

**[Note: the following rule is a contingency SIP measure for the Metropolitan Baltimore and Metropolitan Washington CO maintenance areas]**

**Title 03**

**COMPTROLLER OF THE TREASURY  
Subtitle 03 MOTOR FUEL TAX**

**Chapter .05 Motor Fuel Inspection**

**.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated, unless otherwise specified.

B. Terms Defined.

(1) "ASTM" means the American Society for Testing and Materials.

(2) "Department" means the Department of the Environment.

(3) "Dispenser" means a device from which motor fuel is transferred from storage at a retail outlet or wholesale purchaser-consumer facility to an ultimate consumer.

(4) "Division" means the Motor Fuel Tax Division of the Comptroller of the Treasury.

(5) "Ethanol blend" means gasoline which contains at least 9 percent by volume ethanol, excluding denaturants, as determined in accordance with one of the test methodologies specified in COMAR 03.03.06.03B.

(5-1) "Ethanol enhanced oxygenated gasoline" means gasoline containing less than 9 percent by volume ethanol, excluding denaturants, as determined in accordance with one of the test methods specified in COMAR 03.03.06.03B.

(6) "Gasoline" means any fuel sold for use in motor vehicles or motor vehicle engines and which is commonly or commercially known or sold as gasoline, including oxygenated gasoline.

(7) "Motor fuel" means gasoline or special fuel.

(8) "Motor vehicle fuel" means motor fuel.

(9) "Nonoxygenated gasoline" means gasoline which contains no oxygenates or oxygenates in quantities less than or equal to 0.4 percent oxygen by weight.

(10) "Oxygenate" means any oxygen-containing compound approved for use in gasoline under the United States Environmental Protection Agency's substantially similar definition or under a bona fide United States Environmental Protection Agency oxygenate waiver.

(11) "Oxygenated gasoline" means gasoline which contains one or more oxygenates in quantities exceeding 0.4 percent oxygen by weight.

(12) "Oxygenated gasoline control area" means a geographic area in which all gasoline sold or dispensed during an oxygenated gasoline control period is subject to the minimum oxygen content requirements of Regulation .01-1N of this chapter. There are three oxygenated gasoline control areas as follows:

(a) The Northeast Oxygenated Gasoline Control Area is comprised of Cecil County;

(b) The Baltimore Oxygenated Gasoline Control Area is comprised of Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's counties; and

(c) The Washington Oxygenated Gasoline Control Area is comprised of Calvert, Charles, Frederick, Montgomery, and Prince George's counties.

(13) "Oxygenated gasoline control period" means the 4-month period which begins each November 1 and runs without interruption through the following February 28 or, in leap years, the following February 29.

(14) "Oxygenate waiver" means an authorization granted by the Administrator of the United States Environmental Protection Agency under Sec. 211(f)(4) of the federal Clean Air Act which permits the addition of specified oxygenates in specified volumes to unleaded nonoxygenated gasoline.

(15) "Ozone attainment areas" means the geographic areas of the State which are not ozone nonattainment areas.

(16) "Ozone nonattainment areas" means the geographic areas of the State comprised of Baltimore City and Anne Arundel, Baltimore, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, Kent, Montgomery, Prince George's, and Queen Anne's counties.

(17) "Retail outlet" means an establishment at which motor fuel is sold or offered for sale to an ultimate consumer.

(18) "Special fuel" means any fuel other than gasoline which is sold for use in motor vehicles.

(19) "Substantially similar definition" means an interpretive rule issued by the Administrator of the United States Environmental Protection Agency under Sec. 211(f)(1) of the federal Clean Air Act which permits the addition of specified oxygenates in specified volumes to unleaded nonoxygenated gasoline. The most recent definition appeared in the February 11, 1991 Federal Register (56 FR 5352).

(20) "Transfer" means the physical transfer of custody or the transfer of title of motor fuel from one person to another, excluding the sale or dispensing of motor fuel at a retail outlet or wholesale purchaser-consumer facility for direct consumption in a motor vehicle.

(21) "Ultimate consumer" means a person who purchases or obtains motor fuel for direct consumption in a motor vehicle and who does not transfer or offer to transfer the motor fuel to any other person following purchase or receipt.

(22) "Unleaded gasoline" means gasoline which is produced without the use of any

lead additive and which contains not more than 0.013 grams of lead per liter (0.05 grams of lead per gallon) and not more than 0.0013 grams of phosphorus per liter (0.005 grams of phosphorus per gallon).

(23) "Wholesale purchaser-consumer" means an ultimate consumer who receives delivery of motor fuel solely intended for ultimate consumption into a storage tank with a capacity of at least 550 gallons which is substantially under the control of the ultimate consumer.

(24) "Wholesale purchaser-consumer facility" means an establishment at which a wholesale purchaser-consumer stores and dispenses motor fuel for direct consumption in a motor vehicle.

### **.01-1 Standard Specifications for Gasoline.**

A. Exemptions. Gasoline not sold or dispensed to an ultimate consumer may be exempted from the requirements of this regulation upon written approval of the Division and the Department. Exemption from vapor pressure requirements shall only be granted in instances where the applicant complies with the requirements of proposed 40 CFR Sec. 80.27(e), which is incorporated by reference as published in the October 18, 1991 Federal Register (56 FR 52321). Requests for exemption from oxygen content requirements shall comply with the requirements of 40 CFR Sec. 80.27(e), except that all data shall be applicable to oxygen content rather than vapor pressure.

B. Unless the gasoline is segregated and clearly documented as noncomplying and not for sale or supply to an ultimate consumer in an applicable control area, a person may not produce, store, transport, supply, offer to supply, transfer or otherwise handle, sell, offer for sale, or dispense gasoline that does not meet the limits specified in Sec. C--N of this regulation when tested in accordance with the latest version of the specified test methods.

C. Distillation\* (ASTM D-86).

(1) Evaporation - December-January-February-March

- (a) 10 percent - 50 deg. C (122 deg. F) maximum
- (b) 50 percent - 77 deg. C (170 deg. F) minimum\*\*
- (c) 50 percent - 110 deg. C (230 deg. F) maximum
- (d) 90 percent - 185 deg. C (365 deg. F) maximum
- (e) End Point - 225 deg. C (437 deg. F) maximum
- (f) Residue - 2 percent maximum

(2) Evaporation - April-October-November

- (a) 10 percent - 55 deg. C (131 deg. F) maximum
- (b) 50 percent - 77 deg. C (170 deg. F) minimum\*\*
- (c) 50 percent - 113 deg. C (235 deg. F) maximum
- (d) 90 percent - 185 deg. C (365 deg. F) maximum

(e) End Point - 225 deg. C (437 deg. F) maximum

(f) Residue - 2 percent maximum

(3) Evaporation - May through September 15

(a) 10 percent - 70 deg. C (158 deg. F) maximum

(b) 50 percent - 77 deg. C (170 deg. F) minimum\*\*

(c) 50 percent - 121 deg. C (250 deg. F) maximum

(d) 90 percent - 190 deg. C (374 deg. F) maximum

(e) End Point - 225 deg. C (437 deg. F) maximum

(f) Residue - 2 percent maximum

(4) Evaporation - September 16 through September 30

(a) 10 percent - 60 deg. C (140 deg. F) maximum

(b) 50 percent - 77 deg. C (170 deg. F) minimum\*\*

(c) 50 percent - 116 deg. C (240 deg. F) maximum

(d) 90 percent - 185 deg. C (365 deg. F) maximum

(e) End point - 225 deg. C (437 deg. F) maximum

(f) Residue - 2 percent maximum

\* An allowance of 15 +/- days will be permitted to accommodate the receipt of new product and disbursement of old stock from the fixed change-over date, with the following exceptions: product required for the volatility period beginning May 1 is acceptable up to 45 days before May 1; product for the volatility period beginning September 16 shall be acceptable only on or after September 16.

\*\* The minimum 50 percent evaporative point for oxygenated gasoline may not be less than 66 deg. C (150 deg. F).

D. Vapor Pressure.

(1) The vapor pressure of gasoline may not exceed the following limits when tested in accordance with ASTM Test Method D-5190-92 or as otherwise required under COMAR 03.03.06:

(a) 103 KPa (15.0 psi) during the months of January, February, March, and December;

(b) 93 KPa (13.5 psi) during the months of April, October, and November;

(c) 62 KPa (9.0 psi) during the month of May;

September 15: (d) During the months of June, July, and August and from September 1 through

(i) 54 KPa (7.8 psi) for all gasoline sold, intended for sale, or supplied to an ultimate consumer in ozone nonattainment areas, and

(ii) 62 KPa (9.0 psi) for all gasoline sold, intended for sale, or supplied to an ultimate consumer in ozone attainment areas; and

(e) 79 KPa (11.5 psi) from September 16 through September 30.

(2) An ethanol enhanced oxygenated gasoline is considered to be in compliance with Sec. D(1)(a), (b), and (e) of this regulation if its measured vapor pressure does not exceed the limit specified by more than 1.0 psi.

(3) A 15-day transition period is allowed before and following each change in vapor pressure limits as specified in Sec. D(1) of this regulation, except as follows:

(a) Gasoline complying with the April vapor pressure limit is allowed throughout May at retail outlets and wholesale purchaser-consumer facilities;

(b) Gasoline complying with the April vapor pressure limit is not allowed after April 30 at any location other than retail outlets or wholesale purchaser-consumer facilities, unless the gasoline also complies with the May vapor pressure limit;

(c) Gasoline complying with the May vapor pressure limit is not allowed after May 31, unless the gasoline also complies with the June vapor pressure limit; and

(d) Gasoline complying with the September 16 through September 30 vapor pressure limit is not allowed before September 16, unless the gasoline also complies with the September 1 through September 15 vapor pressure limit.

(4) An ethanol blend is considered to be in compliance if its measured vapor pressure does not exceed the limit specified in Sec. D(1) of this regulation by more than 1.0 psi.

(5) Oxygenated gasoline containing less than 9 volume percent of ethanol, excluding denaturants, shall meet the vapor pressure limits specified in Sec. D(1) of this regulation.

E. V/L Ratio\* (ASTM D-2533); 20:1 Maximum.

\*An allowance of 15 +/- days will be permitted to accommodate the receipt of new product and disbursement of old stock from the fixed change-over date, with the following exceptions: product complying with the May specifications is allowed as early as March 16 and product complying with the September 16--September 30 specifications is not allowed before September 16.

(1) 41 deg. C (105 deg. F) (December-January-February-March).

(2) 47 deg. C (116 deg. F) (April-October-November).

(3) 60 deg. C (140 deg. F) (May through September 15).

(4) 51 deg. C (124 deg. F) (September 16 through September 30).

F. Corrosion (ASTM D-130). Copper Strip Scale, No. 1, maximum at 50 deg. C (122 deg. F).

G. Sulfur (ASTM D-4045).

(1) Unleaded--0.10 percent by mass, maximum.

(2) Leaded--0.15 percent by mass, maximum.

H. Existent Gum Content (ASTM D-381). 5 milligrams per 100 milliliters, maximum (after Heptane wash).

I. Visible Water and Sediment. Shall be visually free of undissolved water, sediment, and suspended matter and shall be clear and bright at the ambient temperature or 21 deg. C (70 deg. F), whichever is higher.

J. Lead (ASTM D-3237).

(1) Unleaded--0.013 grams per liter maximum (0.05 grams per U.S. gallon maximum).

(2) Leaded--Greater than 0.013 grams per liter (0.05 grams per U.S. gallon).

K. Octane Test. The octane rating shall be determined in accordance with Title II of the Petroleum Marketing Practices Act and regulations adopted under that title. In addition, gasoline with an anti-knock index of 87 shall have a Motor Octane Number not less than 82.0.

L. Phosphorus (ASTM D-3231). Unleaded--0.0013 grams per liter maximum (0.005 grams per U.S. gallon maximum).

M. Gasoline with a lead content of 0.013 grams per liter (0.05 grams per U.S. gallon) or less shall only be sold as unleaded.

N. Oxygen Content.

(1) Gasoline shall meet the oxygen content requirements specified in Sec. N(2)--(5) of this regulation when tested in accordance with ASTM Test Method D-4815-89 or as otherwise required under COMAR 03.03.06.

(2) Beginning on November 1, 1992, all gasoline sold, intended for sale, or dispensed in an oxygenated gasoline control area during an oxygenated gasoline control period shall contain a minimum of 2.7 percent oxygen by weight as determined in accordance with COMAR 03.03.06.

(3) Oxygenates used in gasoline shall be of a type and quality allowed under either the United States Environmental Protection Agency's substantially similar definition or under a bona fide United States Environmental Protection Agency oxygenate waiver.

(4) The maximum allowable oxygen content of gasoline shall be limited to that established under either the United States Environmental Protection Agency's substantially similar definition or that established under a bona fide United States Environmental Protection Agency oxygenate waiver.

(5) Phase Separation. Oxygenated gasoline shall consist of a single homogenous mixture, presenting no indication of phase separation when tested at the following temperatures in

accordance with the test method described in Annex A4 of ASTM Specification D-4814-90a, as follows:

- (a) -9 deg. C (16 deg. F) during the month of January;
- (b) -8 deg. C (17 deg. F) during the month of February;
- (c) -3 deg. C (27 deg. F) during the month of March;
- (d) 3 deg. C (37 deg. F) during the month of April;
- (e) 9 deg. C (48 deg. F) during the month of May;
- (f) 10 deg. C (50 deg. F) during the months of June, July, August, and September;
- (g) 4 deg. C (39 deg. F) during the month of October;
- (h) -2 deg. C (28 deg. F) during the month of November; and
- (i) -8 deg. C (17 deg. F) during the month of December.

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**.02-1 Other Motor Vehicle Fuels.**

A fuel other than those meeting the specifications detailed in Regulations .01-1 or .02 of this chapter may not be sold, offered for sale, or dispensed for use in motor vehicles unless approval for the sale or dispensation has been obtained in advance from the Division and the Department.

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**.05 Labeling of Pumps.**

A. The Motor Vehicle Fuel Tax Division shall label all retail dispensing pumps.

B. The label in Sec. A, above, at the discretion of the Motor Vehicle Fuel Tax Division, shall be placed as close as practical to the product dispensing nozzle or the money value display indicator.

C. The retailer shall further identify and label all retail dispensing pumps with the following:

(1) The brand name and trade name of the product being sold;

(2) For gasoline, the octane rating in accordance with 15 U.S.C. Sec. 2821--2824, Title II of the Petroleum Marketing Practices Act and regulations under the Act, 16 CFR Sec. 306.0--306.11 for each grade dispensed; and

(3) For special fuel, the grade and type of fuel which shall be either:

(a) 1-K Kerosene,

(b) 2-K Kerosene,

(c) 1-D Diesel (if purchased or sold as same), or

(d) Diesel, as applicable;

(4) Identification as required under Sec. C(3), which shall be in letters and numerals of uniform size, a minimum 2 inches high with a minimum 3/8 inch stroke.

#### D. Oxygenated Gasoline.

(1) Each retail outlet gasoline dispenser in each oxygenated gasoline control area shall display, during each oxygenated gasoline control period, a legible and conspicuous label containing the following information:

(a) Labels which are only displayed during an oxygenated gasoline control period shall be worded as follows: "The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

(b) Labels which are displayed outside an oxygenated gasoline control period shall be worded as follows: "The following information is only applicable from November thru February. The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles."

(2) The first sentence of the label required in Sec. D(1)(b) of this regulation may be replaced with an equivalent statement approved by the Division and the Department. The second sentence of the label required in Sec. D(1)(b) of this regulation shall be used without alteration or addition.

(3) The statement required in Sec. D(1) of this regulation shall be in block letters not less than 20-point bold type of a color which contrasts with both the label background and the dispenser on which it is placed.

(4) The label required in Sec. D(1) of this regulation shall be placed on each side of the dispenser from which oxygenated gasoline can be dispensed, on the same sides which display gallonage and price information, on a vertical face in the upper 2/3 of the dispenser, and shall be clearly readable to the consumer.

#### (5) Restrictions.

(a) A retail outlet may not display any advertisement, other than the label specified in Sec. D(1)(b) of this regulation, stating oxygenated gasoline emissions reduction claims during periods outside an oxygenated gasoline control period, unless the use of the oxygenated gasoline does not result in increased emissions of either volatile organic compounds or oxides of nitrogen.

(b) A retail outlet outside an oxygenated gasoline control area may not, at any time, display a label or statement advertising the sale or emissions reduction benefits of oxygenated gasoline unless the retail outlet is actually marketing oxygenated gasoline containing at least 2.0 percent oxygen by weight through clearly marked dispensers or the emissions reduction benefits of the oxygenated gasoline are derived from modifications to gasoline components other than the addition of oxygenates.

(6) The owner and the operator of a retail outlet are responsible for compliance with



the requirements of this section.

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**.08 Samples and Test Tolerances.**

A. A sample taken to determine compliance with the provisions of this chapter and COMAR 03.03.06 may not exceed 4 liters.

B. Unless otherwise indicated, all samples necessary to determine compliance with this chapter and COMAR 03.03.06 shall be taken in accordance with the methodologies detailed in 40 CFR Part 80, Appendix D, which is incorporated by reference.

C. Tolerances.

(1) A producer of motor fuels shall formulate, blend, and store fuels in such a manner that consideration is given for testing tolerances.

(2) Gasoline samples obtained for analysis shall meet:

(a) Vapor pressure specifications within a tolerance limit equal to +0.3 psi; and

(b) Oxygen content specifications within a tolerance limit equal to -0.4 through +0.6 percent oxygen by weight.

(3) Excluding gasoline vapor pressure and oxygen content analyses, the tolerance limits for motor fuel analyses shall be as determined by the Division.

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**.15 Commingled Products.**

A. For the specific purpose of this regulation, "commingled products" means:

(1) Pipeline interface or transmix; or

(2) A mixture of gasoline and light distillates.

B. Commingled products may be blended into gasoline for redistribution, provided the:

(1) Person blending is a common carrier pipeline or holds a valid Class "A" dealer license issued by this State, and has obtained written approval from this State to blend; and

(2) Resultant product, after blending, at the time of the first sale or delivery, meets the specifications for the particular grade as prescribed by Regulation 01-1 of this chapter.

C. Addition of Commingled Products.

(1) A common carrier pipeline may add commingled products only once to a particular batch of product between the point of origin and the final receiving terminal.

(2) If a commingled product is added to a batch, the:

(a) Quantity of the commingled product may not exceed 0.25 percent by volume of the batch movement and shall be dispersed throughout the batch; and

(b) Common carrier pipeline shall:

(i) Notify the receiving terminal, in advance of receipt, of the quantity added, and

(ii) Indicate the volume of the commingled product added on the delivery ticket.

D. A receiving or shipping terminal may "line blend" its own commingled product into a receipt or shipment, provided the:

(1) Finished blend meets all applicable specifications of Regulation .01-1 of this chapter and the specifications for the product as registered with this State by the Class "A" dealer; and

(2) Volume of the commingled product does not exceed 0.25 percent of the product being shipped or received, and is dispersed throughout the batch.

E. A Class "A" dealer may "tank blend" commingled products with gasoline, provided the:

(1) Class "A" dealer can demonstrate the blending does not result in stratification;

(2) Volume of the commingled product does not exceed 0.25 percent of the tank volume at any time; and

(3) Finished blend meets all applicable Maryland specifications and the minimum specifications for the product as registered by the Class "A" dealer.

F. A Class "A" dealer shall routinely accept, when possible, drainages of small quantities of commingled products from tank vehicles. Quantities over 5 gallons may be accepted at the discretion of the terminal.

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