

**SWAPCA 492**

**OXYGENATED FUELS**



Effective November 21, 1996

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**SWAPCA 492-010 Policy and Purpose**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered motor vehicles, through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards for carbon monoxide.

**SWAPCA 492-020 Applicability**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; 96-21-103, filed 10/21/96, effective 11/21/96]

This regulation is only applicable to Clark County when the Carbon Monoxide Maintenance Plan Contingency Measure is triggered as a result of a confirmed violation of the carbon monoxide National Ambient Air Quality Standard (NAAQS) in the Vancouver air quality management area (AQMA). The Vancouver AQMA is described in the Carbon Monoxide Maintenance Plan. When triggered, this regulation shall apply to all gasoline offered for sale in the control area and over the control period defined in section SWAPCA 492-070. This regulation and the discontinuance of the oxygenated fuel requirements shall be effective upon EPA approval of the Vancouver Carbon Monoxide Maintenance Plan.

**SWAPCA 492-030 Definitions**

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; 96-21-103, filed 10/21/96, effective 11/21/96]

The following words and phrases shall have the following meanings:

- (1) “Authority” means the Southwest Air Pollution Control Authority.
- (2) “Blender” means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.
- (3) “Control area” means an area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed. Each control area is a county or group of counties administered by the Authority.

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- (4) “Control period” means the period during which oxygenated gasoline must be sold or dispensed within the control area which is November 1 through February 29.
- (5) “Ecology” or “WDOE” means the Washington State Department of Ecology.
- (6) “Gasoline” means any fuel sold for use in motor vehicles equipped with internal combustion engines, and commonly known or sold as gasoline. Blended and oxygenated fuels are considered gasoline.
- (7) “Large Volume Blender” means blenders that blend and offer for sale or sell one million gallons or more, but less than 15 million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.
- (8) “Medium Volume Blender” means blenders that blend and offer for sale or sell 100 thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.
- (9) “Oxygenate” means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar under section 211(f)(1) of the Federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211(f)(4) of the CAA.
- (10) “Oxygenated gasoline” means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.
- (11) “Small Volume Blender” means blenders that blend and offer for sale or sell less than 100 thousand gallons of oxygenated gasoline per month, on average, during a control period within a control area.
- (12) “Southwest Air Pollution Control Authority (SWAPCA)” means the regional agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7410, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.
- (13) “Very Large Volume Blender” means blenders that blend and offer for sale or sell 15 million gallons or more of oxygenated gasoline per month, on average, during a control period within a control area.

### SWAPCA 492-040 Compliance Requirements

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

- (1) Retail Sales. No gasoline intended as a final product for fueling of motor vehicles within the control area and control period defined in SWAPCA 492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

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- (2) Average Blend Requirements. Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the Authority's control area defined in SWAPCA 492-070 supplied by blenders to purchasers within the Authority's control area defined in SWAPCA 492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.
- (3) Reports. Blenders shall provide periodic reports, as stipulated in the blenders registration, to the Authority summarizing how the requirements of SWAPCA 492-040 (2) were met. With prior approval from the Authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by the Authority.

### SWAPCA 492-050 Registration Requirements

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; WSR 95-10-003 filed 4/20/95, effective 5/21/95]

- (a) Each blender who offers for sale, sells, or dispenses gasoline in the Authority's control area shall register with the Authority each year. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each year or within 30 days after becoming a blender, whichever occurs later. The following fee table shall apply to blenders:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$10,000
Very Large Volume Blender	\$25,000

- (b) The total annual oxygenated fuel fees collected and retained by the Authority under this program shall not exceed \$40,000. When the total fees submitted by all blenders on October 1 of each year exceeds \$40,000, there shall be a refunding of the excess fees collected by the Authority. The refund provided to each blender shall be derived by prorating the excess fees based on that company's ratio of its volume of oxygenate blended to the total volume of all oxygenate blended. Such refund shall be issued by the Authority by December 1 of each year and is applicable to all types of oxygenates.

### SWAPCA 492-060 Labeling Requirements

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control period and in the control area stated in SWAPCA 492-070 as follows:

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“The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.”

### SWAPCA 492-070 Control Area and Control Period

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93; 96-21-103, filed 10/21/96, effective 11/21/96]

The oxygenated gasoline requirements of this regulation shall apply to the following control area during the minimum following control period. The control period may begin earlier if there is a violation of the ambient air quality standard outside of the control period:

CONTROL AREA	COUNTIES	CONTROL PERIOD	
		BEGINNING	ENDING
Southwest	Clark	November 1	February 29

### SWAPCA 492-080 Enforcement and Compliance

[Statutory Authority: Chapter 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

- (1) Compliance with the requirements of this regulation shall be monitored and enforced by the Authority. Non-compliance shall be subject to the penalties and other remedies provided in 70.94.RCW.
- (2) The Authority may designate any appropriate agency of the State to assist in the compliance monitoring of this regulation.
- (3) Compliance with the standards set forth in this regulation shall be determined by use of testing methods approved by Ecology or the Authority. The maximum accuracy tolerance of this method shall be limited to +/-0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

### SWAPCA 492-090 Unplanned Conditions

[Statutory Authority: Chapter 70.94.141 and 70.94.331RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

An unplanned condition, such as an unforeseen emergency or “act of God”, which may interfere with compliance to this regulation, shall be reported to the Authority as soon as possible. The responsible party shall also submit a full written report within ten days to the Authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of SWAPCA 492-090 does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this regulation nor from the resulting liabilities for failure to comply. The Authority shall consider the circumstances of the unplanned condition, and may use the circumstances when determining enforcement.

### SWAPCA 492-100 Severability

[Statutory Authority: Chapter 70.94.141 and 70.94.331 RCW; Original adoption WSR 93-16-010 filed 7/22/93, effective 8/22/93]

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

**END**