ARTICLE 33.1-34
PETROLEUM AND FUEL PRODUCTS

Chapter
33.1-34-01 Specifications and Standards for Petroleum Products

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SPECIFICATIONS AND STANDARDS FOR PETROLEUM PRODUCTS

Section
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33.1-34-01-01. Analytical specifications.

1. **Petroleum and fuel product specifications.** Petroleum and fuel products, including gasoline, alcohol-blended gasoline, diesel, tractor fuel, fuel oil (heating oil), kerosene, biodiesel, biodiesel blends, and all other alternative fuels shall comply with the most current applicable specifications of American society for testing and materials (ASTM), which are found in section 5 - petroleum products, lubricants, and fossil fuels of that organization's publication "Annual Book of ASTM Standards" and supplements thereto or revisions thereof as may be designated by ASTM, except as modified or rejected by this chapter or any rule promulgated pursuant to chapter 19-10 of the North Dakota Century Code. If gasoline is blended with ethanol, it shall be blended under any of the following three options:

   a. The base gasoline used in such blends shall meet the requirements of ASTM D4814;

   b. The blend shall meet the requirements of ASTM D4814; or

   c. The base gasoline used in such blends shall meet all the requirements of ASTM D4814 except distillation, and the blend shall meet the distillations requirements of the ASTM specification.

   The volatility standards for blends of gasoline and ethanol shall be the same as those adopted under the rules, regulations, and Clean Air Act waivers of the environmental protection agency of the United States department of the interior. Fuel products shall not be blended at a retail location with products commonly and commercially known as casing head gasoline, absorption gasoline, condensation gasoline, drip gasoline, or natural gasoline.

2. **Ethanol specifications.** The denatured ethanol at the time of blending with gasoline shall conform to the most recent version of ASTM D4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel", except as modified or rejected by this chapter or any rule promulgated pursuant to chapter 19-10 of the North Dakota Century Code.

3. **Permissible levels of alcohol.** The maximum permitted level or levels of ethanol, methanol, or other alcohol, in gasoline or alcohol-blended gasoline must be in accord with any levels as established by the environmental protection agency of the United States department of the interior. Any blender or wholesaler distributing a gasoline containing methanol which has been granted an exemption or waiver by the environmental protection agency in reference to this section shall inform the department of environmental quality and the retailer of the blended product of this exemption or waiver in writing prior to distribution.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-13-02, 23.1-13-12; S.L. 2017, ch. 199, § 1
Law Implemented: NDCC 23.1-13-12; S.L. 2017, ch. 199, § 28

33.1-34-01-02. Labeling specifications.

1. **Posted octane rating.** The posted octane rating of a gasoline or alcohol-blended gasoline is the mathematical average of the octane as determined by the ASTM D2699 Research Method engine test and the octane as determined by the ASTM D2700 Motor Method engine test.

   a. The posted octane rating must be conspicuously placed on the dispenser's front panel in a type not less than one inch [2.54 centimeters] high.

   b. Only gasoline or alcohol-blended gasoline with a posted octane rating greater than or equal to ninety-one may be labeled "premium", "supreme", or "high test".

   c. Only gasoline or alcohol-blended gasoline with a posted octane rating greater than or equal to eighty-nine may be labeled "super", "plus", or "midgrade".

   d. Octane of unleaded and leaded gasoline or alcohol-blended gasoline must be at least eighty-seven. Unleaded gasoline or alcohol-blended gasoline means that gasoline or alcohol-blended gasoline produced without the intentional use of any lead additive and which contains not more than five one-hundredths grams of lead per gallon and not more than five one-thousandths grams of phosphorus per gallon. Leaded gasoline or alcohol-blended gasoline means gasoline or alcohol-blended gasoline which contains more than five one-thousandths grams of phosphorus per gallon, or any fuel to which lead or phosphorus is intentionally added.

2. **Alcohol-blended gasolines.**

   a. All gasoline or alcohol-blended gasoline sold or offered for sale containing ethanol, methanol, or cosolvent alcohol, or any combination thereof, shall be labeled with the conventional name or names of the alcohol contained in the gasoline or alcohol-blended gasoline if the gasoline or alcohol-blended gasoline consists of one percent or more by volume of any alcohol or combinations of alcohols. The label must be on any price advertising and the dispenser's front panel next to the gasoline or alcohol-blended gasoline grade label in a position that is clear and conspicuous from the driver's position. The dispensing unit label shall also identify the maximum percentage by volume, to the nearest whole percent, of ethanol, methanol, or cosolvent alcohol, or any combination thereof contained in the gasoline or alcohol-blended gasoline. If gasoline or alcohol-blended gasoline consists of one percent or more by volume of ethanol, the dispensing unit shall bear the ethanol promotion and information council label or logo.

   b. Maximum percentage of methanol and cosolvent alcohol must both be conspicuously displayed or labeled if the product contains three percent or more by volume of methanol.

   c. No person may sell gasoline or alcohol-blended gasoline in any manner, including coloring, which shall deceive, tend to deceive, or has the effect of deceiving the purchaser as to grade or type.

   d. Suppliers of alcohol-blended gasoline to retail service stations or to other resuppliers must provide to the retailer or other reseller an invoice or delivery ticket indicating to within one percentage point the specific content by volume of any alcohol contained if the gasoline or alcohol-blended gasoline consists of one percent or more by volume of any alcohol or combinations of alcohols. This information must be made readily available to the consumer of an alcohol-blended gasoline.

3. **Gasoline grade designations.** All gasolines or alcohol-blended gasolines sold or offered for sale must bear on the dispenser's front panel and on any price advertising the appropriate leaded or lead-free grade designation. This label must be posted in a position that is clear and conspicuous from the driver's position.

4. **Biodiesel.**

   a. Biodiesel and biodiesel blends shall be identified by the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel.

   b. Each retail dispenser of biodiesel blend containing more than five percent and up to and including twenty percent biodiesel shall be labeled with either the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "biodiesel blend" or the phrase "biodiesel blend between 5% and 20%" or similar words.

   c. Each retail dispenser of biodiesel or biodiesel blend containing more than twenty percent biodiesel shall be labeled with the capital letter "B" followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend".

   d. Suppliers of biodiesel or biodiesel blend to retail service stations or to other resuppliers must provide to the retailer or reseller a declaration of the volume percent biodiesel on an invoice or delivery ticket. This documentation is for dispenser labeling purposes only. It is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

History: Effective January 1, 2019.
General Authority: NDCC 23.1-13-02, 23.1-13-12; S.L. 2017, ch. 199, § 1
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