

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

Final Rule

LSA Document #13-483(F)

DIGEST

Amends 410 IAC 12.1-2-2, 410 IAC 12.1-2-3, 410 IAC 12.1-2-4, 410 IAC 12.1-2-5, 410 IAC 12.1-2-6 and adds 410 IAC 12.1-2-2.3 and 410 IAC 12.1-2-2.5 to update the rule to include the latest version of the ASTM International (ASTM) and National Institute of Standards and Technology (NIST) standards that apply to motor fuel, octane and ethanol fuel blends and to update references to sections of the Indiana Code that were repealed. Effective 30 days after filing with the Publisher.

410 IAC 12.1-2-2; 410 IAC 12.1-2-2.3; 410 IAC 12.1-2-2.5; 410 IAC 12.1-2-3; 410 IAC 12.1-2-4; 410 IAC 12.1-2-5; 410 IAC 12.1-2-6

SECTION 1. 410 IAC 12.1-2-2 IS AMENDED TO READ AS FOLLOWS:

410 IAC 12.1-2-2 Octane standards

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2. (a) Motor fuel shall conform to ASTM ~~D4814~~, **D4814-13a**, "Standard Specification for Automotive Spark-Ignition Engine Fuel", 1991 **2013** Edition.

(b) The research octane number shall be determined using the test method and tolerance identified in ASTM ~~D2699~~, **D2699-13a**, "Standard Test Method for Knock Characteristics of Motor Fuels by the Research Method", 1991 **Research Octane Number of Spark-Ignition Engine Fuel**", 2013 Edition.

(c) The motor octane number shall be determined using the test method and tolerance identified in ASTM ~~D2700~~, **D2700-13a**, "Standard Test Method for Knock Characteristics of Motor and Aviation Fuels by the Motor Method", 1991 **Motor Octane Number of Spark-Ignition Engine Fuel**", 2013 Edition.

(d) The octane index of a motor fuel shall not be less than the octane index certified on the motor fuel dispenser. (*Indiana State Department of Health; 410 IAC 12.1-2-2; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

SECTION 2. 410 IAC 12.1-2-2.3 IS ADDED TO READ AS FOLLOWS:

410 IAC 12.1-2-2.3 Ethanol fuel blends standards

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2.3. Ethanol fuel blends must meet ASTM D5798-13a, "Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines", 2013 Edition. (*Indiana State Department of Health; 410 IAC 12.1-2-2.3*)

SECTION 3. 410 IAC 12.1-2-2.5 IS ADDED TO READ AS FOLLOWS:

410 IAC 12.1-2-2.5 Retail storage tanks

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 2.5. Each retail motor fuel outlet location must meet NIST Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, IV. G. 4.1 and 4.2, 2014 Edition. (*Indiana State Department of Health; 410 IAC 12.1-2-2.5*)

SECTION 4. 410 IAC 12.1-2-3 IS AMENDED TO READ AS FOLLOWS:

410 IAC 12.1-2-3 Labeling and documentation

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 3. (a) When motor fuel is delivered in bulk to a retail motor fuel outlet, an invoice, bill of lading, shipping paper, or other documentation must accompany the delivery. Such documentation must identify the name of the motor fuel as registered with the department, the alcohol content (if any) of the motor fuel, and the date and source location of the delivery from bulk storage. This documentation must be retained at the retail motor fuel outlet for a period of not less than thirty (30) days.

(b) The minimum octane rating of all motor fuel sold to consumers shall be posted on each retail dispensing device. One (1) label on each face of each motor fuel dispenser must be posted. If two (2) or more grades of motor fuel are sold through a single dispenser, separate labels for each grade must be posted. The label or labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as close as is reasonably practicable to the price per gallon of the motor fuel. The label must meet the specifications as detailed in ~~16 CFR 306.11~~. **16 CFR 306.12**.

(c) Each retail motor fuel outlet location must maintain on file a current calibration chart for each storage tank utilized.

(d) Any person who removes a motor fuel from storage because of a stop-sale order issued by the department must send to the department documentation outlining the final disposition of the motor fuel.

(e) Before upgrading a motor fuel rejected by a stop-sale order of the department, a person must first contact the weights and measures program of the department to:

(1) confirm that the motor fuel used for upgrading is registered with the department; and ~~to~~

(2) describe the upgrading procedure.

The department may require that this procedure be witnessed by a department representative and that written documentation be provided to the department regarding the upgrading procedure. (*Indiana State Department of Health; 410 IAC 12.1-2-3; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1804; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

SECTION 5. 410 IAC 12.1-2-4 IS AMENDED TO READ AS FOLLOWS:

410 IAC 12.1-2-4 Registration of motor fuels

Authority: IC 16-44-3-5

Affected: IC 16-44-3-9

Sec. 4. (a) A person who sells a motor fuel at a retail motor fuel outlet shall do the following:

(1) Separately register each motor fuel outlet with the department.

(2) Comply with the requirements of ~~IC 16-6-13-12~~ **IC 16-44-3-9** for each motor fuel outlet.

(b) The registration required must include the following:

(1) The name and principal business address of the person registering the motor fuel.

(2) The name and address of the motor fuel outlet where the motor fuel is sold.

(3) The name, brand, or trademark and the octane index of the fuel to be marketed at the motor fuel outlet.

(c) Registration is not transferable.

(d) Registration expires annually on January 1 and shall be renewed before March 31 of each year unless suspended, denied, or revoked by the department. (*Indiana State Department of Health; 410 IAC 12.1-2-4; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

SECTION 6. 410 IAC 12.1-2-5 IS AMENDED TO READ AS FOLLOWS:

410 IAC 12.1-2-5 Violations

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 5. The department may issue a stop-sale order or revoke, suspend, or deny motor fuel registration for violation of this rule or for a motor fuel found not to be in compliance with ~~IC 16-6-13~~ **IC 16-44-3** and this rule. If a stop-sale order is issued by the department with respect to a motor fuel, no motor fuel may be sold to the public from the motor fuel dispenser which delivers the motor fuel subject to the order until the fuel has been upgraded in accordance with section 3(e) of this rule or has been disposed of in accordance with section 3(d) of this rule. (*Indiana State Department of Health; 410 IAC 12.1-2-5; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)

SECTION 7. 410 IAC 12.1-2-6 IS AMENDED TO READ AS FOLLOWS:

410 IAC 12.1-2-6 Matters incorporated by reference

Authority: IC 16-44-3-5

Affected: IC 16-44-3

Sec. 6. (a) The following ASTM and NIST standards are incorporated by reference as part of this rule:

- (1) ASTM ~~D4814~~, **D4814-13a**, "Standard Specification for Automotive Spark-Ignition Engine Fuel", ~~1991~~ **2013** Edition.
- (2) ASTM ~~D2699~~, **D2699-13a**, "Standard Test Method for ~~Knock Characteristics of Motor Fuels by the Research Method~~", ~~1991~~ **Research Octane Number of Spark-Ignition Engine Fuel**", **2013** Edition.
- (3) ASTM ~~D2700~~, **D2700-13a**, "Standard Test Method for ~~Knock Characteristics of Motor and Aviation Fuels by the Motor Method~~", ~~1991~~ **Motor Octane Number of Spark-Ignition Engine Fuel**", **2013** Edition.
- (4) ASTM **D5798-13a**, "Standard Specification for Ethanol Fuel Blends for Flexible-Fuel Automotive Spark-Ignition Engines", **2013** Edition.
- (5) NIST Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, IV. G. 4.1 and 4.2, **2014** Edition.

These ASTM standards may be obtained from ASTM ~~1916 Race Street, Philadelphia, Pennsylvania 19103-1187~~. at their web site: <http://www.astm.org>. The NIST Handbook may be obtained at the web site: <http://nist.gov/pml/wmd/pubs/hb130-14.cfm>.

(b) ~~16 CFR 306.11~~ **16 CFR 306.12** (January 1, ~~1991~~ **2013** Edition) is hereby incorporated by reference as part of this rule. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the incorporated document may be obtained at the code of federal regulations web site: <http://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR&searchPath=Title+16&oldPath=&isCollapsed=true&selectedYearFrom=2013&ycord=332>.

(c) All incorporated material is available for public review at the ~~Indiana state department of health~~. (*Indiana State Department of Health; 410 IAC 12.1-2-6; filed Feb 12, 1993, 5:00 p.m.: 16 IR 1805; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; readopted filed May 22, 2007, 1:44 p.m.: 20070613-IR-410070141RFA; readopted filed Sep 11, 2013, 3:19 p.m.: 20131009-IR-410130346RFA*)