

**K.A.R. 28-19-719. FUEL VOLATILITY.**

(a) Area of applicability. The provisions of this regulation shall be applicable within either Johnson or Wyandotte county, or both.

(b) This regulation shall apply to each person that dispenses, supplies, exchanges in trade, offers for sale or supply, sells or stores gasoline within the area of applicability, or that sells, supplies, distributes, or provides gasoline to be sold within the area of applicability.

(c) For the period beginning June 1 through September 15 of each year, no person shall dispense, supply, exchange in trade, offer for sale or supply, sell, or store gasoline that is to be used as a fuel for motor vehicles in either Johnson or Wyandotte county, or both, and that has a Reid vapor pressure (RVP) greater than these levels:

(1) 7.0 pounds per square inch (psi); or

(2) 8.0 psi for gasoline containing ethanol in an amount equal to at least 9.0 percent by volume but not more than 10.0 percent by volume.

(d) (1) The volatility testing procedures used to determine the RVP shall comply with K.A.R. 28-19-212(a) (19) and K.A.R. 28-19-212(a) (20). Alternate methods may be authorized under K.A.R. 28-19-212(a) (8) or K.A.R. 28-19-212(a) (21).

(2) The fuel alcohol-content testing procedures conducted under paragraph (c) (2) of this regulation shall comply with 40 C.F.R. Part 80, Appendix F, "test for determining the quantity of alcohol in gasoline," as in effect on July 1, 1995, which is adopted by reference.

(e) (1) The owner or operator of each affected facility other than a gasoline-dispensing facility shall keep and maintain at the facility records of the information regarding the RVP of gasoline that is to be used as a fuel for motor vehicles, as determined in accordance with subsection (d).

(2) The records required by paragraph (e) (1) shall contain the following information for each load or shipment:

(A) The RVP values;

(B) the type of sampling procedure used;

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(C) the type of testing procedure used;

(D) the dates of sampling and testing; and

(E) the quantity of gasoline in stock at the time of testing.

(3) The owner or operator of each gasoline-dispensing facility shall maintain records of the bills of lading, invoices, loading tickets, delivery tickets, or other documentation accompanying a shipment of gasoline that demonstrates that the motor vehicle fuel delivered to the gasoline-dispensing facility during the defined RVP-limit compliance period complies with the limits under this regulation.

(4) The records shall be maintained at the facility for two years following the date of the RVP test and shall be made available for inspection by the department.

(f) Exemptions. Gasoline that meets any of the following conditions shall be exempt from this regulation:

(1) Gasoline used exclusively for fueling implements of agriculture;

(2) gasoline in any tank, reservoir, storage vessel, or other stationary container with a nominal capacity of 500 gallons or less;

(3) gasoline in Johnson or Wyandotte county that is separately stored, sealed, and clearly labeled as a motor vehicle fuel that is not to be dispensed, sold, supplied, offered for supply or transport, or exchanged in trade within the area of applicability until a designated date when those activities will be in compliance with this regulation; or

(4) gasoline in Johnson or Wyandotte county that is separately stored, sealed, and clearly labeled as a motor vehicle fuel that is to be dispensed, sold, supplied, offered for supply or transport, or exchanged in trade outside of the area of applicability. (Authorized by K.S.A. 1999 Supp. 65-3005; implementing K.S.A. 65-3010; effective April 27, 2001.)

