

3745-72-02

Definitions.

[Comment: For dates and availability of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see paragraph (C) of this rule titled "~~Reference to~~Referenced materials."]]

(A) Except as otherwise provided in paragraph (B) of this rule, the definitions in rule 3745-15-01 of the Administrative Code shall apply to this chapter.

(B) For the purpose of this chapter:

- (1) "Carrier" means any person who transports, stores, or causes the transportation or storage of gasoline at any point in the gasoline distribution network, without taking title to or otherwise having ownership of the gasoline and without altering the quality or quantity of the gasoline.
- (2) "Clean Air Act ~~Amendments~~" or "CAA" means the federal Clean Air Act Amendments of 1990; as amended November 15, 1990; 42 USC 7401 to 7671q.
- (3) "Conventional gasoline" means any gasoline that is not a low Reid vapor pressure gasoline.
- (4) "Distributor" means any person who transports or stores or causes the transportation or storage of gasoline at any point between any gasoline refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.
- (5) "Ethanol blender" means a person who owns, leases, operates, controls or supervises an ethanol blending facility.
- (6) "Gasoline" means any fuel sold for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline, except such fuel used at any mobile source "research and development source," as defined in division (O) of section 3704.01 of the Revised Code.
- (7) "Gasoline distribution network" means any person involved with the distribution of gasoline starting with the refiner and ending with the retailer or wholesale purchaser-consumer.
- (8) "Importer" means ~~any person who imports gasoline or gasoline blending stocks or components from a foreign country into the United States or into the~~

~~Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the northern Mariana Islands~~first accepts delivery of gasoline in Ohio.

- (9) "Low Reid vapor pressure control area" or "low R.V.P. control area" means a geographic area in which only gasoline with a Reid vapor pressure of 7.8 P.S.I. or less may be sold or dispensed within its boundaries. The geographic areas are specified in rule 3745-72-01 of the Administrative Code.
- (10) "Low Reid vapor pressure control area terminal" or "low R.V.P. control area terminal" means a terminal which is capable of receiving gasoline in bulk from carriers which include but are not limited to, pipelines, marine vessels or barges, ~~and/or~~ or at which gasoline is altered either in quantity or quality. Gasoline which is intended for use in any low Reid vapor pressure control area is sold or dispensed into trucks at these low Reid vapor pressure control area terminals.
- (11) "Low Reid vapor pressure control period" or "low R.V.P. control period" means the time period beginning June first and ending September fifteenth of each calendar year.
- (12) "Low Reid vapor pressure gasoline" means any gasoline which has a Reid vapor pressure of 7.8 P.S.I. or less, except as provided in paragraph (A) of rule 3745-72-07 of the Administrative Code.
- ~~(13) "Motor Fuel System" shall be defined by the director through rulemaking.~~
- ~~(14)~~(13) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.
- (14) "Person" means any individual, public or private corporation, political subdivision, government agency, department or bureau of the State, municipality, industry, co-partnership, association, firm, estate or any legal entity whatsoever.
- (15) "P.S.I." means pounds per square inch ~~absolute~~.
- (16) "Refiner" means any person who owns, leases, operates, controls or supervises a refinery which produces gasoline for use in a low Reid vapor pressure control area.
- (17) "Refinery" means a plant at which gasoline is produced.

- (18) "Reid vapor pressure" means the absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM ~~D323-99a~~ D323.
- (19) "Reseller" means any person who purchases gasoline and resells or transfers it to a retailer or a wholesale purchaser-consumer when the resale and/or transfer does not include changing, blending or in any way altering the specifications of the gasoline with respect to Reid vapor pressure, ethanol content or any other parameter.
- (20) "Retail outlet" means any establishment at which gasoline is sold or offered for sale to the ultimate consumer for use in motor vehicles.
- (21) "Retailer" means any person who owns, leases, operates, controls or supervises a retail outlet.
- (22) "R.V.P." means Reid vapor pressure.
- (23) "Wholesale purchaser-consumer" means any person who is an ultimate consumer of gasoline and who purchases or obtains gasoline from a distributor for use in motor vehicles.
- (C) ~~Reference to~~ Referenced materials. This chapter includes references to certain subject matter or materials. The text of the referenced materials is not included in the rules contained in this chapter. Information on the availability of the referenced materials as well as the date of ~~and/or~~ and the particular edition or version of the material is included in this rule. For materials subject to change, only the specific ~~versions~~ version specified in this rule are referenced. Material is ~~incorporated~~ referenced as it exists on the effective date of this rule. Except for ~~referenced~~ subsequent annual publication of existing (unmodified) Code of Federal Regulation compilations, any amendment or revision to a referenced document is not ~~applicable~~ referenced unless and until this rule has been amended to specify the new dates.
- (1) Availability. The referenced materials are available as follows:
- (a) American Society for Testing Materials (ASTM). Information and copies of documents may be obtained by writing to: "ASTM International, 100 Bar Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are also available for purchase at www.astm.org. ASTM documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

- (b) Clean Air Act as defined in this rule. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the act ~~as amended in 1990~~ is also available in electronic format at www.epa.gov/oar/caa/text.html. A copy of the act is also available for inspection and ~~copying~~use at most public libraries and "The State Library of Ohio."
- (c) Code of Federal Regulations (CFR). Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the CFR is also available in electronic format at www.access.gpo.gov/nara/cfr/. The CFR compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."
- (d) United States Code. Information and copies may be obtained by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954." The full text of the United States Code is also available in electronic format at <http://www4.law.cornell.edu/uscode/> <http://www.gpo.gov/fdsys/browse/collectionUSCode.action?collectionCode=USCODE>. The ~~U.S.C.~~USC compilations are also available for inspection and ~~copying~~use at most public libraries and "The State Library of Ohio."

(2) Referenced materials.

- (a) 40 CFR 80.8; "Sampling methods for gasoline and diesel fuel;" 67 FR 8736, Feb. 26, 2002.
- (b) 40 CFR 80.46; "Measurement of reformulated gasoline fuel parameters;" ~~59 FR 7813, Feb. 16, 1994, as amended at 59 FR 36961, July 20, 1994; 61 FR 58306, Nov. 13, 1996; 63 FR 63793, Nov. 17, 1998; 65 FR 6822, Feb. 10, 2000; 65 FR 53189, Sept. 1 2000; 66 FR 17263, Mar. 29, 2001; 67 FR 8737, Feb. 26, 2002; 67 FR 40181, June 12, 2002; 68 FR 56781, Oct. 2, 2003; 68 FR 57819, Oct. 7, 2003~~ as published in the July 1, 2014 Code of Federal Regulations.
- (c) 40 CFR Part 50, Appendix H; "Interpretation of the 1-Hour Primary and Secondary National Ambient Air Quality Standards for Ozone;" ~~44 FR 8220, Feb. 8, 1979, as amended at 62 FR 38895, July 18, 1997.~~

- ~~(d)~~(c) 42 USC. 7401 to 7671q; "The Public Health and Welfare-Air Pollution Prevention and Control;" as published ~~January 3, 2007 in the 2006~~ May 18, 2014 in Volume 30 of the 2012 edition of the United States Code.
- ~~(e)~~(d) ASTM ~~D323-99a~~D323-08 (2014); "Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method);" approved ~~April 10, 1999~~May 29, 2014.
- ~~(f)~~ Section ~~107(d)(1)(E)~~ of the Clean Air Act; contained in ~~42 USC 7407(d)(3)(E)~~; "Redesignation;" published ~~January 3, 2007 in the 2006~~ edition of the United States Code.
- ~~(g)~~ Section ~~181(a)(5)~~ of the Clean Air Act; contained in ~~42 USC 7511(a)(5)~~; "Classification and attainment dates for 1989 nonattainment areas;" published ~~January 3, 2007 in the 2006~~ edition of the United States Code.
- ~~(h)~~ Section ~~182(b)(1)~~ of the Clean Air Act; contained in ~~42 USC 7511(b)(1)~~; "New designations and reclassifications;" published ~~January 3, 2007 in the 2006~~ edition of the United States Code.
- ~~(i)~~(e) Section ~~211(c)(4)(C)~~ of the Clean Air Act; contained in ~~42 USC 7545(c)(2)(C)~~; "New Fuels and Fuel Additives;" published ~~January 3, 2007 in the 2006~~ May 18, 2014 in Volume 30 of the 2012 edition of the United States Code.
- ~~(j)~~(f) Section ~~211(f)(4)~~ of the Clean Air Act; contained in ~~42 USC 7545(f)(4)~~; "New Fuels and Fuel Additives;" published ~~January 3, 2007 in the 2006~~ May 18, 2014 in Volume 30 of the 2012 edition of the United States Code.

Effective:

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Certification

Date

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