

[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 .06 Emissions Control Compliance

.01 Definitions.

A. The following terms have the meanings indicated. The definitions in COMAR 03.03.05.01 also apply to this chapter.

B. Terms Defined.

(1) "Blender" means a person who owns, leases, operates, controls, or supervises an oxygenate blending facility.

(2) "Carrier" means a distributor who transports, stores, or is responsible for the transportation or storage of motor fuel without taking title to or otherwise having any ownership of the motor fuel, and without altering either the quality or quantity of the motor fuel.

(3) "Control area" means an oxygenated gasoline control area as defined in COMAR 03.03.05.01.

(4) "Control period" means an oxygenated gasoline control period as defined in COMAR 03.03.05.01.

(5) "Distributor" means a person who transports, stores, or is responsible for the transportation or storage of motor fuel at any point between any refiner or importer facility and any retail outlet or wholesale purchaser-consumer facility.

(6) "Importer" means any person who imports motor fuel from a foreign country into the United States.

(7) "Oxygen content" means the percentage of oxygen by weight in gasoline, based upon the percentage by volume of component oxygenates exclusive of denaturants and other non-oxygen-containing components, the mass fraction of oxygen in each component oxygenate, and the density of each component oxygenate.

(8) "Oxygenate blending facility" means a facility at which oxygenate is added to gasoline or gasoline blendstocks to produce a finished oxygenated gasoline, and at which the quality or quantity of gasoline is not altered in any other manner except through the addition of deposit control additives.

(9) "Refiner" means any person who owns, leases, operates, controls, or supervises a plant where motor fuel is produced.

(10) "Reseller" means a person who purchases motor fuel and resells or transfers the motor fuel to retailers or wholesale purchaser-consumers.

(11) "Terminal" means a facility capable of receiving motor fuel in bulk or where motor fuel is altered in quantity or quality, or both, and where motor fuel is sold or supplied for transportation to a retail outlet or wholesale purchaser-consumer facility.

.02 Vapor Pressure Determination.

During the period from May 1 through September 15, inclusive, the Division and the Department shall, until such time as the United States Environmental Protection Agency approves the use of ASTM Test Method D-5190-92, determine the vapor pressure of gasoline in accordance with the test methods described in 40 CFR Part 80, Appendix E, which is incorporated by reference. Following approval by the United States Environmental Protection Agency, ASTM Test Method D-5190-92 shall be used. Regulated parties are free to use other accepted test methods for quality assurance programs. However, these programs do not exempt regulated parties from enforcement action. Regulated parties are encouraged to develop a correlation program with the Division and the Department to reduce the probability of inconsistent test results.

.03 Oxygen Content Determination.

A. During the period from November 1 through the following February 28 or, in leap years, the following February 29, the Division and the Department shall determine the oxygen content of gasoline in accordance with the requirements specified in Sec. B--C of this regulation. Regulated parties are free to use other accepted test methods for quality assurance programs. However, these programs do not exempt regulated parties from enforcement action. Regulated parties are encouraged to develop a correlation program with the Division and the Department to reduce the probability of inconsistent test results.

B. Test Methods.

(1) Throughout each control period beginning before January 1, 1994, the percent by volume of component oxygenates in gasoline shall be determined in accordance with:

(a) For single-carbon through four-carbon alcohols and methyl tertiary butyl ether, ASTM Test Method D-4815-89;

(b) For ethyl tertiary butyl ether, ASTM Test Method D-4815-89 with an appropriate internal standard; and

(c) For other oxygenates, a method developed by the Division and the Department in consultation with refiners, importers, and blenders registered under Regulation .04 of this chapter, and approved by the United States Environmental Protection Agency.

(2) Throughout each control period beginning on or after January 1, 1994, the percent by volume of component oxygenates in gasoline shall be determined in accordance with Regulation .03B(1) of this chapter or the methodology described in Appendix C of the United States Environmental Protection Agency's Supplemental Notice of Proposed Guidelines for Oxygenated Gasoline Credit Programs as published in the February 5, 1992 Federal Register (57 FR 4413).

C. Oxygen Calculation.

(1) The oxygen content of gasoline shall equal the sum of the density corrected oxygen weight fractions of all component oxygenates divided by the sum of the density corrected volumes of gasoline and all component oxygenates. The density corrected oxygen weight fraction of each component oxygenate shall be calculated by multiplying the percent by volume of each oxygenate, as measured in accordance with Sec. B of this regulation, by the oxygen weight fraction and specific gravity of the oxygenate. The density corrected volume of gasoline and component oxygenates shall be calculated by multiplying the percent by volume of gasoline or oxygenate, as applicable, by the specific gravity of the gasoline or oxygenate.

(2) The oxygen weight fraction of oxygenates is as follows:

- (a) 0.4993 for methyl alcohol;
- (b) 0.3473 for ethyl alcohol;
- (c) 0.2662 for propyl alcohols;
- (d) 0.2158 for butyl alcohols;
- (e) 0.1815 for methyl tertiary butyl ether (MTBE);
- (f) 0.1566 for tertiary amyl methyl ether (TAME);
- (g) 0.1566 for ethyl tertiary butyl ether (ETBE); and
- (h) 0.1566 for diisopropyl ether (DIPE).

(3) For purposes of this chapter, the specific gravity of oxygenates is as follows:

- (a) 0.7963 for methyl alcohol;
- (b) 0.7939 for ethyl alcohol;
- (c) 0.8080 for n-propyl alcohol;
- (d) 0.7899 for isopropyl alcohol;
- (e) 0.8137 for n-butyl alcohol;
- (f) 0.8058 for isobutyl alcohol;
- (g) 0.8114 for sec-butyl alcohol;
- (h) 0.7922 for tert-butyl alcohol;
- (i) 0.7460 for methyl tertiary butyl ether (MTBE);
- (j) 0.7752 for tertiary amyl methyl ether (TAME);
- (k) 0.7452 for ethyl tertiary butyl ether (ETBE); and
- (l) 0.7257 for diisopropyl ether (DIPE).

(4) For purposes of this chapter, the specific gravity of gasoline is 0.7420.

(5) For purposes of this chapter, the oxygen weight fraction of oxygenates not included in Sec. C(2) of this regulation and the specific gravity of oxygenates not included in Sec. C(3) of this regulation shall be specified by the Division and the Department.

.04 Registration.

For control periods beginning before January 1, 1994, refiners, importers, and blenders that intend to use oxygenates other than single-carbon through four-carbon alcohols or methyl tertiary butyl ether to comply with control period oxygen requirements shall register their intent with the Division and the Department at least 30 days before the beginning of each control period.

.05 Record Keeping.

A. A person described in this regulation shall generate and maintain, for a period of not less than 2 years, records detailing compliance information as required by this regulation. Records pertaining to vapor pressure are required only for gasoline produced, stored, transported, supplied, offered for supply, transferred or otherwise handled, sold, offered for sale, or dispensed during the period from May 1 through September 15, inclusive, and records pertaining to oxygen content are required only for gasoline produced, stored, transported, supplied, offered for supply, transferred or otherwise handled, sold, offered for sale, or dispensed during an oxygenated gasoline control period. However, a person should consider that gasoline produced before May 1 for vapor pressure and before the beginning of an oxygenated gasoline control period for oxygen content will remain in the distribution system after the applicable control begins, and therefore should consider keeping appropriate records before the required dates in order to facilitate a defense in instances when violations are detected. All records shall be made available for review by the Division or the Department during normal business hours or submitted to the Division or the Department for review upon request. These record-keeping requirements are in addition to any motor fuel record keeping required under Tax-General Article, Annotated Code of Maryland.

B. Refiners, Importers, and Blenders. Refiners, importers, and blenders shall, for each separate quantity of gasoline produced or imported, generate and maintain records containing the following information:

- (1) The results of the tests, conducted in accordance with Regulations .02 and .03 of this chapter, used to determine the vapor pressure and types and percentage by volume of component oxygenates;
- (2) The oxygen content of the gasoline;
- (3) The volume of the gasoline; and
- (4) The name and address of the person to whom the gasoline was sold or transferred.

C. Terminal Operators. A person who owns, leases, operates, or controls a gasoline terminal shall, for each separate quantity of gasoline handled, generate and maintain records containing the following information:

- (1) The owner of the gasoline;
- (2) The volume of gasoline;

(3) For gasoline obtained from a refiner or importer and, if available, for gasoline obtained from other sources, the stated vapor pressure, type and percentage by volume of component oxygenates, and oxygen content of the gasoline;

(4) The results of any quality assurance tests performed; and

(5) As applicable, the name and address of the person from whom the gasoline was purchased or acquired or to whom the gasoline was sold or transferred.

D. Retailers, wholesale purchaser-consumers, carriers, resellers, and distributors shall generate and maintain records containing the following information:

(1) The name and address of the person from whom each separate quantity of gasoline was received and the date of receipt; and

(2) Data on each separate quantity of gasoline received, sold, or transported, including:

(a) The volume of gasoline,

(b) If available, the vapor pressure of the gasoline,

(c) If available, the types and percent by volume of component oxygenates,

(d) If available, the oxygen content of the gasoline,

(e) The results of any quality assurance tests performed, and

(f) If applicable, the destination of the gasoline.

.06 Transfer Documentation.

A. Each time gasoline is transferred between May 1 and September 15, inclusive, or during an oxygenated gasoline control period, the transferor shall provide the transferee a transfer document which shall legibly and conspicuously contain the following information:

(1) The date of the transfer;

(2) The name and address of the transferor;

(3) The name and address of the transferee;

(4) The location of the gasoline at the time of the transfer;

(5) The volume of gasoline transferred;

(6) For all gasoline transferred between May 1 and September 15, inclusive, the proper identification of the gasoline as complying or noncomplying with vapor pressure requirements;

(7) For all gasoline transferred from a refiner, importer, or blender between May 1 and September 15, inclusive, the vapor pressure of the gasoline and the test method used for determination;

(8) For all gasoline transferred during a control period, the proper identification of the gasoline as oxygenated or nonoxygenated and complying or noncomplying with oxygen

requirements; and

(9) For all gasoline transferred from a refiner, importer, or blender during a control period, and for all transfers during a control period of oxygenated gasoline containing less than 2.7 percent oxygen by weight, the type and volume of component oxygenates and the oxygen content of the gasoline.

B. The information required in Sec. A of this regulation is in addition to any other information, such as bills of lading or invoices, which would otherwise accompany gasoline transfer, and may be incorporated into existing documentation or provided as a separate document.

C. While the transfer documentation detailed in Sec. A of this regulation is only required during the period indicated, a person should consider that gasoline produced before May 1 for vapor pressure and before the beginning of an oxygenated gasoline control period for oxygen content will remain in the distribution system after the applicable control begins, and therefore should consider documenting transfers before the required dates in order to facilitate a defense in instances when violations are detected.