

2000 PUBLIC AND LOCAL ACTS

[No. 206]

(HB 5570)

AN ACT to amend 1984 PA 44, entitled "An act to provide purity and quality standards for motor fuels; to regulate the transfer, sale, dispensing, or offering motor fuels for sale; to provide for an inspection and testing program; to provide for the powers and duties of certain state agencies; to provide for the licensing of certain persons engaged in the transfer, sale, dispensing, or offering of motor fuels for sale; to regulate stage I and stage II vapor-recovery systems at certain facilities; to provide for fees; and to provide remedies and prescribe penalties," by amending section 3 (MCL 290.643), as amended by 1993 PA 231.

The People of the State of Michigan enact:

290.643 Establishment of standards by rules. [M.S.A. 13.139(43)]

Sec. 3. (1) The director shall establish standards pursuant to this act to ensure the purity and quality of gasoline sold or offered for sale in this state.

(2) The director shall establish standards for the amount and type of additives allowed to be included in gasoline.

(3) The director shall establish standards for the grading of gasoline, including, but not limited to, leaded subregular with a minimum 87 AKI, leaded regular with a minimum 89 AKI, leaded premium with a minimum 93 AKI, unleaded subregular with a minimum 85 AKI, unleaded regular with a minimum 87 AKI and a minimum 82 MON, unleaded midgrade 88 with a minimum 88 AKI and minimum 82 MON, unleaded midgrade 89 with a minimum 89 AKI and a minimum 83 MON, unleaded premium with a minimum 90 AKI, and grades for alcohol fuels. Leaded gasoline with a 94 AKI or more, and unleaded gasoline with a 91 AKI or more, may be offered for sale labeled with the minimum AKI number if the gasoline has been listed with and approved by the department. The leaded gasoline with 94 AKI or more shall be labeled as leaded premium followed by the approved AKI number, and the unleaded gasoline with 91 AKI or more shall be labeled unleaded premium followed by the approved AKI number.

(4) The director shall establish standards for Reid vapor pressure as specified by the American society for testing and materials, except as otherwise required to conform to federal or state law. The director shall establish the Reid vapor pressure as 9.0 pounds per square inch (psi) for retail outlets during the period beginning June 1 through September 15 of each year, except for dispensing facilities where the director shall establish the Reid vapor pressure as 7.8 psi in the year 1996 and thereafter. As used in this subsection and section 10d, "Reid vapor pressure" means the vapor pressure of gasoline or gasoline oxygenate blend as determined by ASTM test method D323, standard test method for vapor pressure of petroleum products (Reid method) or test method D4953, standard test method for vapor pressure of gasoline and gasoline oxygenate blends (dry method).

(5) In establishing additive and grading standards the director shall adopt the latest standards for gasoline established by the American society for testing and materials and shall adopt the latest standards for gasoline established by federal law or regulation. The standards established by the director shall not prohibit a gasoline blend that is permitted by a valid waiver granted by the United States environmental protection agency pursuant to the fuel or fuel additive waiver in section 211(f)(4) of part A of title II of the clean air act, chapter 360, 81 Stat. 502, 42 U.S.C. 7545, and the ethanol waiver of 1.0 psi in section 211(h)(4) of part A of title II of the clean air act, chapter 360, 81 Stat. 502, 42 U.S.C. 7545, if the gasoline blend meets all of the conditions set forth in the waiver. Beginning June 1,

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2003, the director shall not permit the use of the additive methyl tertiary butyl ether (MTBE) in this state. The director, in consultation with the department of environmental quality, shall determine if the additive is likely to cause harmful effects on the environment or public health within the state. By June 1, 2002, the director, in consultation with the director of the department of environmental quality, shall review the status of the use of MTBE in this state. The review shall include the following:

(a) The amount of the additive methyl tertiary butyl ether (MTBE) currently in use in gasoline in this state.

(b) An estimate of the amount of MTBE that is imported in gasoline transported into this state from other states or countries.

(c) Recommendations as to whether the June 1, 2003 prohibition can be achieved and, if not, determine a more feasible date.

(d) Any other information considered appropriate.

(6) Standards established pursuant to this section shall be by rules promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

Approved June 26, 2000.

Filed with Secretary of State June 27, 2000.
