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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES

Introduced By: Representatives Tobon, Carson, Edwards, C Lima, Barros, Corvese, and Craven

Date Introduced: February 19, 2021

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 gasoline
2 or diesel fuel in bulk and then dispenses it into the fuel tanks of motor vehicles owned or operated
3 by the person.

4 (5) Common carrier means a person engaged in the transportation of goods or products of
5 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 as
15 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 represented
21 as gasoline, in accordance with the active version of American Society for Testing and Materials
22 (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 State
24 of Rhode Island by any means or method whatsoever, including transport via pipeline, railway,
25 truck, motor vehicle, barge, boat, or railway tank car.

26 (11) Import facility means the stationary gasoline or diesel fuel transfer point wherein the
27 importer takes delivery of imported gasoline or diesel fuel and from which imported gasoline or
28 diesel fuel is transferred into the cargo tank truck, pipeline, or other delivery vessel from which the
29 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 imports
31 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 that
12 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 **31-54-2. Low Emission Diesel Standards.**

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

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

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

28 (b) Subsection (a) of this section does not apply to a sale, offer for sale, or supply of diesel
29 fuel to a producer where the producer further processes the diesel fuel at the producer's production
30 facility prior to any subsequent sale, offer for sale, or supply of the final blend of LED.

31 (c) Diesel fuel that has been produced to comply with all specifications for a Certified
32 Diesel Fuel Formulation as approved by an executive order by the California Air Resources Board
33 for compliance with California diesel fuel regulations that were in effect as of August 4, 2005,
34 except for those approved for small refinery compliance, or diesel fuel that has been produced to

1 meet all specifications for diesel fuel under regulations adopted by the California Air Resources
2 Board that were in effect as of August 4, 2005, except for those approved for small refinery
3 compliance, may be used to satisfy the requirements of subsection (a) of this section

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

7 **31-54-3. Designative Alternative Limits.**

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

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

13 (1) An aromatic hydrocarbon content of no greater than twenty-one percent (21.0%) by
14 weight;

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

17 (3) An American Petroleum Institute gravity index of no less than thirty-six and nine tenths
18 (36.9);

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

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

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

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

25 **31-54-4. Registration of Diesel Producers and Imports.**

26 (a) Each producer and importer that sells, offers for sale, supplies, offers to supply,
27 dispenses, transfers, allows the transfer, places, stores, or holds any diesel fuel in any stationary
28 tank, reservoir, or other container in the state that may ultimately be used to power a diesel fueled
29 compression-ignition internal combustion engine in the state shall register with the director of the
30 department of environment management by no later than forty-five (45) days after the first date the
31 diesel fuel from its production facility or import facility is made available for use in the state.

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

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

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

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

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

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

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

19 **31-54-5. Approved Test Methods.**

20 (a) Compliance with the diesel fuel content requirements of this division must be
21 determined by applying the appropriate test methods and procedures specified in the active version
22 of American Society for Testing and Materials (ASTM) D975 (Standard Specification for Diesel
23 Fuel Oils), or by applying the supplementary test methods and procedures specified in subsections
24 (a)(1) through (a)(5) of this section, as appropriate.

25 (1) The aromatic hydrocarbon content may be determined by the active version of ASTM
26 Test Method D5186 (Standard Test Method for Determination of Aromatic Content and
27 Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid
28 Chromatography). The following correlation equation must be used to convert the supercritical
29 fluid chromatography (SFC) results in mass percent to volume percent: aromatic hydrocarbons
30 expressed in percent by volume = 0.916 x (aromatic hydrocarbons expressed in percent by weight)
31 + 1.33.

32 (2) The polycyclic aromatic hydrocarbon (also referred to as polynuclear aromatic
33 hydrocarbons or PAH) content may be determined by the active version of ASTM Test Method
34 D5186 (Standard Test Method for Determination of Aromatic Content and Polynuclear Aromatic

1 Content of Diesel Fuels and Aviation Turbine Fuels by Supercritical Fluid Chromatography). The
2 correlation equation specified in subsection (a)(1) of this section must be used to convert the SFC
3 results in mass percent to volume percent.

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

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

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

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

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

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

29 (2) For alternative diesel fuel formulations that achieve emission reductions as
30 demonstrated in accordance with the criteria specified in subsection (c)(1) of this section, the
31 applicant shall provide documentation to the director of environmental management upon
32 application that includes the cetane number, aromatic hydrocarbon content, specific gravity, and
33 the temperature corresponding to the fifty percent (50%) point on the distillation curve in degrees
34 Fahrenheit (T50) of the alternative diesel fuel formulation for which the applicant is requesting

1 approval as determined in accordance with the test methods and procedures specified in subsection
2 (a) of this section.

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

8 (A) The approval notification must identify the specifications of the alternative diesel fuel
9 formulation as approved under this subsection by listing the cetane number, aromatic hydrocarbon
10 content, specific gravity, and the temperature corresponding to the fifty percent (50%) point on the
11 distillation curve in degrees Fahrenheit (T50) of the alternative diesel fuel formulation as
12 documented in subsection (c)(2) of this section.

13 (B) The approval notification must assign an identification number to the specific approved
14 alternative diesel fuel formulation.

15 (d) Approval of any additive-based alternative diesel fuel formulation as prescribed under
16 this section prior to April 1, 2012, and thereafter, is subject to revocation if the director of
17 environmental management determines that the composition of the additive component of the
18 approved alternative diesel fuel formulation has been altered so that it no longer matches the
19 composition of the additive as originally approved. If the director of environmental management
20 revokes the approval of an additive-based alternative diesel formulation, producers using the
21 alternative diesel formulation to satisfy the LED requirements of § 31-54-2(a) must discontinue all
22 use of the alternative diesel formulation within forty-five (45) days of the date of revocation.

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

26 **31-54-6. Monitoring, Recordkeeping, and Reporting Requirements.**

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

31 (b) Each producer or importer of LED must keep records that declare or demonstrate that
32 each final blend of LED conforms to the basic LED standards as specified in § 31-54-2(a), to the
33 designated alternative limits as specified in § 31-54-3, to the specifications of a Certified Diesel
34 Fuel Formulation or a diesel fuel as accepted under § 31-54-2(c), to an alternative diesel fuel

1 formulation as approved under § 31-54-2(d), or to an alternative emission reduction plan as
2 approved under § 31-54-8.

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

6 (1) The aromatic hydrocarbon content and cetane number must be analyzed for LED
7 produced or imported in accordance with § 31-54-2(a) using the test methods specified in § 31-54-
8 5(a) (relating to Approved Test Methods).

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

14 (3) The appropriate components of the alternative diesel fuel formulation as listed in the
15 approval notification issued by the director of environmental management under § 31-54-5 must
16 be analyzed for LED produced or imported in accordance with § 31-54-2(d) using the
17 methodologies specified in § 31-54-5(a) and if appropriate, the test methods as listed in the approval
18 notification.

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

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

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

1 executive order issued by the CARB.

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

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

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

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

27 (1) The date of transfer;

28 (2) The name and address of the transferor;

29 (3) The name and address of the transferee;

30 (4) In the case of transferors or transferees who are producers or importers, the registration
31 number of those persons as assigned by the commission under § 31-54-4;

32 (5) The volume of diesel fuel being transferred;

33 (6) The location of the diesel fuel at the time of transfer; and

34 (7) One of the certification statements specified in subsections (e)(7)(i), (e)(7)(ii), or

1 (e)(7)(iii) of this section, as appropriate:

2 (i) "This product is low emission diesel and may be used as fuel for diesel engines in the
3 state."; or

4 (ii) "This product may not be used as fuel for diesel engines in the state without further
5 processing."; or

6 (iii) "This product has been produced under a TCEQ approved alternative emission
7 reduction plan and may be used as fuel for diesel engines in the state."

8 (f) Each producer or importer of LED subject to subsection (a) of this section shall provide
9 a quarterly summation report to the director of environmental management no later than the forty-
10 fifth day following the end of each calendar quarter and must maintain a record of the information
11 submitted in the quarterly report for two (2) years from the date of each report. The quarterly report
12 must be submitted on forms prescribed by the director of environmental management and must
13 include, at a minimum, the information specified in subsections (f)(1) through (f)(3) of this section
14 for each of the producer's production facilities or for each of the importer's import facilities:

15 (1) The total volume of LED produced or imported during the calendar quarter that is
16 subject to the requirements of this section, and if the volume of LED required to be reported in this
17 subsection was produced with the use of an additive, the total volume of additive used to produce
18 the LED must also be included in the quarterly report;

19 (2) A reconciliation of the records required in subsection (c)(7) of this section for each
20 sample collected and analyzed during the calendar quarter; and

21 (3) Any other information determined by the executive director to be necessary to
22 demonstrate that the producer or importer has produced or imported LED that has satisfied the
23 requirements specified in §§ 31-54-2, 31-54-3, or 31-54-8.

24 (g) Each producer or importer electing to sell, offer for sale, supply, or offer to supply LED
25 in accordance with § 31-54-2(c) shall provide to the director of environmental management, as
26 applicable, a copy of the executive order issued by the CARB for the Certified Diesel Fuel
27 Formulation used to produce the LED or documentation demonstrating that the LED has been
28 produced to meet all specifications for diesel fuel under regulations adopted by the CARB, except
29 for those approved for small refinery compliance, that were in effect as of August 4, 2005.

30 **31-54-7. Exemptions to Low Emission Diesel Requirements.**

31 (a) Any diesel fuel subject to the low emission diesel (LED) requirements specified in §
32 31-54-2 that is either in a research, development, or test status; or is sold to petroleum, automobile,
33 engine, or component manufacturers for research, development, or test purposes; or any diesel fuel
34 to be used by, or under the control of, petroleum, additive, automobile, engine, or component

1 manufacturers for research, development, or test purposes, is exempted from the provisions of this
2 section (relating to Low Emission Diesel), provided that:

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

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

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

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

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

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

23 (c) The owner or operator of a retail fuel dispensing outlet is exempt from all requirements
24 of § 31-54-6 (relating to Monitoring, Recordkeeping, and Reporting Requirements) except § 31-
25 54-6(e).

26 (d) Diesel fuel that does not meet the LED requirements of § 31-54-2 is not prohibited from
27 being transferred, placed, stored, and/or held within the affected counties so long as it is not
28 ultimately used to power a diesel fueled compression-ignition internal combustion engine operating
29 in a motor vehicle or in non-road equipment in the state except for that used in conjunction with
30 purposes stated in subsections (a) and (b) of this section.

31 **31-54-8. Alternative Emission Reduction Plan.**

32 (a) Diesel fuel that is sold, offered for sale, supplied, or offered for supply by a producer
33 who submits an alternative emission reduction plan in accordance with subsection (b) of this section
34 that is approved by the director of environmental management will be considered in compliance

1 with the low emission diesel (LED) requirements of § 31-54-2(a).

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

12 (c) An alternative emission reduction plan must be approved by the director of
13 environmental management prior to the use of that plan for compliance with the requirements of
14 this section.

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

18 (e) Alternative emission reduction plans submitted to the director of environmental
19 management in accordance with subsection (b) of this section must contain sufficient
20 documentation to validate the average diesel.

1 SECTION 2. This act shall take effect on December 1, 2021.

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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 would limit the sale, offer to supply, transfer,
3 place, store, or holding of diesel fuel used to power a compression-ignition internal combustion
4 engine that does not comply with this act. Each producer and importer that sells, offers for sale,
5 supplies, offers to supply, dispenses, allows the transfer to place, store, or hold any diesel fuel that
6 may be used to power a diesel fueled compression-ignition internal combustion engine in the state
7 would be required to register with the director of the department of environmental management.
8 Diesel fuel that is sold, offered for sale, supplied, or offered for supply by a producer who submits
9 and is approved for an alternative emission reduction plan from the director of environmental
10 management would be in compliance with this act. This act shall take effect December 1, 2021.

11 This act would take effect on December 1, 2021.

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