

Virginia Administrative Code

Database updated through January 21, 2009

CHAPTER 420

REGULATIONS FOR THE ENFORCEMENT OF THE VIRGINIA GASOLINE AND MOTOR FUEL LAW

2VAC5-420-10. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Commissioner" means the Commissioner of the Virginia Department of Agriculture and Consumer Services.

"Diesel fuel" means, except as provided in 2VAC5-420-40 C of this chapter, liquids used or intended for use for power purposes in automotive internal combustion compression ignition engines.

"Gasoline" means, except as provided in 2 VAC5-420-40 C of this chapter, liquids used or intended for use as carburants for power purposes in automotive internal combustion spark ignition engines.

"Virginia Gasoline Law" or "law" means Chapter 12 (§ 59.1-149 et seq.) of Title 59.1 of the Code of Virginia.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 1, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-20. General provisions.

A. The provisions of this chapter, unless specified otherwise, shall apply to any owner or operator of any facility in the distribution network at which gasoline or gasoline blends are sold, supplied, or offered for sale or supply, or transported for sale or use in Virginia.

B. The Virginia Gasoline Law defines gasoline as follows: "Gasoline shall be construed to include naphtha, benzine, and other like liquids and fluids derived from petroleum or other sources and used, or intended to be used, for power purposes, except kerosene."

C. The term "gasoline" as defined in the Virginia Gasoline Law includes all liquids and fluids used for power purposes, except kerosene, whether intended for highway or nonhighway use.

D. Nothing in this chapter shall affect the distribution for sale, offering for sale or sale of gasoline or diesel fuel intended for nonhighway use except as provided in 2 VAC5-420-40 C of this chapter for labeling every dispensing device used in the retail of gasoline or diesel fuel.

E. Only those methods of the American Society for Testing and Materials (ASTM) Test Methods expressly referenced in this chapter are hereby incorporated by reference.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 2, eff. August 6, 1986 except for subsection A(1)(c), which was eff. January 1, 1987; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-30. Specifications for gasoline and diesel fuel.

A. Gasoline. Gasoline shall meet the requirements of the following specifications when tested in compliance with the latest version of the ASTM International (formerly the American Society for Testing and Materials) Test Methods or other test methods specified below:

ASTM D 4814-07b, "Standard Specification for Automotive Spark Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency. Gasoline blended with ethanol at concentrations up to 10% by volume shall be blended under any of the following three options:

1. The base gasoline used in such blends shall meet the requirements of ASTM D 4814 and the ethanol shall meet the requirements of ASTM D 4806-07a, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel," with the following exceptions applicable to the gasoline-ethanol blend:

- a. The distillation minimum temperature at the 50 volume percent evaporated point shall not be less than 66°C (150°F);

- b. The vapor/liquid ratio specification is waived for gasoline-ethanol blends of up to 10%

ethanol;

2. The blend shall meet the requirements of ASTM D 4814; or
3. The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of ASTM D 4814.

Undissolved water and sediment, percent by volume, maximum 0.01% as determined by Virginia Department of Agriculture and Consumer Services (VDACS) Method of Test. The calculation for the VDACS Method of Test is as follows:

$$\text{Volume of water and/or sediment} \div \text{total volume of sample} \times 100 = \text{Percent Water and/or Sediment.}$$

B. Blends of gasoline and ethanol shall meet the following vapor pressure requirements:

1. During the period between June 1 and September 15 of each calendar year, blends containing 9.0% ethanol by volume and a maximum of 10% ethanol by volume shall not exceed the ASTM D 4814 vapor pressure limits by more than 1.0 psi. All other blend concentrations shall meet the ASTM D 4814 vapor pressure limits.

2. During the period between September 16 and May 31 of each calendar year, all blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0 psi.

C. Diesel fuel. Diesel fuel shall meet the requirements of ASTM D 975-08, "Standard Specification for Diesel Fuel Oils."

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 3, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993; Errata, 9:26 VA.R. 5387 September 20, 1993; amended, Virginia Register Volume 24, Issue 20, eff. May 21, 2008.

2VAC5-420-40. Labeling.

A. Gasoline. Every dispensing device used in the retail sale of gasoline shall be plainly and

conspicuously labeled with the brand name or trade name of the gasoline, and if the product contains 1.0% or more of ethanol or methanol, a label identifying the kind of alcohol and the percentage of each shall be posted in letters not less than one inch in height.

B. Diesel fuel. Every dispensing device used in the retail sale of diesel fuel shall be plainly and conspicuously labeled, in letters not less than one inch in height, with the words "diesel fuel." The device shall also be labeled with the brand name or trade name of the diesel fuel. When the word "diesel" appears in letters at least one inch high as part of the brand name or trade name on the dispenser, this labeling shall be considered sufficient compliance with the requirements of this provision.

C. Power fuels for nonhighway use. Every dispensing device or container used in the retail sale of gasoline (as defined in § 59.1-149 of the Code of Virginia) and intended for nonhighway use shall be plainly and conspicuously labeled, in letters not less than one inch in height, "aviation gasoline," "marine gasoline," "marine diesel fuel" or another term approved by the commissioner which clearly identifies the product.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 4, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-50. Registration of gasoline and diesel fuel.

A. Before selling or offering for sale any gasoline or diesel fuel in this Commonwealth, these products shall be registered with the Virginia Department of Agriculture and Consumer Services. The following information shall be included on forms provided by the commissioner:

1. The name and address of the registrant.
2. The brand name or trade name under which the gasoline or diesel fuel will be offered for sale.
3. The octane number of each gasoline as determined by the latest version of ASTM Research Method D2699 and ASTM Motor Method D2700, and expressed as an average of the two methods (R+M)/2.
4. A statement that the gasoline or diesel fuel will comply with the requirements of the Virginia

Gasoline Law and this chapter.

5. The percentage and kinds of alcohol included in the gasoline.

B. If any of the information required under subsection A of this section ceases to be factual and no longer applicable to any product, the registrant shall, prior to the sale or distribution of that product, file a new registration which shall supersede all previous registrations.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 5, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-60. Gasoline and diesel fuel condemned.

When a sample of gasoline or diesel fuel has been drawn by an inspector and found not to conform with the requirements of the Virginia Gasoline Law and this chapter, a stop sale, use or removal order shall be issued. The fill cap, pump, delivery line, or any other means of withdrawing the contents of the affected container may be sealed by an inspector. The contents shall not be removed except under the following conditions:

1. Age or staleness. The commissioner may grant permission to the owner to blend aged or stale gasoline or diesel fuel with the fuel of sufficient quality to bring it up to standard. If a second sampling shows that the gasoline or diesel fuel meets the requirements, the commissioner shall release it for sale in Virginia.
2. Adulteration. If the gasoline or diesel fuel does not meet the requirements of the Virginia Gasoline Law and this chapter due to adulteration by substituting other materials, including gasoline or diesel fuel of a lower quality, the commissioner shall notify the registrant or his local representative and request his cooperation in determining the source of the adulteration. The said gasoline or diesel fuel may be released by the commissioner to be returned to the manufacturer, producer, or refiner, or to be disposed of in a manner approved by the commissioner. Prior to its release, the commissioner shall be given an affidavit stating that the gasoline or diesel fuel will not be distributed for sale, offered for sale or sold in Virginia for use as a fuel in internal combustion

engines, and also stating the disposition of the gasoline or diesel fuel.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 6, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-70. Publication of information filed in connection with registration and results of tests of official samples.

From time to time, the commissioner shall publish in a bulletin of the Department of Agriculture and Consumer Services the names of registrants, the brands, names or trade names of gasoline and diesel fuel registered, the octane number as filed in connection with the registration of gasoline, the results of tests of official samples found to be in violation, and other data which may be useful to consumers of gasoline and diesel fuel.

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 7, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993.

2VAC5-420-80. Notation for documents incorporated by reference.

Test methods published by the ASTM and incorporated by reference in this chapter are available from:

ASTM International
100 Barr Harbor Drive, P.O. Box C700
West Conshohocken, PA 19428
www.astm.org

Statutory Authority

§§ 59.1-153 and 59.1-156 of the Code of Virginia.

Historical Notes

Derived from VR115-04-12 § 8, eff. August 6, 1986; amended, Virginia Register Volume 9, Issue 20, eff. July 28, 1993; Volume 24, Issue 20, eff. May 21, 2008.

DOCUMENTS INCORPORATED BY REFERENCE (2VAC5-420)

ASTM D975-08, Standard Specification for Diesel Fuel Oils, ASTM International, West Conshohocken, PA (www.astm.org).

ASTM D2699-07a, Standard Test Method for Research Octane Number of Spark-Ignition Engine Fuel, ASTM International, West Conshohocken, PA (www.astm.org).

ASTM D2700-07b, Standard Test Method for Motor Octane Number of Spark-Ignition Engine Fuel, ASTM International, West Conshohocken, PA (www.astm.org).

ASTM D4806-07a, Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel, ASTM International, West Conshohocken, PA (www.astm.org).

ASTM D4814-07b, Standard Specification for Automotive Spark-Ignition Engine Fuel, ASTM International, West Conshohocken, PA (www.astm.org).
