

Proposed Rules  
of  
Tennessee Department of Agriculture  
Division of Regulatory Services

Chapter 0080-05-12  
Kerosene and Motor Fuels Quality Inspection Regulations

Presented herein are proposed amendments of the Regulatory Services Division, Department of Agriculture submitted pursuant to T.C.A. § 4-05-205 in lieu of a rulemaking hearing. It is the intent of the Regulatory Services Division, Department of Agriculture to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed amendments are published. Such petition to be effective must be filed with the Department of Agriculture, Legal Services, P.O. Box 40627, Nashville, Tennessee 37204, and in the Department of State, 8<sup>th</sup> Floor, Tennessee Tower, William Snodgrass Building, 312 8<sup>th</sup> Avenue North, Nashville, TN 37243, and must be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.

For copies of the entire text of the proposed amendments, contact: Jimmy Hopper, Director, Regulatory Services Division, Department of Agriculture, Ellington Agricultural Center, 615-837-5150.

The text of the proposed amendments is as follows:

Amendments

Paragraph (8) of Rule 0080-05-12.01 Definitions is amended by deleting the paragraph in its entirety and submitting the following language so that, as amended, the paragraph shall read:

0080-05-12.01 Definitions

- (8) "Biodiesel" (Biodiesel Fuel Blend Stock) means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats.

Authority: T.C.A. § 47-18-1309.

Paragraph (12) of rule 0080-05-12-.02 Standard Specifications is amended by deleting the current language in its entirety and submitting the following language so that, as amended, the subparagraph shall read:

- (12) Biodiesel (Biodiesel Fuel Blend Stock) – All Biodiesel blend stock intended for blending with diesel fuel shall meet the most recent version of ASTM D 6751, "Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels." All biodiesel blend stock shall be at least 99% biodiesel (no more than 1% diesel fuel). Any blend stock less than 99% biodiesel shall not be used as a commercial blend stock for biodiesel blends without the permission of the Commissioner.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Paragraph (13) of Rule 0080-05-12.02 Standard Specifications is amended by deleting the current language in its entirety and submitting the following language so that, as amended, the subparagraph shall read:

- (13) Biodiesel Blends – Blends of biodiesel and diesel fuels shall meet the following requirements: the base diesel fuel shall meet the most current requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils; the biodiesel blend stock shall meet the most current requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, with the following exception: Biodiesel may be blended with diesel fuel whose sulfur, lubricity, or aromatic levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, Grades 1-D, low sulfur 1-D, 2-D, or low sulfur 2-D, provided the finished mixture meets pertinent national and local specifications and requirements for these properties.

Authority: T.C.A. § 47-18-1309.

Rule 0080-05-12-.02 Standard Specifications is amended by adding language in a new paragraph (14) to the current language so that, as amended, the rule shall read:

- (14) Biodiesel Blends up to 5 Percent by Volume – Biodiesel blends up to 5% by volume shall meet the most recent version of ASTM D 975, “Standard Specification for Diesel Fuel Oils”. At such time that an ASTM standard specification is developed for blends up to 5%, the ASTM standard shall prevail as rule.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Rule 0080-05-12-.02 Standard Specifications is amended by adding language in a new paragraph (15) to the current language so that, as amended, the rule shall read:

- (15) Biodiesel Blends More Than Five Percent and Up to Twenty Percent by Volume – Biodiesel blends more than 5% and up to 20% by volume shall meet the most recent version of ASTM D 975, “Standard Specification for Diesel Fuel Oils”, except that the maximum temperature of the 90 percent volume recovered distillation point shall be five degrees centigrade greater than that specified in Table 1 of ASTM D 975. At such time that an ASTM standard specification is developed for blends greater than 5% and up to 20%, the ASTM standard shall prevail as rule.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Rule 0080-05-12-.02 Standard Specifications is amended by adding language in a new paragraph (16) to the current language so that, as amended, the rule shall read:

- (16) Low Temperature Operability of Biodiesel Blends – All biodiesel blends must meet the tenth percentile minimum ambient temperature values for low temperature operability as published in ASTM D 975 Appendix X.4. Low temperature operability may be qualified by either ASTM Standard Test Method D 4539 or ASTM Standard Test Method D 2500.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Rule 0080-05-12-.02 Standard Specifications is amended by adding language in a new paragraph (17) to the current language so that, as amended, the rule shall read:

- (17) Biodiesel Conveyed at Public Retail Sale Points – Biodiesel conveyed at retail sale points that are available to the general consuming public shall not exceed 20% by volume.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Rule 0080-05-12-.03 Classification and Method of Sale of Petroleum Products is amended by adding language in a new paragraph (12) and subparagraphs to the current language so that, as amended, the rule shall read:

- (12) Biodiesel
  - (a) Identification of Product – Biodiesel and biodiesel blends containing more than 5% by volume shall be identified by the term Biodiesel Blend.
  - (b) Labeling of Dispensers Containing more than Five Percent (5%) and Up to Twenty Percent (20%) Biodiesel – Each dispenser of biodiesel blends containing more than 5% and up to and including 20% shall be labeled with either the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with “Biodiesel Blend.” (Examples: B10 Biodiesel Blend; B20 Biodiesel Blend), or the phrase “Biodiesel Blend between 5% and 20%” or similar words.
  - (c) Documentation for Dispenser Labeling Purposes – The retailer shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper, or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

Rule 0080-05-12-.08 Test Methods and Reproducibility Limits is amended by adding the following language and renumbering the remainder of the section:

- (3) Biodiesel Blends – The test method for determining the percent biodiesel in a blend of biodiesel and diesel fuel shall be EN 14078 “Liquid petroleum products – Determination of fatty methyl esters (FAME) in middle distillates – Infrared spectroscopy method.” At such time that ASTM develops a comparable standard test method, the ASTM method shall become the standard method for purposes of this rule.

Authority: T.C.A. § 47-18-1304 and § 47-18-1309.

The proposed rules set out herein were properly filed in the Department of State on the 6th day of February, 2007, and pursuant to the instructions set out above, and in the absence of the filing of an appropriate petition calling for a rulemaking hearing, will become effective on the 28th day of June, 2007. (FS 02-12-07, DBID 2345)