

DEPARTMENT OF AGRICULTURE

LABORATORY DIVISION

**REGULATION NO. 562. LABELING OF RETAIL MOTOR FUEL DISPENSERS,
STORAGE TANKS
AND DELIVERY VESSELS**

(By authority conferred on the director of the department of agriculture by section 4 of 1984 PA 44, MCL 290.644)

R 285.562.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1984 PA 44, as amended, MCL 290.641 et seq.

(b) "Alcohol" means a volatile, flammable liquid which has the general formula $C_nH_{(2n+1)}OH$, which is used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles, and which is commonly or commercially known or sold as an alcohol, including ethanol or methanol.

(c) "Biomass-based diesel" means a diesel fuel substitute produced from non-petroleum renewable resources and includes fuel derived from animal wastes, including animal fat and poultry wastes and other waste materials, or from municipal solid waste, sludge, and oils derived from wastewater. Biomass-based diesel does not mean biodiesel as defined in the act.

(d) "Co-solvent" means an alcohol, other than ethanol or methanol, which is blended with either ethanol or methanol, or both, to minimize phase separation in gasoline.

(e) "Ethanol" means ethyl alcohol, which is a flammable liquid having the formula C_2H_5OH and which is used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles.

(f) "Methanol" means methyl alcohol, which is a flammable liquid having the formula CH_3OH and which is used or sold for the purpose of blending or mixing with gasoline for use in motor vehicles.

(g) "Motor fuel" means a fuel suitable for use in a vehicle that is propelled by an internal combustion engine or motor and is designed to permit the vehicle to operate on public roadways. It includes, but is not limited to, diesel fuel, gasoline, biodiesel, biodiesel blends, and hydrogen fuel.

(h) "Motor fuel storage tank" means a stationary storage system used for motor fuel with greater than 550 gallons capacity.

(2) The terms defined in the act have the same meanings when used in these rules.

History: 1987 AACCS; 2009 AACCS.

R 285.562.2 Gasoline dispenser notice; content.

Rule 2. (1) A retail dealer shall not transfer, sell, dispense, or offer gasoline for sale in this state unless every dispenser is posted with a notice which contains all of the following information listed in the following order:

(a) The statement: "MEETS MICH. QUALITY & PURITY STANDARDS FOR".

(b) The name of 1 of the 9 uniform gasoline grades established in section 3 of the act or the name of a special grade listed with and approved by the department pursuant to R 285.564.3(2).

(c) A statement that the gasoline contains methanol, co-solvent, or any additives in the amount of 1% or more by volume and the information required in subrule (2) of this rule. If the gasoline does not contain additives in the amount of 1% or more by volume or contains an alcohol or ether that has a molecular weight greater than ethanol and is not mixed with methanol or ethanol, the dispenser is not required to be posted with a list of additives.

(d) The statement: "CONSUMER COMPLAINT TOLL-FREE HOT LINE: CALL1-800-MDA-FUEL."

(2) If an additive is methanol, the notice shall state: "CONTAINSALCOHOL: METHANOL _____%", the blank to be filled in with the concentration to the nearest whole percent. If an additive is another alcohol other than methanol and is used as a co-solvent, the notice shall state: "CONTAINS

", the blank to be filled in with the type of alcohol, such as tertiary butyl alcohol, and the concentration to the nearest whole percent. If the additive is ethanol, no notice indicating the presence or concentration is required if the gasoline contains not more than 10% ethanol by volume. The following are examples of acceptable notice based on the specific additive:

(a) Two percent methyl alcohol by volume: "CONTAINS ALCOHOL: METHANOL 2%."

(b) Two percent methyl alcohol by volume and 4% ethyl alcohol by volume: "CONTAINS ALCOHOL: METHANOL 2%."

(c) Four percent methyl alcohol by volume and 4% tertiary butyl alcohol by volume: "CONTAINS ALCOHOL: METHANOL 4%" and "CONTAINS TERTIARY BUTYL ALCOHOL 4%."

History: 1987 AACCS; 2009 AACCS.

R 285.562.3 Diesel, biodiesel, and biomass-based diesel dispenser notice; content.

Rule 3. (1) A retail dealer shall not transfer, sell, dispense, or offer diesel, biodiesel, biodiesel blend, biomass-based diesel, or biomass-based diesel blend for sale in this state unless every dispenser is posted with a notice which contains all of the following information listed in the following order:

(a) The statement: "MEETS MICH. QUALITY & PURITY STANDARDS FOR".

(b) The commodity name and content statement as follows:

(i) Diesel blended to contain greater than 5% and up to and including 20% by volume biodiesel must state "BIODIESEL BLEND: CONTAINS BIODIESEL IN QUANTITIES BETWEEN 5 PERCENT AND 20 PERCENT."

(ii) Diesel blended to contain greater than 20% by volume biodiesel must state "B____, BIODIESEL BLEND: CONTAINS MORE THAN 20% BIODIESEL" where

the blank is to be filled in with the volume percentage of biodiesel in the diesel fuel blend.

(iii) 100% biodiesel must state "B 100 BIODIESEL; CONTAINS 100 PERCENT BIODIESEL"

(iv) Diesel blended to contain greater than 5% and up to 20% by volume biomass-based diesel or combination of biomass-based diesel and biodiesel must state "BIOMASS-BASED DIESEL BLEND; CONTAINS BIOMASS-BASED DIESEL OR BIODIESEL IN QUANTITIES BETWEEN 5 PERCENT AND 20 PERCENT"

(v) Diesel blended to contain greater than 20% by volume biomass-based diesel or combination of biomass-based diesel and biodiesel must state: "____% BIOMASS-BASED DIESEL BLEND; CONTAINS MORE THAN 20% BIOMASS-BASED DIESEL OR BIODIESEL" where the blank is to be filled in with the volume percentage of biomass-based diesel in the diesel fuel blend.

(vi) 100% biomass based diesel must state "100% BIOMASS BASED DIESEL; CONTAINS 100 PERCENT BIOMASS-BASED DIESEL"

(vii) Diesel not blended with biodiesel or biomass-based diesel or blended to contain 0-5% of biodiesel or 0-5% biomass-based diesel or 0-5% by volume combination thereof must be labeled as:

(A) "ULTRA-LOW SULFUR HIGHWAY DIESEL FUEL" for a diesel fuel containing 15 ppm sulfur maximum.

(B) "LOW SULFUR HIGHWAY DIESEL FUEL" for a diesel fuel containing 500 ppm sulfur maximum.

(C) "NON-HIGHWAY DIESEL FUEL" for a diesel fuel exceeding 500 ppm Sulfur.

(c) The statement: "CONSUMER COMPLAINT TOLL-FREE HOT LINE: CALL 1-800-MDA-FUEL."

History: 1987 AACS; 2009 AACS.

R 285.562.4 Placement of notices.

Rule 4. (1) The notice or notices shall be located on every side of the dispenser which has a price computation or quantity display panel and shall be placed not less than 34 inches and not more than 78 inches above the driveway elevation.

(2) If more than 1 grade of motor fuel is offered from a single dispenser, 1 notice on every side of the dispenser with a price computation or quantity display panel containing the information required in Rule 2(1)(a) and (d) and Rule 3(1)(a) and (c) is acceptable. If 1 notice is used for the information required in Rule 2(1)(a) and (d) and Rule 3(1)(a) and (c), the information required in Rule 2(1)(b) and (c) and Rule 3(b) shall be required to be separately posted for each motor fuel or gasoline grade offered from the dispenser and shall be located immediately adjacent to either the associated brand name, the associated pump nozzle, or the unit price for that motor fuel in a manner which clearly corresponds the required notice to the associated brand name, nozzle, or unit price.

(3) The notice shall be conspicuous and legible to a customer when viewed from the driver's position of a motor vehicle positioned in front of the dispenser.

History: 1987 AACS; 2009 AACS.

R 285.562.5 Dispenser notice for motor fuels designed for unique equipment or service.

Rule 5. (1) A notice shall be posted on each dispenser which dispenses motor fuel designed for unique equipment or service as provided by R 285.564.12. The notice shall state the common or customary name of the motor fuel and a statement: "THIS MOTOR FUEL IS NOT FOR GENERAL AUTOMOTIVE SERVICE; FOR USE IN _____", the blank to be filled in with a description of the unique equipment, vehicles or service with which the motor fuel is compatible. The following are examples of acceptable notices: "E85; THIS MOTOR FUEL IS NOT FOR GENERAL AUTOMOTIVE SERVICE; FOR USE IN E85 FLEX FUEL VEHICLES" and "RACING GASOLINE; THIS MOTOR FUEL IS NOT FOR GENERAL AUTOMOTIVE SERVICE; FOR USE IN HIGH PERFORMANCE RACING ENGINES".

(2) The notice shall be located on the dispenser as prescribed by R 285.562.(4).

History: 2009 AACCS.

R 285.562.6 Notice type size and typeface.

Rule 6. Helvetica medium typeface shall be used for all letters and numerals specified by these rules. The letters for the statement required in R 285.562.2(1)(a) and R 285.562.3 (1)(a) and the statement "CALL 1-800-MDA FUEL" required in R 285.562.2(1)(d) and R 285.562.3 (c) shall be not less than 24-point type size. The letters for the words "Consumer Complaint Toll-Free Hot Line" required in R 285.562.2(1)(d) and R 285.562.3 (1)(c) shall be not less than 10-point type size. All other letters and numerals required to appear in the notices required by these rules shall be printed in not less than 48-point type size. Only upper case letters or title case letters of identical color shall be used for statements and notices except that variations in color shall be allowed if the variation conforms with 16 CFR Part 306, Automotive Fuel Ratings Certifications and Postings (January 2008) and 40 CFR Part 80, Regulation of Fuel and Fuel Additives (July 2007).

History: 2009 AACCS.

R 285.562.7 Documentation for dispenser labeling purposes.

Rule 7. (1) The retailer shall be provided, at the time of delivery of a motor fuel, on a invoice, bill of lading, shipping paper, or other documentation, a declaration of the motor fuel being delivered. If the motor fuel is a gasoline the anti knock index of the product being delivered shall also be declared. The percent of biodiesel or bio-based diesel shall also be declared if present. Any documentation evidencing a delivery of a motor fuel shall meet all of the requirements of section 5 of the act.

History: 2009 AACCS.

R 285.562.8 Labeling and marking of retail motor fuel storage tanks.

Rule 8. Fill boxes and fill covers for motor fuel storage tanks must be clearly identified as to the content by at least 1 of the following:

- (a) Attaching a tag with the motor fuel name to the fill pipe adapter.
- (b) Screwing a tag with the motor fuel name onto the fill box rim.
- (c) Fitting a plastic or fiberglass insert with the motor fuel name inside the rim of the fill box.
- (d) Color coding by painting the cover of the fill box and the surrounding rim or pavement. When utilizing this system the gasoline storage tank containing the highest octane product shall be coded red, the gasoline storage tank with the lowest octane shall be coded white and gasoline with an octane between the highest and lowest coded blue. A chart or code designating the color designations for other motor fuel storage tanks and vapor-recovery connections and manholes shall be posted on premise in clear view and accessible to a delivery tank driver and made available to the department upon request.

History: 2009 AACCS.

R 285.562.9 Labeling and marking of distribution terminal storage tanks.

Rule 9. Storage tanks located at a distribution terminal must be clearly identified as to the content by either of the following:

- (a) Attaching a label to the tank that states the commodity being stored.
- (b) Attaching a color or symbol to the tank that designates the commodity being stored. When utilizing a color or symbol system a chart or code designating the color or symbol designations shall be posted on premise and made available to the department upon request.

History: 2009 AACCS.

R 285.562.10 Identification of motor fuel delivery vessel.

Rule 10. A motor fuel delivery vessel shall employ for each loading and unloading of motor fuel a system of identification that clearly identifies the motor fuel contained within each compartment by at least 1 of the following:

- (a) A marking system of tags or placards attached to each compartment or the valves used for each compartment.
- (b) A chart or diagram that positively identifies each compartment and its contents.

History: 2009 AACCS.

R 285.562.11 Adoption of standards by reference.

Rule 11. (1) The provisions of 16 C.F.R. part 306, Automotive Fuel Ratings, Certifications and Postings (January 2008) and 40 CFR Part 80, Regulation of Fuel and Fuel Additives (July 2007) are adopted by reference in these rules and may be

purchased from the Superintendent of Documents, United States Government Printing Office, P.O. Box 37954, Pittsburgh, Pennsylvania 15250-7954, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909, at a cost as of the time of adoption of these rules of \$62.00 for 40 CFR Part 80 and \$53.00 for 16 CFR part 306.

History: 2009 AACs.