

SENATE FILE NO. SF0037

Antifreeze and petroleum products.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to standards for antifreeze and petroleum
2 products; modifying definitions; requiring disclosure of
3 engine fuels and fuel blends included in gasoline or diesel
4 when sold to a wholesaler, retailer or consumer; modifying
5 rulemaking authority; providing enforcement authority;
6 providing an appropriation; and providing for an effective
7 date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 40-7-101, 40-7-102(a)(v), (vi),
12 (viii) through (x), (xii), (xv), by creating new paragraphs
13 (xxv) through (xxxvii) and by renumbering (xxv) as
14 (xxxviii), 40-7-103(a)(intro), (v)(intro), by creating a
15 new subparagraph (D) and (vi), 40-7-105, 40-7-106 and
16 40-7-107(a) are amended to read:

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2 **40-7-101. Products must conform to standards.**

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4 No antifreeze product, engine fuel or petroleum product
5 shall be sold or offered for sale in the state of Wyoming,
6 unless it conforms to the standards of quality prescribed
7 in this act or rules promulgated under it.

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9 **40-7-102. Definitions.**

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11 (a) As used in this act:

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13 (v) "Director" means the director of the
14 department of agriculture or his duly authorized
15 representative;

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17 (vi) "Dealer" means any person in the business
18 of delivering or distributing to a consumer or selling,
19 offering for sale, refining or manufacturing any petroleum
20 products, liquefied petroleum gas, engine fuel or
21 antifreeze products in this state;

22

23 (viii) "Diesel fuel" means a refined petroleum
24 product suitable as a fuel ~~for~~ in compression ignition

1 diesel engines, both fixed and mobile, including all grades
2 and qualities;

3

4 (ix) "Fuel oil" means a refined petroleum
5 product, commonly known as heating oil, furnace oil,
6 domestic oil or distillates, used for heating, power
7 generation and cooking purposes, including all grades and
8 qualities;

9

10 (x) "Gasoline" means a volatile substance
11 produced, manufactured, blended, distilled or compounded
12 from petroleum, natural gas, oil, shale oils or coal and
13 other volatile flammable liquids which can be used as a
14 fuel ~~for an~~ in a spark ignition internal combustion engine,
15 and which meets the standards and specifications of this
16 act. "Gasoline" includes all grades and qualities, leaded
17 or unleaded, but excludes diesel fuel;

18

19 (xii) "Kerosene" means a refined petroleum
20 product, also known as ~~kerosene~~ kerosine, used as heating
21 or illuminating oil that includes all grades and qualities;

22

23 (xv) "Petroleum products" means all
24 illuminating, fuel and power oils, which are products of

1 petroleum, or into which petroleum or any product of
2 petroleum enters or is found as a constituent, and includes
3 but is not limited to gasoline, kerosene, diesel fuel, fuel
4 oil, gasohol, gasoline alcohol blends, biodiesel blends,
5 engine fuels and liquefied petroleum gas. Any petroleum
6 product sold at retail shall have a designation and meet
7 specifications provided by the ASTM;

8
9 (xxv) "Biodiesel blend" means a fuel comprised
10 of a blend of biodiesel fuel with petroleum-based diesel
11 fuel, designated BXX. In the abbreviation BXX, the "XX"
12 represents the volume percentage of biodiesel fuel in the
13 blend;

14
15 (xxvi) "E85 fuel ethanol" means a blend of
16 ethanol and hydrocarbons of which the ethanol portion is
17 nominally seventy-five percent (75%) to eighty-five percent
18 (85%) volume denatured fuel ethanol;

19
20 (xxvii) "Engine fuel" means any liquid or
21 gaseous matter used for the generation of power in an
22 internal combustion engine. "Engine fuel" includes but is
23 not limited to fuels derived from petroleum, biomass and
24 vegetable oils, new or used. Any engine fuel sold at

1 retail must have a designation and meet specifications
2 provided by the ASTM;

3
4 (xxviii) "Ethanol" or "denatured fuel ethanol"
5 means nominally anhydrous ethyl alcohol meeting ASTM D 4806
6 standards. It is intended to be blended with gasoline for
7 use as a fuel in a spark-ignition internal combustion
8 engine. The denatured fuel ethanol is first made unfit for
9 drinking by the addition of United States bureau of
10 alcohol, tobacco, and firearms approved substances before
11 blending with gasoline;

12
13 (xxix) "Gasoline alcohol blend" means a fuel
14 consisting primarily of gasoline and a substantial amount
15 (more than thirty-five hundredths percent (0.35%) mass of
16 oxygen or more than fifteen hundredths percent (0.15%) mass
17 of oxygen if methanol is the only oxygenate) of one (1) or
18 more alcohols;

19
20 (xxx) "Low sulfur" means low sulfur diesel fuel
21 that meets ASTM D 975 standards, including grade low sulfur
22 no. 1-D S500 or grade low sulfur no. 2-D S500. Diesel fuel
23 containing higher amounts of sulfur for off-road use is

1 defined by United States environmental protection agency
2 regulations;

3
4 (xxxi) "M100 fuel methanol" means nominally
5 anhydrous methyl alcohol, generally containing small
6 amounts of additives, suitable for use as a fuel in a
7 compression-ignition internal combustion engine;

8
9 (xxxii) "M85 fuel methanol" means a blend of
10 methanol and hydrocarbons of which the methanol portion is
11 nominally seventy percent (70%) to eighty-five percent
12 (85%) volume;

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14 (xxxiii) "Oxygen content of gasoline" means the
15 percentage of oxygen by mass contained in a gasoline;

16
17 (xxxiv) "Substantially similar" means the United
18 States environmental protection agency's substantially
19 similar rule, section 211(f)(1) of the Clean Air Act, 42
20 U.S.C. 7545(f)(1);

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22 (xxxv) "Total alcohol" means the aggregate total
23 percentage by volume of all alcohol contained in any fuel
24 defined in this chapter;

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(xxxvi) "Total oxygenate" means the aggregate total percentage by volume of all oxygenates contained in any fuel defined in this chapter;

(xxxvii) "Ultra low sulfur diesel" means ultra low sulfur diesel fuel that meets ASTM D 975 standards and contains no more than fifteen (15) parts per million (1,000,000) sulfur, including grade ultra low sulfur no. 1-D S15 or grade ultra low sulfur no. 2-D S15;

~~(xxv)~~ (xxxviii) "This act" means W.S. 40-7-101 through 40-7-111.

40-7-103. Board to promulgate standards.

(a) The board shall promulgate rules and standards of quality for products to implement this act, ~~., All petroleum products shall conform to~~ including the adoption of ASTM or other appropriate standards ~~as adopted by the board or~~ specifications and definitions for products not defined in this chapter, subject to the following:

(v) ~~Kerosine~~ Kerosene shall:

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(D) Meet the standards set forth in ASTM

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D3699.

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40-7-105. Enforcement.

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The director shall enforce this act and ~~may~~ shall periodically collect, ~~either by himself or his deputies,~~ samples of petroleum, engine fuel and antifreeze products for analysis from every storage tank directly supplying these products to retail dispensing devices located at a retail sales facility. At least one (1) sample per year shall be taken from each storage tank by a dispenser located at a retail sales facility. The sample shall be acquired after allowing at least one (1) gallon of product to flow from the dispenser. The director may collect samples from pipelines, storage tanks and transport tanks

1 at refineries and intermediate storage and dispensing
2 facilities as he deems necessary.

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4 **40-7-106. Seizure and sale.**

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6 Any product sold, stored, transported or offered for sale
7 as a petroleum product, engine fuel or antifreeze in this
8 state which does not conform to the provisions of this act
9 or rules promulgated under it shall be seized by the
10 director ~~of the department of agriculture~~ and sold ~~by him~~
11 in accordance with state law. The proceeds of the sale
12 shall be applied on payment of court costs or other
13 necessary expenses incurred in making the seizure and
14 condemnation.

15
16 **40-7-107. Analysis by state chemist; ASTM standards**
17 **to apply.**

18
19 (a) The state chemist shall make, or cause to be made
20 under his direction, analysis and examinations of the
21 petroleum and antifreeze products furnished to him by the
22 ~~commissioner~~ director, or his deputies, to determine
23 whether the products conform ~~with~~ to this act and rules
24 promulgated under it and shall certify examination results

1 to the ~~commissioner~~ director following applicable ASTM
2 methods designated in the ASTM standards required for each
3 product.

4
5 **Section 2.** W.S. 40-7-103(a)(i), (ii), (v)(A) and (B)
6 is repealed.

7
8 **Section 3.**

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10 (a) There is appropriated two hundred thirty thousand
11 six hundred dollars (\$230,600.00) from the general fund to
12 the department of agriculture for the period beginning with
13 the effective date of this act and ending June 30, 2010.
14 Notwithstanding any other provision of law, this
15 appropriation shall not be transferred or expended for any
16 other purpose and any unexpended, unobligated funds
17 remaining from this appropriation shall revert as provided
18 by law on June 30, 2010. This appropriation shall only be
19 expended as follows:

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21 (i) One hundred eighty thousand six hundred
22 dollars (\$180,600.00) to purchase equipment and instruments
23 necessary for the analytical testing program;

(ii) Fifty thousand dollars (\$50,000.00) for consumable supplies and contractual testing of octane in selected samples by an external laboratory.

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5 **Section 4.** This act is effective July 1, 2009.

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7 (End)