

Legislative Regulation Review Committee

2008-050

Department of Consumer Protection

MOTOR FUEL QUALITY

**State of Connecticut
Regulation
of the
Department of Consumer Protection
Concerning
Motor Fuel Quality**

Section 1. Section 14-327d-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

As used in [Sections] Section 14-327d-1 to [14-327d-10] Section 14-327d-11, inclusive, of the Regulations of Connecticut State Agencies:

[(a)] (1) "ASTM" means the American Society for Testing and Materials International. ASTM is an international voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge[.] ;

[(b)] (2) "Antiknock Index (AKI)" means the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON); $AKI = (RON+MON)/2$. This value is called by a variety of names, in addition to antiknock index, including: octane rating, posted octane, $(R+M)/2$ octane;

(3) "Approved denaturant(s)" means materials used for denaturing ethyl alcohol for use as a motor fuel which have been approved by the U.S. Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms and the Director[.] ;

[(c)] (4) "Approved lead substitute" means an EPA registered gasoline additive formulated to reduce valve seat recession in engines designed to operate on leaded gasoline and which has been approved by the Director. Such approval shall be based upon the submission of scientific documentation acceptable to the Director[.] ;

(5) "Automatic Transmission Fluid" means a product intended for use in a passenger vehicle, other than a bus, as either a lubricant, coolant, or liquid medium in any type of fluid automatic transmission that contains a torque converter. For the purposes of this regulation, fluids intended for use in continuously variable transmissions are not considered "Automatic Transmission Fluid;"

(6) "Automotive Fuel Rating" means the automotive fuel rating required under the amended Octane Certification and Posting Rule (or as amended, the Fuel Rating Rule), 16 CFR Part 306. Under this Rule, sellers of liquid automotive fuels, including alternative fuels, must determine, certify, and post an appropriate automotive fuel rating. The automotive fuel rating for gasoline is the antiknock index (octane rating). The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel, along with a disclosure of the amount, expressed as a minimum percentage by volume of the principal component of the fuel. For alternative liquid automotive fuels, a disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired;

(7) "Automotive Gasoline, Automotive Gasoline-Oxygenate Blend" means a type of fuel suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications;

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

(9) "Aviation Turbine Fuel" means a refined middle distillate suitable for use as a fuel in an aviation gas turbine internal combustion engine;

(10) "Base Gasoline" means all components other than ethanol in a blend of gasoline and ethanol;

(11) "Biodiesel" means:

(A) A fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100; or

(B) Biomass-based diesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f));

(12) "Biodiesel Blend" means a fuel comprised of a blend of biodiesel with petroleum-based diesel fuel and designated as BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend;

(13) "Cetane Index" means an approximation of the cetane number of distillate diesel fuel, which does not contain a cetane improver additive, calculated from the density and distillation measurements;

[(d)] (14) "Cetane number" means [the relative ignition quality of diesel fuels determined by the ASTM Cetane Method D-613] a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test.[.] ;

[(e)] (15) "Commissioner" means the Commissioner of Consumer Protection [.] ;

[(f)] (16) "Denatured fuel ethanol" means nominally anhydrous ethyl alcohol [ethanol] meeting the provisions of ASTM D-4806, "Standard Specification for Denatured Fuel Ethanol to be Blended with Gasolines for Use as an Automotive Spark-Ignition Engine fuel." It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of Bureau of Alcohol, Tobacco, and Firearms (BATF) approved substances before blending with gasoline.[.] ;

(17) "Diesel Fuel" means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine;

[(g)] (18) "Director" means the Director of the [Weights and Measures] Food and Standards Division of the Department of Consumer Protection[.] ;

(19) "Distillate" means any product obtained by condensing the vapors given off by boiling petroleum or its products;

[(h)] (20) "Distributor" means any person who imports or causes to be imported into this state motor fuel for sale or use in this state or any person who produces, refines, blends, manufactures or compounds motor fuels within this state for sale or use in this state and includes any affiliate of either such person who purchases motor fuel for sale, consignment, or distribution to another or receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but does not include any person who is an employee of, or merely serves as a common carrier providing transportation service for, such supplier.[.] ;

[(i)] (21) "EPA" means the United States Environmental Protection Agency[.] ;

(22) "E85 Fuel Ethanol" means a blend of ethanol and hydrocarbons of which the ethanol portion is nominally 85 to 75 volume percent denatured fuel ethanol;

(23) "Engine Fuel" means any liquid or gaseous matter used for the generation of power in an internal combustion engine;

(24) "Engine Fuels Designed for Special Use" means engine fuels designated by the Director as requiring registration. These fuels normally do not have ASTM or other national consensus standards applying to their quality or usability. Common special fuels are racing fuels and those intended for agricultural and other off-road applications;

(25) "Fuel Oil" means a refined oil middle distillates, heavy distillates, or residues of refining, or blends of these, suitable for use as a fuel for heating or power generation, the classification of which shall be defined by ASTM D-396;

(26) "Gasoline" means a volatile mixture of liquid hydrocarbons generally containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine;

[(j)] (27) "Gasoline-oxygenate blend" means a blend consisting primarily of gasoline and a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more oxygenates. This definition includes, but is not limited to, the following designations:

[(1)] (A) "Gasohol" meaning any motor fuel containing a nominal ten volume percent anhydrous denatured ethanol and 90 volume percent unleaded gasoline, regardless of other name, label, or designation[.];

[(2)] (B) Any gasoline-oxygenate blend which meets the EPA's "Substantially Similar" rule[.];

[(3)] (C) Any gasoline-oxygenate blend for which there is an existing Clean Air Act waiver issued by EPA[.]; and

[(4)] (D) Any gasoline-oxygenate blend which is not subject to EPA fuel requirements, but for which approval has been granted by the Department of Consumer Protection.

(28) "Gear Oil" means oil used to lubricate gears, axles, or some manual transmissions;

(29) "Kerosene or Kerosine" means a refined middle distillate suitable for use as a fuel for heating or illuminating, the classification of which shall be defined by ASTM D-3699;

(30) "Lead Substitute" means an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel;

(31) "Lead Substitute Engine Fuel" means, for labeling purposes, a gasoline or gasoline-oxygenate blend that contains a lead substitute;

(32) [(k)] "Leaded" means any gasoline or gasoline-oxygenate blend which contains not less than 0.013 gram lead per liter (0.05 gram lead per U.S. gallon) [(0.013 gram lead per liter)] or contains an approved lead substitute which provides a lead equivalent of at least 0.026 gram per liter (0.10 gram lead per U.S. gallon) [(0.026 gram per liter).];

(33) "Low Sulfur" means low sulfur diesel fuel that meets ASTM D-975 (e.g., Grade Low Sulfur No. 1-D or Grade Low Sulfur No. 2-D) standards. Diesel or fuel oil containing higher amounts of sulfur for off-road use is defined by section 16a-21a of the Connecticut General Statutes;

(34) "Low Temperature Operability" means a condition which allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures. Fuels with adequate low temperature operability characteristics have the ability to avoid wax precipitation and clogging in fuel filters;

(35) "Lubricity" means a qualitative term describing the ability of a fluid to affect friction between, and wear to, surfaces in relative motion under load;

(36) "M100 Fuel Methanol" means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition internal combustion engine;

(37) "M85 Fuel Methanol" means a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent;

[(l)] (38) "Motor fuel" means (1) all products commonly or commercially known or sold as gasoline, including casing head and absorption or natural gasoline, regardless of their classification or uses, and (2) any liquid prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as a fuel in internal combustion engines, including any liquid commonly referred to as "gasohol" which is prepared, advertised, offered for sale or sold for use, or commonly and commercially used, as fuel in internal combustion engines, but excluding aviation fuel and [liquified] liquefied petroleum gases[.] ;

[(m)] (39) "Motor Octane Number" means the number describing the relative anti-knock characteristic of a motor fuel determined by ASTM Motor Method [(D-2700)]. ;

[(n)] (40) "Octane Index" means the number obtained by adding the research octane number and the motor octane number and dividing the sum by two[.] ;

(41) "Motor Oil" means an oil that reduces friction and wear between the moving parts within a reciprocating internal combustion engine and also serves as a coolant. For the purposes of this regulation, "vehicle motor oil" refers to motor oil which is intended for use in light-to-heavy duty vehicles including cars, sport utility vehicles, vans, trucks, buses, and off-road farming and construction equipment. For the purposes of this regulation, "recreational motor oil" refers to a motor oil which is intended for use in four-stroke cycle engines used in motorcycles, ATVs, and lawn and garden equipment. For the purposes of this regulation, motor oil also means engine oil;

(42) "Oil" means motor oil, engine oil, and/or gear oil;

(43) "Oxygen Content of Gasoline" means the percentage of oxygen by mass contained in a gasoline;

[(o)] (44) "Oxygenate" means an oxygen containing ashless organic compound, such as an alcohol or an ether, which may be used as a fuel or a fuel supplement [.] ;

[(p)] (45) "Oxygenated fuel" means a liquid which is a homogeneous blend of hydrocarbons and oxygenates[.] ;

(46) "Premium diesel fuel" means all diesel fuels identified on retail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier;

[(q)] (47) "Qualitative word or term" means any word or term used in a brand name which by definition or customary usage indicates a level of quality, classification, grade, or designation [.] ;

(48) "Reformulated Gasoline" means any gasoline whose formulation has been certified by the EPA under 40 CFR 80.40, and which meets each of the standards and requirements prescribed under 40 CFR 80.41 and suitable for use as a fuel in a spark-ignition internal combustion engine;

[(r)] (49) "Research Octane Number" means the number describing the relative antiknock characteristic of a motor fuel determined by ASTM Research Method (D-2699) [.] ;

[(s)] (50) "Retailer" means any person engaged in the business of selling motor fuel to the general public for ultimate consumption[.] ;

(51) "SAE" means the Society of Automotive Engineers, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles;

[(t)] (52) "Substantially Similar" rule means the U.S. Environmental Protection Agency's "Substantially Similar" rule, Section 211 (f) (1) of the Clean Air Act (42 U.S.C. § 7545 (f) (1)) [.] ;

(53) "Thermal Stability" means the ability of a fuel to resist the thermal stress which is experienced by the fuel when exposed to high temperatures in a fuel delivery system. Thermal stress can lead to the formation of insoluble gums or organic particulates. Insolubles (e.g., gums or organic particulates) can clog fuel filters and contribute to fuel injector deposits;

[(u)] (54) "Total alcohol" means the aggregate total in volume percent of all alcohol contained in any fuel defined in this [Chapter.] section;

[(v)] (55) "Total oxygenate" means the aggregate total in volume percent of all oxygenates contained in any fuel defined in this [Regulation.] section;

[(w)] (56) "Unleaded" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more than 0.013 gram lead per liter (0.05 gram lead per U.S. gallon) [(0.013 gram lead per liter)] and not more than 0.0013 gram phosphorus per liter (0.005 gram phosphorus per U.S. gallon) [(0.0013 gram phosphorus per liter).] ; and

(57) "Wholesale Purchaser Consumer" means any person who is an ultimate consumer of fuel methanol, fuel ethanol, diesel fuel, biodiesel, fuel oil, kerosene, aviation turbine fuels, natural gas, compressed natural gas, or liquefied petroleum gas and who purchases or obtains the product from a supplier and receives delivery of that product into a storage tank.

Section 2. Section 14-327d-2 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) The Commissioner adopts by reference ASTM D-4814 "Standard Specifications for Automotive Spark-Ignition Engine Fuel" for gasoline [.] with the following modifications:

[(1) The minimum lead content for gasoline registered and/or labeled as "leaded" [or "regular"] shall be as defined in [Section 14-327d-1(k)] section 14-327d-1(32) of the Regulations of Connecticut State Agencies [.];

(2) Reid vapor pressure [and vapor/liquid ratio] seasonal specifications shall be as listed in the Connecticut Department of Environmental Protection Regulations, section 22a-174-20(a)(5) of the Regulations of Connecticut State Agencies[.] ;

(3) Octane rating or Antiknock Index shall not be less than the Octane Index certified on the Form of Registration for Spark Ignition Motor Fuel required by [Public Act 91-322] section 14-327b of the Connecticut General Statutes[.] ; and

(4) The minimum Octane or Antiknock Index (R + M) /2 of gasoline offered for sale shall not be less than the following:

(A) Economy Unleaded 86; [Regular Unleaded 87]

(B) Regular Unleaded 87; [Regular Leaded 89]

(C) Regular Unleaded 89; [Mid Grade Unleaded 89]

(D) Mid Grade, Plus Unleaded 89; [Premium Unleaded 91]

(E) Premium, Super, Supreme, High-Test Unleaded 91; [Premium Leaded 93] and,

(G) Racing Unleaded 100.

(5) Minimum Antiknock Index (AKI) shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation;

(6) Minimum Motor Octane Number shall not be less than 82 for gasoline with an AKI of 87 or greater;

(7) Lead Substitute Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026 g of lead per liter (0.10 g per U.S. gal).

(b) The Commissioner hereby adopts by reference [in accordance with] ASTM D-4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline[/]-oxygenate blends with the following modifications:

(1) Gasoline blended with ethanol shall be blended under any of the following two options:

(A) The base gasoline used in such blends shall meet the requirements of ASTM D-4814, or

(B) The blend shall meet the requirements of ASTM D-4814;

[1] (2) A vapor pressure test tolerance not exceeding [0.5] one (1.0) pound[s] per square inch may be allowed for [gasohol, leaded gasohol, and] gasoline-oxygenate blends;

[(2)] (3) Reid vapor pressure [and vapor/liquid ratio] seasonal specifications as listed in the Connecticut Department of Environmental Protection Regulation, section 22a-174-20(a)(5) of the Regulations of Connecticut State Agencies.] ;

[(3)] (4) Distillation range — the minimum temperature at fifty [50] percent (50%) evaporated shall be 150 degrees F (65.6 degrees C) as determined by ASTM Test Method D-86[.] or as defined in ASTM D 4814;

[(4)] (5) The minimum lead content for gasoline/oxygenate blends registered and/or labeled as "leaded" [or "regular"] shall be as defined in [Section 14-327d-1(k).] section 14-327d-1(32) of the Regulations of Connecticut State Agencies;

[(5)] (6) Octane rating or Antiknock Index shall not be less than the octane index certified on the Form of Registration for Spark Ignition Motor Fuel required by [Public Act 91-322.] section 14-327b of the Connecticut General Statutes;

[(6)] (7) The minimum Octane or Antiknock Index, (R + M) /2 of gasoline-oxygenate blends offered for sale shall not be less than the following:

(A) Economy Unleaded 86; [Regular Unleaded 87]

(B) Regular Unleaded 87; [Regular Leaded 89]

(C) Mid Grade, Plus Unleaded 89; [Mid Grade Unleaded 89]

(D) Premium, Super, Supreme, High-Test Unleaded 91; [Premium Unleaded 91]

(E) Premium Unleaded 93; [Premium Leaded 93] and

(F) Racing Unleaded 100.

(7) Minimum Antiknock Index (AKI) shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation;

(8) Minimum Motor Octane Number shall not be less than 82 for gasoline with an AKI of 87 or greater;

(9) Lead Substitute Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026 g of lead per liter (0.10 g per U.S. gal);

[(7)] (10) Gasohol and leaded gasohol shall contain ten (10) plus/minus 0.5 volume percent denatured fuel ethanol[.] ;

[(8)] (11) Gasoline-oxygenate blends not otherwise defined in [the regulations] section 14-327d-1 of the Regulations of Connecticut State Agencies, may contain, maximum or minimum as appropriate, the percentage and type of oxygenates as certified on the registration as required by Form of Registration for Spark-Ignition Motor Fuel required by [Public Act 91-322] section 14-327b of the Connecticut General Statutes subject to compliance with other specifications as provided in this section[.] ; and

[(9)] (c) The Commissioner hereby adopts by reference, ASTM D-975, "Standard Specification for Diesel Fuel Oils" as standard specification for diesel motor fuels [with the following modification: For diesel motor fuel grade 2-D, the minimum flash point as determined by ASTM Test Method D-56 shall be 115 degrees F. (46 degrees C.)].

(d) Blending. - Leaded, lead substitute, and unleaded gasoline-oxygenate blends shall be blended according to the EPA "substantially similar" rule or an EPA waiver for unleaded fuel.

(e) The Commissioner hereby adopts by reference, ASTM D-6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels".

(f) Biodiesel Blends, meaning blends of biodiesel and diesel fuels, shall meet the following requirements:

(1) The diesel fuel blend stock shall meet the most current requirements of ASTM D-975, Standard Specification for Diesel Fuel Oils;

(2) The biodiesel blend stock shall meet the most current requirements of ASTM D-6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

(3) Except that Biodiesel may be blended with diesel fuel whose sulfur or aromatic levels are outside specification ASTM D-975, Standard Specification for Diesel Fuel Oils, grades 1-D, low sulfur 1-D, 2-D, or low sulfur 2-D provided the finished mixture meets ASTM D-975 requirements for these properties.

(g) Premium diesel fuel shall conform to the following requirements:

(1) Cetane Number - A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D-613;

(2) Low Temperature Operability - A cold flow performance measurement which meets the ASTM D-975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard Test Method D-2500 (Cloud Point) or ASTM Standard Test Method D-4539 (Low Temperature Flow Test, LTFT). Low temperature operability requirements are only applicable from October 1 through March 31 of each year;

(3) Thermal Stability - A minimum reflectance measurement of eighty percent (80%) as determined by ASTM Standard Test Method D-6468 (180 minutes, 150 °C); and

(4) Lubricity - A maximum wear scar diameter of 520 microns as determined by ASTM D-6079. If an enforcement jurisdiction's single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this part;

(g) Fuel Oils shall meet the most recent version of ASTM D-396, "Standard Specification for Fuel Oils."

(h) Ethanol intended for blending with gasoline shall meet the most recent version of ASTM D-4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

(i) E85 Fuel Ethanol shall meet the most recent version of ASTM D-5798, "Standard Specification for Fuel Ethanol (E75-E85) for Automotive Spark-Ignition Engines."

(J) M85 Fuel Methanol shall meet the most recent version of ASTM D-5797, "Standard Specification for Fuel Methanol (M70-M85) for Automotive Spark Ignition Engines."

[(c)] (j) In addition to meeting all specification requirements as set forth in [these regulations] Section 14-327d-1 to Section 14-327d-11, inclusive, of the Regulations of Connecticut State Agencies, each fuel must be suitable for the intended use.

[(d)] (g) ASTM documents adopted by reference herein are available for inspection in the Office of the Director of the [Weights and Measures] Food and Standards Division and may be obtained by contacting the Director.

(h) The Commissioner, upon making a determination that the implementation of an ASTM fuel standard has the potential to result in a fuel shortage, may delay implementation of the ASTM standard for up to one year subsequent to the formal promulgation date by ASTM.

Section 3. Section 14-327d-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) A motor fuel shall be of the quality specifications as registered with the Commissioner.

(b) If any quality specification is displayed on a dispenser or in any public location where motor fuel is sold and said specification exceeds the quality specifications registered, the displayed specification shall become the legal minimum for all motor fuels so labeled or advertised.

(c) Any octane number or antiknock rating displayed shall be the octane index and no other number or rating.

(d) All other specifications displayed must be identified by name or designation except that the octane index may be used as part of a brand name after compliance with [Public Act 91-322] section 14-327b of the Connecticut General Statutes.

Section 4. Section 14-327d-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

The invoice, bill of sale, bill of lading, terminal ticket, or other evidence of the purchase of [gasoline] motor fuel, including but not limited to computer produced documents, shall state the name and address of the seller and buyer, the date and time of sale, the grade of the product the label, name or brand under which it was sold and the number of gallons sold. All such evidence of purchase shall be signed in ink or other indelible substance by the seller. Documentation must be maintained for a period not less than one (1) year.

Section 5. Section 14-327d-6 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) For the purpose of product identity, each dispensing device used in the retailing of any motor fuel shall be plainly and conspicuously labeled with the following:

(1) [for g] Gasoline, the registered brand name;

(2) [for d] Diesel fuel, the registered brand name plus a descriptive or generic label if the registered brand name does not adequately identify the type and/or grade of product;

(3) [for g] Gasoline-oxygenate blends containing at least one percent by volume of ethanol, methanol, or combination, the registered brand name plus an additional label which states that the blend "contains ethanol," "contains methanol," or "contains methanol/cosolvent."

(4) Kerosene (Kerosine). Kerosene shall be identified by the grades No. 1-K or No. 2-K. In addition, No. 2-K dispensers shall display the following legend:

"Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K."

The lettering of this legend shall not be less than 12 mm (1/16 in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

(5) Fuel Ethanol. Fuel ethanol shall be identified by the capital letter E followed by the numerical value representing the volume percentage of denatured ethanol (Example: E85). Each retail dispenser of fuel ethanol shall be labeled with the capital letter E followed by the numerical value representing the volume percentage of denatured ethanol and ending with the word "Ethanol" (Example: E85 Ethanol). Fuel Ethanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

(6) Fuel Methanol. Fuel methanol shall be identified by the capital letter M followed by the numerical value representing the volume percentage of methanol (Example: M85). Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value representing the volume percentage of methanol and ending with the word "methanol" (Example: M85 Methanol). Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

(7) Biodiesel and Biomass-based Diesel. Biodiesel, biomass-based diesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel (Examples: B10; B20; B100). Each retail dispenser of biodiesel blend containing more than five percent (5%) biodiesel shall be labeled with either:

- A.) The capital letter B followed by the numerical value representing the volume percentage of biodiesel and biomass diesel fuel and ending with "contains biodiesel or biomass-based diesel blends" (Examples: B10 biodiesel or biomass-based diesel blend; B20 biodiesel or biomass-based diesel blend; B75 biodiesel or biomass-based diesel blend), or;
- B.) The phrase "contains biomass-based diesel or biodiesel blend between 5% and 20%" or similar words for biodiesel and bio-mass diesel blend between five percent (5%) and twenty percent (20%) biodiesel;
- C.) Biomass-based diesel blends or biodiesel blends that contain less than or equal to five percent (5%) biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels, if voluntary labels are used for this product, those labels shall be consistent with this section.

(b) Labels shall be consistent with Section 16a-15-8(c) of the Regulations of Connecticut State Agencies:

(1) [for] If a fuel[s] is not covered by an EPA waiver, the additional label shall identify the percent by volume of ethanol and/or methanol in the blend.

(2) [i] If a dispenser is so designed that two or more hose/nozzles which are connected to a common housing dispense more than one type or grade of product, means shall be provided to clearly indicate the identity of the product being dispensed from each hose/nozzle. Diesel nozzles in a common housing with other motor fuels shall be plainly and prominently marked or manufactured to prevent dispensing diesel fuel in gasoline fuel tank filler openings.

(C) Retail Storage Tanks

(1) Water in Gasoline-Alcohol Blends. No water phase greater than 6 mm (1/4 in) as determined by an appropriate detection paste or other method approved by the Director, is allowed to accumulate in any tank utilized in the storage of gasoline-alcohol blend.

(2) Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels. No water phase greater than 50 mm (2 in) as determined by an appropriate detection paste or other method approved by the Director in any tank utilized in the storage of biodiesel, diesel, gasoline, gasoline-ether blends, and kerosene sold at retail.

(3) Product Storage Identification shall be accomplished in the following manner:

(A) Fill Connection Labeling. The fill connection for any petroleum product storage tank or vessel supplying engine-fuel devices shall be permanently, plainly, and visibly marked as to the product contained. Adjacent surrounding surfaces shall be unpainted or painted with a non-conflicting color.

(B) Declaration of Meaning of Color Code:

- (i) White – Regular grade gasoline
- (ii) Blue – Mid-grade gasoline
- (iii) Red – Premium grade Gasoline
- (iv) Green – Diesel
- (v) Brown – Kerosene

(C) Other color code systems may be employed provided that they do not conflict with color-product designations in (B) and that a visible color code system key is posted in a prominent place on the property.

(4) Volume of Product Information. Each retail location shall maintain on file a calibration chart or other means of determining the volume of each regulated product in each storage tank and the total capacity of such storage tank(s). This information shall be supplied to the Commissioner or the Commissioner's agent upon request.

Section 6. Section 14-327d-7 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) All motor fuels offered for sale, sold or delivered to a purchaser in the State of Connecticut shall be branded, and each and every brand name shall be registered, together with quality specifications, with the Commissioner on forms provided by the Director. [In her discretion, t] The Commissioner:

(1) May require written certification or other satisfactory evidence of compliance for any motor fuel which is subject to federal waiver requirements or other applicable laws or regulations; and

(2) May require any person desiring to register a motor fuel for which there exists no generally recognized classification, basic quality standards, or performance record, to submit, in writing, the following:

(A) Certified test data and performance evaluations; and

(B) Detailed chemical and physical characteristics.

(b) This information shall be from independent sources of recognized qualification or otherwise satisfactory to the Commissioner, and shall be submitted before an application for registration will be considered.

(c) Any brand name registration under this section shall in no way supersede federal Trademark Law.

Section 7. Section 14-327d-10 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Any person who registered a brand name for a motor fuel and fails to sell or deliver or discontinues [to sell or deliver] selling or delivering the registered product shall notify the Commissioner within 60 days after registration or last invoice or delivery ticket. Failure to notify shall automatically terminate and cancel the registration of the brand name and the quality specifications.

(b) The Commissioner may establish and maintain a normal prevailing range of quality specifications of motor fuels for similar or customary classifications, grades, or designations of motor fuels intended for the same use or application. For automotive gasoline and gasoline/oxygenate blends, the minimum octane index shall be 87, but for fuels designated as "Economy," the minimum octane index shall be 86. For those unleaded fuels designated as "Mid-Grade" or "Premium" or by a word or term of equivalent meaning, the minimum octane index shall be 89 and 91 respectively.

Statement of Purpose:

To ensure that new motor fuel products being developed by industry are of sufficient quality and to make permanent an emergency regulation that permitted the Commissioner to temporarily suspend adoption by the State of Connecticut of a new standard for diesel fuel by the American Society for Testing and Materials. This bill would also address certain issues related to water being stored in gasoline-alcohol blends, and in more clearly identifying diesel or gasoline products during dispensing and delivery.

The main provision of this regulation concerns the establishment of standards for new motor fuel products and alternative fuels. The regulation will help guaranty fuel quality, which will protect consumers in their fuel purchases and satisfy the fuel needs of their automobiles. The regulation also allows the commissioner to delay implementation of future ASTM standards if evidence exists that such implementation could potentially result in a fuel shortage. Finally, the regulation would strengthen the identification of gasoline or diesel fuel at wholesale delivery and retail sale.

The legal effect of this regulation is to modify the existing regulatory framework to allow the sale of alternative (non-petroleum based) fuels to consumers while ensuring that the quality of the fuel renders it fit for the intended purpose.

CERTIFICATION

Be it known that the foregoing:

Regulations Emergency Regulations

Are:

Adopted Amended as hereinabove stated Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 20-576a of the General Statutes and
 Sections _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.
 Public Act No. _____ of the _____ Public Acts.

After publication in the Connecticut Law Journal on November 6, 2007 of the notice of the proposal to:

Adopt Amend Repeal such regulations
 And the holding of an advertised public hearing on the 13th of December, 2007.

WHEREFORE, the foregoing regulations are hereby:

Adopted Amended as hereinabove stated Repealed

Effective:

When filed with the Secretary of the State.
 (OR)
 The _____ day of _____, 20 _____.

In Witness Whereof:	DATE 7/4/08	SIGNED (Head of Board, Agency or Commission) <i>Jerry Farner</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	SIGNED <i>W B / K</i>	DATE 7/17/08	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
INSTRUCTIONS		

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.