

2022 -- H 7849

LC005161

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Representatives Tobon, and Barros

Date Introduced: March 04, 2022

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 31 of the General Laws entitled "MOTOR AND OTHER VEHICLES"
2 is hereby amended by adding thereto the following chapter:

3 CHAPTER 54

4 CONTROL OF AIR POLLUTION FROM MOTOR VEHICLES -- LOW EMISSION DIESEL

5 **31-54-1. Definitions.**

6 Unless specifically defined in the general laws, the terms used in this chapter have the
7 meanings commonly ascribed to them in the field of air pollution control. The words and terms
8 specified in this chapter, have the meanings as defined in this section, unless the context clearly
9 indicates otherwise.

10 (1) "Additive" means any substance that is intentionally added to gasoline or diesel fuel for
11 the purpose of producing a gasoline or diesel fuel in compliance with the requirements of this
12 chapter that is:

13 (i) A registered additive with the United States Environmental Protection Agency (EPA)
14 in accordance with 40 CFR Part 79 (relating to Registration of Fuels and Fuel Additives); or

15 (ii) Exempted from the EPA registration requirements in accordance with 40 CFR Part 79.

16 (2) "Barrel" means a unit of measure equal to forty-two (42) United States gallons.

17 (3) "Bulk plant" means an intermediate gasoline or diesel fuel distribution facility where
18 gasoline or diesel fuel is stored and then transported for delivery to a bulk purchaser/consumer or
19 retail fuel dispensing facility.

1 (4) "Bulk purchaser/consumer" means a person who purchases or otherwise obtains
2 gasoline or diesel fuel in bulk and then dispenses it into the fuel tanks of motor vehicles owned or
3 operated by the person.

4 (5) "Common carrier" means a person engaged in the transportation of goods or products
5 of another person for compensation and is available to the public for hire.

6 (6) "Diesel fuel" means any middle distillate fuel used in compression-ignition internal
7 combustion engines that is commonly or commercially known, sold, or represented as:

8 (i) Grade No. 1-D or Grade No. 2-D diesel fuel, in accordance with the active version of
9 American Society for Testing and Materials (ASTM) D975 (Standard Specification for Diesel Fuel
10 Oils); or

11 (ii) Marine Distillate fuel X (DMX), Marine Distillate fuel A (DMA), or Marine Gas Oil
12 (MGO) diesel fuel in accordance with the active version of the International Organization for
13 Standardization (ISO) 8217 Specifications of Marine Fuels.

14 (7) "Final blend" means a distinct quantity of diesel fuel that is introduced into commerce
15 as low emission diesel fuel (LED), without further process.

16 (8) "Further process" means to perform any alteration to diesel fuel, including distillation,
17 treating with hydrogen, blending, or addition of an additive, for the purpose of producing a diesel
18 fuel in compliance with the requirements of this chapter prior to the diesel fuel being introduced
19 into commerce as LED.

20 (9) "Gasoline" means any fuel that is commonly or commercially known, sold, or
21 represented as gasoline, in accordance with the active version of American Society for Testing and
22 Materials (ASTM) D4814 (Standard Specification for Automotive Spark-Ignition Engine Fuel).

23 (10) "Import" means the process by which gasoline or diesel fuel is transported into the
24 State of Rhode Island by any means or method whatsoever, including transport via pipeline,
25 railway, truck, motor vehicle, barge, boat, or railway tank car.

26 (11) "Import facility" means the stationary gasoline or diesel fuel transfer point wherein
27 the importer takes delivery of imported gasoline or diesel fuel and from which imported gasoline
28 or diesel fuel is transferred into the cargo tank truck, pipeline, or other delivery vessel from which
29 the fuel will be delivered to a bulk plant, bulk purchaser/consumer, or retail fuel dispensing facility.

30 (12) "Importer" means any person, except a person acting as a common carrier, who
31 imports gasoline or diesel fuel.

32 (13) "Low emission diesel fuel (LED)" means any diesel fuel that conforms to the
33 requirements specified in §§ 31-54-2, 31-54-3, or 31-54-8 of this chapter.

34 (14) "Motor vehicle" means any self-propelled device powered by a gasoline fueled spark-

1 ignition internal combustion engine or a diesel fueled compression-ignition internal combustion
2 engine in or by which a person or property is or may be transported, and is required to be registered
3 under Rhode Island law § 31-3-2.

4 (15) "Non-road equipment" means any device powered by a gasoline fueled spark-ignition
5 internal combustion engine or a diesel fueled compression-ignition internal combustion engine that
6 is not required to be registered under Rhode Island law § 31-3-2.

7 (16) "Produce" means perform the process to convert liquid compounds into gasoline or
8 diesel fuel or to further process diesel fuel to create a final blend of LED.

9 (17) "Producer" means any person who owns, leases, operates, controls, or supervises a
10 production facility that produces gasoline or diesel fuel.

11 (18) "Production facility" means any facility where gasoline or diesel fuel is produced or
12 that manufactures liquid fuels by distilling petroleum.

13 (19) "Retail fuel dispensing outlet" means any establishment where gasoline and/or diesel
14 fuel is sold or offered for sale for use in motor vehicles and/or non-road equipment, and the fuel is
15 directly dispensed into the fuel tanks of the motor vehicles and/or non-road equipment using the
16 fuel.

17 (20) "Supply" means to provide or transfer gasoline or diesel fuel to a physically separate
18 facility, vehicle, or transportation system.

19 **31-54-1.1 Application.**

20 This chapter shall be applicable to all motor vehicles, trucks and buses owned or leased by
21 the State of Rhode Island, all its municipalities, all state and public-quasi, public agencies,
22 corporations, commissions and authorities, all motor vehicles that are operated in the delivery of
23 food, and all motor vehicles used for ride-sharing. These motor vehicles may be powered by both
24 gasoline or diesel fuel. It shall not apply to tractor-trailer trucks.

25 **31-54-2. Low emission diesel standards.**

26 (a) No person shall sell, offer for sale, supply, or offer for supply, dispense, transfer, allow
27 the transfer, place, store, or hold any diesel fuel in any stationary tank, reservoir, or other container,
28 within the state that may ultimately be used to power a diesel fueled compression-ignition internal
29 combustion engine that does not meet the low emission diesel fuel (LED) standards specified in
30 subsection (a)(1) and (a)(2) of this section:

31 (1) The maximum aromatic hydrocarbon content of LED is ten percent (10%) by volume
32 per gallon; and

33 (2) The minimum cetane number for LED is forty-eight (48).

34 (b) Subsection (a) of this section does not apply to a sale, offer for sale, or supply of diesel

1 fuel to a producer where the producer further processes the diesel fuel at the producer's production
2 facility prior to any subsequent sale, offer for sale, or supply of the final blend of LED.

3 (c) Diesel fuel that has been produced to comply with all specifications for a Certified
4 Diesel Fuel Formulation as approved by an executive order by the California Air Resources Board
5 for compliance with California diesel fuel regulations that were in effect as of August 4, 2005,
6 except for those approved for small refinery compliance, or diesel fuel that has been produced to
7 meet all specifications for diesel fuel under regulations adopted by the California Air Resources
8 Board that were in effect as of August 4, 2005, except for those approved for small refinery
9 compliance, may be used to satisfy the requirements of subsection (a) of this section

10 (d) Alternative diesel fuel formulations that have been approved by the director of
11 environmental management as prescribed in § 31-54-5 may be used to satisfy the requirements of
12 subsection (a) of this section.

13 **31-54-3. Designative alternative limits.**

14 (a) Diesel fuel that has been produced to meet all of the designated alternative limits
15 specified in subsection (b) of this section may be used to satisfy the low emission diesel fuel (LED)
16 requirements specified in § 31-54-2(a).

17 (b) The designated alternative limits per gallon of LED are set forth in subsections (b)(1) -
18 (b)(6) of this section:

19 (1) An aromatic hydrocarbon content of no greater than twenty-one percent (21%) by
20 weight;

21 (2) A polycyclic aromatic hydrocarbon content of no greater than three and five tenths
22 percent (3.5%) by weight;

23 (3) An American Petroleum Institute gravity index of no less than thirty-six and nine tenths
24 (36.9);

25 (4) A cetane number of no less than fifty-three (53);

26 (5) A nitrogen content of no greater than five hundred parts per million by weight (500
27 ppmw); and

28 (6) A sulfur content of no greater than fifteen parts per million by weight (15 ppmw).

29 (c) Compliance with the designated alternative limits specified in subsection (b) of this
30 section shall be determined by the test methods specified in § 31-54-5(a).

31 **31-54-4. Registration of diesel producers and imports.**

32 (a) Each producer and importer that sells, offers for sale, supplies, offers to supply,
33 dispenses, transfers, allows the transfer, places, stores, or holds any diesel fuel in any stationary
34 tank, reservoir, or other container in the state that may ultimately be used to power a diesel fueled

1 compression-ignition internal combustion engine in the state shall register with the director of the
2 department of environment management by no later than forty-five (45) days after the first date the
3 diesel fuel from its production facility or import facility is made available for use in the state.

4 (b) Registration must be submitted on forms prescribed by the director of environmental
5 management and must include, at a minimum, the information specified in subsections (b)(1)
6 through (b)(5) of this section:

7 (1) The legal business name of the producer or importer, mailing address, agency assigned
8 customer reference number, and contact information for the producer or importer, or their
9 authorized representative;

10 (2) A statement of the estimated total number of barrels of low emission diesel fuel that the
11 producer or importer is planning to produce or import in the twelve (12) months following the date
12 of registration that the producer or importer intends to sell, offer for sale, supply, or offer to supply
13 from its production facility or import facility for use in the state;

14 (3) The physical address, agency assigned regulated entity reference number, and contact
15 information for each production facility or import facility that is used to produce or import diesel
16 fuel that may be sold, offered for sale, supplied, or offered for supply for use in the state;

17 (4) Any other information determined by the director of environmental management to be
18 necessary to identify the persons responsible for the adequacy of diesel supply in the state; and

19 (5) A signed statement of consent by the registrant that the director of environmental
20 management is permitted to collect samples and access documentation and records at any
21 production facility or import facility used to produce or import diesel fuel that may ultimately be
22 used to power a diesel fueled compression-ignition internal combustion engine in the state.

23 (c) The department of environment management shall maintain a listing of all registered
24 producers and importers.

25 **31-54-5. Approved test methods.**

26 (a) Compliance with the diesel fuel content requirements of this section shall be determined
27 by applying the appropriate test methods and procedures specified in the active version of American
28 Society for Testing and Materials (ASTM) D975 (Standard Specification for Diesel Fuel Oils), or
29 by applying the supplementary test methods and procedures specified in subsections (a)(1) through
30 (a)(5) of this section, as appropriate.

31 (1) The aromatic hydrocarbon content may be determined by the active version of ASTM
32 Test Method D5186 (Standard Test Method for Determination of Aromatic Content and
33 Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid
34 Chromatography). The following correlation equation shall be used to convert the supercritical

1 fluid chromatography (SFC) results in mass percent to volume percent: aromatic hydrocarbons
2 expressed in percent by volume = 0.916 x (aromatic hydrocarbons expressed in percent by weight)
3 + 1.33.

4 (2) The polycyclic aromatic hydrocarbon (also referred to as polynuclear aromatic
5 hydrocarbons or PAH) content may be determined by the active version of ASTM Test Method
6 D5186 (Standard Test Method for Determination of Aromatic Content and Polynuclear Aromatic
7 Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography). The
8 correlation equation specified in subsection (a)(1) of this section shall be used to convert the SFC
9 results in mass percent to volume percent.

10 (3) The nitrogen content may be determined by the active version of ASTM Test Method
11 D4629 (Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by
12 Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection).

13 (4) The American Petroleum Institute (API) gravity index may be determined by the active
14 version of ASTM Test Method D287 (Standard Test Method for API Gravity of Crude Petroleum
15 and Petroleum Products (Hydrometer Method)).

16 (5) The distillation temperatures may be determined by the active version of ASTM Test
17 Method D86 (Standard Test Method for Distillation of Petroleum Products at Atmospheric
18 Pressure).

19 (b) Modifications to the testing methods and procedures in this section may be approved
20 by the director of environmental management after consultation with an agreement by the United
21 States Environmental Protection Agency (EPA).

22 (c) The director of environmental management, upon application, may approve alternative
23 diesel fuel formulations as prescribed under § 31-54-2(d) that may be used to satisfy the low
24 emission diesel fuel (LED) requirements specified in § 31-54-2(a) if the applicant has demonstrated
25 to the satisfaction of the director of environmental management and the EPA in accordance with
26 the procedures specified in subsection (c)(1) of this section that the alternative diesel fuel
27 formulation will achieve equivalent or better reductions in emissions of nitrogen oxides (NOX).

28 (1) The applicant shall submit documentation demonstrating that the applicable fuel
29 properties of the alternative diesel fuel formulation demonstrate at least a five and five tenths
30 percent (5.5%) reduction in NOX emissions from on-road diesel fuel for the year 2007, and at least
31 a six and two tenths percent (6.2%) reduction in NOX emissions from non-road diesel fuel, using
32 the Unified Model as described in the EPA staff discussion document, Strategies and Issues in
33 Correlating Diesel Fuel Properties with Emissions, Publication Number EPA420-P-01-001,
34 published July 2001.

1 (2) For alternative diesel fuel formulations that achieve emission reductions as
2 demonstrated in accordance with the criteria specified in subsection (c)(1) of this section, the
3 applicant shall provide documentation to the director of environmental management upon
4 application that includes the cetane number, aromatic hydrocarbon content, specific gravity, and
5 the temperature corresponding to the fifty percent (50%) point on the distillation curve in degrees
6 Fahrenheit (T50) of the alternative diesel fuel formulation for which the applicant is requesting
7 approval as determined in accordance with the test methods and procedures specified in subsection
8 (a) of this section.

9 (3) If the alternative diesel fuel formulation has been demonstrated to the satisfaction of
10 the director of the department of environmental management and the EPA to achieve comparable
11 or better reductions in emissions of NOX in accordance with subsection (c)(1) of this section, then
12 the director of the department of environmental management may issue a notice of approval
13 indicating that the alternative diesel fuel formulation may be used to satisfy the LED requirements
14 of § 31-54-2(a).

15 (i) The approval notification shall identify the specifications of the alternative diesel fuel
16 formulation as approved under this subsection by listing the cetane number, aromatic hydrocarbon
17 content, specific gravity, and the temperature corresponding to the fifty percent (50%) point on the
18 distillation curve in degrees Fahrenheit (T50) of the alternative diesel fuel formulation as
19 documented in subsection (c)(2) of this section.

20 (B) The approval notification shall assign an identification number to the specific approved
21 alternative diesel fuel formulation.

22 (d) Approval of any additive-based alternative diesel fuel formulation as prescribed under
23 this section prior to April 1, 2012, and thereafter, is subject to revocation if the director of the
24 department of environmental management determines that the composition of the additive
25 component of the approved alternative diesel fuel formulation has been in order that it no longer
26 matches the composition of the additive as originally approved. If the director of the department of
27 environmental management revokes the approval of an additive-based alternative diesel
28 formulation, producers using the alternative diesel formulation to satisfy the LED requirements of
29 § 31-54-2(a) shall discontinue all use of the alternative diesel formulation within forty-five (45)
30 days of the date of revocation.

31 (e) All alternative diesel fuel formulations approved by the director of the department of
32 environmental management as prescribed under this section prior to April 1, 2012, may continue
33 to be used to comply with the provisions specified in this division.

34 **31-54-6. Monitoring, recordkeeping, and reporting requirements.**

1 (a) Every producer or importer that has elected to sell, offer for sale, supply or offer for
2 supply low emission diesel fuel (LED) produced at its production facility or imported from its
3 import facility in compliance with the requirements specified in §§ 31-54-2, 31-54-3, or 31-54-8
4 that may ultimately be used in the state are subject to the applicable requirements of this section.

5 (b) Each producer or importer of LED shall keep records that declare or demonstrate that
6 each final blend of LED conforms to the basic LED standards as specified in § 31-54-2(a), to the
7 designated alternative limits as specified in § 31-54-3, to the specifications of a Certified Diesel
8 Fuel Formulation or a diesel fuel as accepted under § 31-54-2(c), to an alternative diesel fuel
9 formulation as approved under § 31-54-2(d), or to an alternative emission reduction plan as
10 approved under § 31-54-8.

11 (c) Each producer or importer of LED shall collect and analyze a representative sample of
12 each final blend of LED produced at its production facility or imported from its import facility for
13 the fuel properties specified in subsections (c)(1) through (c)(5) of this section.

14 (1) The aromatic hydrocarbon content and cetane number shall be analyzed for LED
15 produced or imported in accordance with § 31-54-2(a) using the test methods specified in § 31-54-
16 5(a) (relating to Approved Test Methods).

17 (2) The aromatic hydrocarbon content, cetane number, and/or any other appropriate
18 components specified in the applicable California diesel fuel regulations or the executive order
19 issued by the California Air Resources Board (CARB) shall be analyzed for LED produced or
20 imported in accordance with § 31-54-2(c) using the test methods specified in § 31-54-5(a) and if
21 appropriate, the test methods as listed in the executive order issued by CARB.

22 (3) The appropriate components of the alternative diesel fuel formulation as listed in the
23 approval notification issued by the director of the department of environmental management under
24 § 31-54-5 shall be analyzed for LED produced or imported in accordance with § 31-54-2(d) using
25 the methodologies specified in § 31-54-5(a) and if appropriate, the test methods as listed in the
26 approval notification.

27 (4) The aromatic hydrocarbon content, polycyclic aromatic hydrocarbon content,
28 American Petroleum Institute (API) gravity index, cetane number, nitrogen content, and sulfur
29 content shall be analyzed for LED produced or imported in accordance with § 31-54-3 using the
30 test methods specified in § 31-54-5(a).

31 (5) The aromatic hydrocarbon content, cetane number, specific gravity, and the
32 temperature corresponding to the fifty percent (50%) point on the distillation curve in degrees
33 Fahrenheit (T50) shall be analyzed for LED produced in accordance with § 31-54-8(b)(1) using
34 the test methods specified in § 31-54-5(a).

1 (6) If the final blend of LED required to be analyzed in subsections (c)(2) and (c)(3) of this
2 section is produced at a production facility with the use of an additive as it is being loaded directly
3 to tanks, pipelines, tank ships, railway tank cars, tank trailers, or fuel delivery trucks, the producer
4 or importer may satisfy the sampling requirements of this subsection by recording the volume of
5 additive and the volume of diesel additized in each final blend of LED as it is produced at the
6 production facility. The analysis of the volumetric record shall demonstrate that sufficient additive
7 was added to the final blend of LED to maintain the appropriate additive concentration per gallon
8 as listed in the approval notification issued by the director of environmental management or in the
9 executive order issued by the CARB.

10 (7) The producer or importer shall maintain records showing the sample date, identity of
11 the final blend sampled, identity of the container or other vessel sampled, volume of the final blend
12 sampled, and the fuel properties of each sample as analyzed in accordance with subsections (c)(1)
13 through (c)(6) of this section as appropriate, for two (2) years from the date each sample was
14 collected.

15 (8) All LED produced by the producer at its production facilities or imported by the
16 importer from its import facilities and not tested by the producer or importer as required by this
17 subsection will be deemed to exceed the standards specified in § 31-54-2, unless the producer or
18 importer demonstrates that the LED meets those standards and limits.

19 (d) A producer or importer subject to the requirements of this division shall provide to the
20 director of the department of environmental management any records required to be maintained by
21 the producer or importer in accordance with this section within fifteen (15) days of a written request
22 from the director, if the request is received before expiration of the period during which the records
23 are required to be maintained. Whenever a producer or importer fails to provide records regarding
24 a final blend of LED in accordance with the requirements of this section, the final blend of LED
25 will be presumed to have been sold by the producer or importer in violation of the standards
26 specified in § 31-54-2 to which the producer or importer has elected to be subject.

27 (e) All parties in the distribution chain (i.e., producers, importers, bulk plants, common
28 carriers, and retail fuel dispensing outlets) that supply diesel fuel subject to the requirements
29 specified in § 31-54-2 that may ultimately be used in this state shall maintain copies or records of
30 product transfer documents for a minimum of two (2) years and shall upon request, make such
31 copies or records available to representatives of the commission, United States Environmental
32 Protection Agency, or local air pollution agency having jurisdiction in the area. The product transfer
33 documents shall contain, at a minimum, the information specified in subsections (e)(1) through
34 (e)(7) of this section:

- 1 (1) The date of transfer;
- 2 (2) The name and address of the transferor;
- 3 (3) The name and address of the transferee;
- 4 (4) In the case of transferors or transferees who are producers or importers, the registration
5 number of those persons as assigned by the commission under § 31-54-4;
- 6 (5) The volume of diesel fuel being transferred;
- 7 (6) The location of the diesel fuel at the time of transfer; and
- 8 (7) One of the certification statements specified in subsections (e)(7)(i), (e)(7)(ii), or
9 (e)(7)(iii) of this section, as appropriate:
- 10 (i) "This product is low emission diesel and may be used as fuel for diesel engines in the
11 state.";
- 12 (ii) "This product may not be used as fuel for diesel engines in the state without further
13 processing."; or
- 14 (iii) "This product has been produced under a TCEQ approved alternative emission
15 reduction plan and may be used as fuel for diesel engines in the state."
- 16 (f) Each producer or importer of LED subject to subsection (a) of this section shall provide
17 a quarterly summation report to the director of the department of environmental management no
18 later than forty-five (45) days following the end of each calendar quarter and shall maintain a record
19 of the information submitted in the quarterly report for two (2) years from the date of each report.
20 The quarterly report shall be submitted on forms prescribed by the director and shall include, at a
21 minimum, the information specified in subsections (f)(1) through (f)(3) of this section for each of
22 the producer's production facilities or for each of the importer's import facilities:
- 23 (1) The total volume of LED produced or imported during the calendar quarter that is
24 subject to the requirements of this section, and if the volume of LED required to be reported in this
25 subsection was produced with the use of an additive, the total volume of additive used to produce
26 the LED shall also be included in the quarterly report;
- 27 (2) A reconciliation of the records required in subsection (c)(7) of this section for each
28 sample collected and analyzed during the calendar quarter; and
- 29 (3) Any other information determined by the director to be necessary to demonstrate that
30 the producer or importer has produced or imported LED that has satisfied the requirements
31 specified in §§ 31-54-2, 31-54-3, or 31-54-8.
- 32 (g) Each producer or importer electing to sell, offer for sale, supply or offer to supply LED
33 in accordance with § 31-54-2(c) shall provide to the director of the department of environmental
34 management, as applicable, a copy of the executive order issued by the CARB for the Certified

1 Diesel Fuel Formulation used to produce the LED or documentation demonstrating that the LED
2 has been produced to meet all specifications for diesel fuel under regulations adopted by the CARB,
3 except for those approved for small refinery compliance, that were in effect as of August 4, 2005.

4 **31-54-7. Exemptions to low emission diesel requirements.**

5 (a) Any diesel fuel subject to the low emission diesel (LED) requirements specified in §
6 31-54-2 that is either in a research, development, or test status; or is sold to petroleum, automobile,
7 engine, or component manufacturers for research, development, or test purposes; or any diesel fuel
8 to be used by, or under the control of, petroleum, additive, automobile, engine, or component
9 manufacturers for research, development, or test purposes, is exempted from the provisions of this
10 section (relating to Low Emission Diesel), provided that:

11 (1) The diesel fuel is kept segregated from non-exempt product, and the person possessing
12 the product maintains documentation identifying the product as research, development, or testing
13 fuel, as applicable, and stating that it is to be used only for research, development, or testing
14 purposes; and

15 (2) The diesel fuel is not sold, dispensed, or transferred, or offered for sale, dispensing, or
16 transfer from a retail fuel dispensing facility. It shall also not be sold, dispensed, or transferred, or
17 offered for sale, dispensing, or transfer from a wholesale purchaser-consumer facility, unless such
18 facility is associated with fuel, automotive, or engine research, development, or testing.

19 (b) Any diesel fuel subject to the LED requirements specified in § 31-54-2 that is refined,
20 sold, dispensed, transferred, or offered for sale, dispensing, or transfer as competition racing fuel
21 is exempted from the provisions of this section, provided that:

22 (1) The fuel is kept segregated from non-exempt fuel, and the party possessing the fuel for
23 the purposes of refining, selling, dispensing, transferring, or offering for sale, dispensing, or transfer
24 as competition racing fuel maintains documentation identifying the product as racing fuel, restricted
25 for non-highway use in competition racing motor vehicles or engines;

26 (2) Each pump stand at a regulated facility, from which the fuel is dispensed, is labeled
27 with the applicable fuel identification and use restrictions described in subsection (b)(1) of this
28 section; and

29 (3) The fuel is not sold, dispensed, transferred, or offered for sale, dispensing, or transfer
30 for highway use in a motor vehicle.

31 (c) The owner or operator of a retail fuel dispensing outlet is exempt from all requirements
32 of § 31-54-6 (relating to Monitoring, Recordkeeping, and Reporting Requirements) except § 31-
33 54-6(e).

34 (d) Diesel fuel that does not meet the LED requirements of § 31-54-2 is not prohibited from

1 being transferred, placed, stored, and/or held within the affected counties as long as it is not
2 ultimately used to power a diesel fueled compression-ignition internal combustion engine operating
3 in a motor vehicle or in non-road equipment in the state except for that used in conjunction with
4 purposes stated in subsections (a) and (b) of this section.

5 **31-54-8. Alternative emission reduction plan.**

6 (a) Diesel fuel that is sold, offered for sale, supplied, or offered for supply by a producer
7 who submits an alternative emission reduction plan in accordance with subsection (b) of this section
8 that is approved by the director of the department of environmental management will be considered
9 in compliance with the low emission diesel (LED) requirements of § 31-54-2(a).

10 (b) The alternative emission reduction plan shall demonstrate, using the Unified Model as
11 described in the United States Environmental Protection Agency (EPA) staff discussion document,
12 Strategies and Issues in Correlating Diesel Fuel Properties with Emissions, Publication Number
13 EPA420-P-01-001, published July 2001, that the average fuel properties of all on-road diesel fuel
14 produced in any given calendar quarter that is sold, offered for sale, supplied, or offered for supply
15 by the producer for use in the state achieve at least a five and five tenths percent (5.5%) reduction
16 in nitrogen oxides (NOX) emissions for the year 2007; and the average fuel properties of all non-
17 road diesel produced in any given calendar quarter that is sold, offered for sale, supplied, or offered
18 for supply by the producer for use in the state achieve at least a six and two tenths percent (6.2%)
19 reduction in NOX emissions.

20 (c) An alternative emission reduction plan must be approved by the director prior to the
21 use of that plan for compliance with the requirements of this section.

22 (d) The director shall approve or disapprove alternative emission reduction plans that have
23 been submitted by producers in accordance with subsection (b) of this section within forty-five (45)
24 days of submittal.

25 (e) Alternative emission reduction plans submitted to the director in accordance with
26 subsection (b) of this section shall contain sufficient documentation to validate the average diesel.

27 SECTION 2. This act shall take effect on December 1, 2022.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO MOTOR AND OTHER VEHICLES

1 This act would create a low emission diesel standard used to power a diesel fueled
2 compression-ignition internal combustion engine and gasoline powered engines and would limit
3 the sale, offer to supply, transfer, place, store, or holding of diesel fuel used to power a compression-
4 ignition internal combustion engine and gasoline powered, that does not comply with this chapter.
5 Each producer and importer that sells, offers for sale, supplies, offers to supply, dispenses, allows
6 the transfer to place, store, or hold any diesel fuel that may be used to power a diesel fueled
7 compression-ignition internal combustion engine in the state would be required to register with the
8 director of the department of environmental management. Diesel fuel and gasoline that is sold,
9 offered for sale, supplied, or offered for supply by a producer who submits and is approved for an
10 alternative emission reduction plan from the director of environmental management would be in
11 compliance with this chapter.

12 This act would take effect on December 1, 2022.

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