



# Virginia Regulatory Town Hall

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## Exempt Action Final Regulation Agency Background Document

<b>Agency name</b>	Virginia Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5 - 420
<b>Regulation title</b>	Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law
<b>Action title</b>	Update motor fuel testing standards to ensure compatibility with new gasoline-ethanol blends coming to market
<b>Final agency action date</b>	May 15, 2008
<b>Document preparation date</b>	May 15, 2008

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 36 (06) and 58 (99).

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

2VAC5-420, the Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, establishes the following mandates relating to the sales and distribution of gasoline and other motor fuels in this state: (1) specifies minimum standards for motor fuel quality; (2) requires gasoline and other motor fuels have specific pump labeling; (3) specifies methods of sampling and testing; (4) requires the registration of all retail motor fuels; and (5) specifies means of compliance and methods of enforcement.

The U.S. Environmental Protection Agency's mandated phase-in of Renewable Fuel Standard Requirements increases the amount of ethanol required to be added to gasoline distributed and sold in the United States. However, the motor fuel quality testing standards currently prescribed in Section 30 of the Virginia regulation are incompatible with the gasoline-ethanol blends coming to market in the Commonwealth. Thus, the following amendments were sought:

- Provide that the specific method for the testing of gasoline is the latest version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel."
- Specify that volatility standards for gasoline-ethanol blends shall not be more restrictive than those of the EPA.
- Allow three different options for the blending of gasoline with ethanol at concentrations up to 10 percent by volume.
- Prescribe a maximum percent by volume of undissolved water and sediment.
- Prescribe seasonal vapor pressure requirements for the gasoline-ethanol blends.
- Provide that the specific method for the testing of diesel fuel is the latest version of ASTM D 975, "Standard Specification of Diesel Fuel Oils."

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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The proposed amendment to Section 30 of 2VAC5-420, the Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, was presented to the Board of Agriculture and Consumer Services (Board) at the March 20, 2008 meeting of the Board. At that meeting, the Board authorized the posting of the proposed amendments to the Virginia Regulatory Town Hall, and instructed staff in the Virginia Department of Agriculture and Consumer Services (VDACS) to conduct an informational proceeding pursuant to Va. Code § 59.1-153 to provide information to the public about the amendments to the regulations and to receive public comment. The informational proceeding was open for 30 days, from April 1 to April 30, 2008, at the conclusion of which VDACS staff held a final meeting for the purpose of collecting all public comment. Notification of the date and location of the final meeting was posted to the Virginia Regulatory Town Hall and published in the Virginia Register of Regulations, and the meeting was open to the public. At the end of the informational proceeding, staff reviewed and considered all public comments. The final version of the amendments, which incorporated two recommendations from the public, was presented to the Board for final adoption at the May 15, 2008 meeting of the Board. The Board adopted the amendments to the regulation and directed staff to file the amendments with the Registrar of Regulations.

### Family impact

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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This regulatory action will not impact the institution of the family or family stability.