mandated by the Kerosene and Motor Fuels Quality Inspection Act.