

# Petroleum Products

## New York State Weights and Measures Regulations

### 1 NYCRR Part 224

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#### 224.1 Definitions.

- (a) ASTM. The American Society for Testing and Materials.
- (b) Commissioner. The Commissioner of the New York State Department of Agriculture and Markets.
- (c) Co-solvent. An alcohol with a higher molecular weight than methanol or other approved organic compound, which is blended with methanol to prevent phase separation in gasoline.
- (d) Diesel motor fuel. Any fuel sold in this state for use in compression ignition engines which is commercially known or offered for sale as diesel motor fuel. This does not include any diesel fuel specifically designated 4-D and not suitable for use in the operation of a motor vehicle engine.
- (e) Enhanced diesel motor fuel. Any diesel motor fuel which has resulted from the blending of kerosene or any other substance or additive, such as a cetane improver, to or with fuel oil or other middle distillate which improves or enhances such middle distillates performance in the operation of a motor vehicle engine of the diesel type.
- (f) Distributor. Any person, firm or corporation who purchases, transports, stores or causes the transportation or storage of gasoline or diesel motor fuel at any point between commercial entities.
- (g) Gasoline. Any fuel sold in this state for use in spark ignition, internal combustion engines which is commercially known or offered for sale as gasoline.

- (1) Automotive gasoline. Any gasoline of a type distributed for use as a fuel in any ground vehicle.
  - (2) Gasoline-alcohol blend. Any gasoline containing a substantial amount of one or more aliphatic alcohols.
  - (3) Leaded gasoline. Any gasoline which is produced with the use of a lead additive or which contains more than five one-hundredths of a gram of lead per gallon, or which contains more than five one-thousandths of a gram of phosphorus per gallon.
  - (4) Unleaded gasoline. Any gasoline which is produced without the use of a lead additive or which contains not more than five one hundredths of a gram of lead per gallon or not more than five one thousandths of a gram of phosphorus per gallon.
- (h) Kerosene. A refined oil used as a heating fuel, a lighting fuel, or as an additive to diesel motor fuel.
  - (i) Refiner. A person, firm, or corporation who owns, leases, operates, controls or supervises a commercial entity producing gasoline or diesel motor fuel.
  - (j) Retailer. Any person who owns, leases, operates, controls, or supervises any commercial entity at which gasoline or diesel motor fuel is sold or offered for sale to the general public.
  - (k) Reseller. Any person who purchases gasoline identified by the corporate, trade or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale purchaser-consumers displaying the refiner's brands, and whose assets or facilities are not substantially owned, leased or controlled by such refiner.
  - (l) Wholesale purchaser-consumer. Any organization that is an ultimate consumer of gasoline or diesel motor fuel and which purchases or obtains gasoline or diesel motor fuel from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that organization.

**224.2 Specifications and test procedures.** Except as otherwise provided in this Part, the specifications and test procedures referred to in this Part shall be those set forth in the Annual Book of ASTM Standards, Section 5, 2006 edition as published by the American Society for Testing and Materials (ASTM). This document is available from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959. It is available for public inspection and copying in the Counsel's Office, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235 and in the office of the Department of State, 41 State Street, Albany, NY 12231.

**224.3 Standards for gasoline and diesel motor fuel.** The following products when sold, offered for sale or when used in this state shall meet the following requirements:

- (a) Automotive gasoline. All automotive gasoline shall meet the requirements in the Annual Book of ASTM Standards, specification number D 4814-04a, except as noted below.
  - (1) Vapor Pressure. Vapor pressure standards set forth in 6 NYCRR Part 225-3, or exceptions granted thereto by the Commissioner of Environmental Conservation, shall supersede those in this Section.
  - (2) Gasoline-alcohol blends.
    - (i) The total alcohol content of any gasoline alcohol blend shall not exceed 10 percent by volume.
    - (ii) When methanol is blended with gasoline in quantities greater than three-tenths (0.3) percent by volume, the finished blend shall contain at least an equal amount of butanol or higher molecular weight alcohol, or other approved co-solvent. The maximum methanol content of any gasoline shall not exceed five percent by volume.
  - (3) Motor octane number. All unleaded gasoline with minimum (R+M)/2 octane ratings of 87 or higher shall

have minimum motor octane number of 82. Unleaded gasolines with minimum (R+M)/2 octane ratings less than 87 shall have a minimum motor octane number of 81.5.

(4) Testing for octane rating. To determine the automotive fuel rating (octane rating) for gasoline in this Part, add the research octane number from test method ASTM D 2699-92 and the motor octane number from test method ASTM D 2700-92 and divide by two as explained in ASTM Standards, specification number D 4814-04a. Variations in test results for octane ratings within the ASTM reproducibility limits shall be recognized in the enforcement of this section. No violation shall be issued for failure to meet a certified or posted octane rating unless the laboratory test results are:

(i) more than seven-tenths (0.7) octane less than the certified or posted octane for octane ratings less than 89; or

(ii) more than six-tenths (0.6) octane less than the certified or posted octane rating for octane ratings of 89 or greater.

(5) Leaded gasoline. All automotive gasoline designated as "leaded" shall contain a minimum of 0.05 gram per gallon and a maximum of 0.1 gram per gallon of lead, or a minimum of 0.005 gram per gallon of phosphorus.

(b) Diesel fuel. All diesel fuel shall meet the requirements in the Annual Book of ASTM Standards, specification number D 975-05.

(c) Kerosene. All kerosene shall meet the requirements in the Annual Book of ASTM Standards, specification number D 3699-03.

#### **224.4 Delivery of petroleum products.**

(a) Except where otherwise agreed to by the parties in writing, all petroleum products delivered from a vehicle shall be measured by meter or other measuring device.

(1) Where petroleum products delivered from a vehicle are measured by a metering device on the vehicle, the seller shall provide the buyer with a mechanically prepared metered document which shall show the actual quantities of all grades of petroleum products delivered.

(2) Where petroleum products delivered from a vehicle are not measured by a metering device on the vehicle, the seller shall provide the buyer at each location with a mechanically prepared metered document which shall show the actual quantities of all grades of petroleum products transferred to the vehicle which were delivered to that location. The design of the vehicle used in such deliveries shall prevent interchange of products intended for delivery at different locations.

(b) Every retailer shall check the level of each tank before and after each delivery of product in order to ascertain the quantity of product delivered to such tank and shall keep a record of such recordings. All such records shall be safely preserved on the premises for six months in such manner as to insure their security and accessibility for inspection by weights and measures officials.

(c) The person making the delivery shall check the level of product in each tank before and after each delivery of product in order to ascertain the quantity of product delivered to such tank and shall keep a record of such readings. All such records shall be safely preserved at the seller's principal place of business for six months in such manner as to insure their security and accessibility for inspection by weights and measures officials.

(d) In the event of any discrepancy between the seller's delivery invoice and the retailer's records of quantity delivered, the retailer shall notify the seller immediately by telephone, to be confirmed within 48 hours of the delivery in writing by certified mail or telegram, and the seller shall resolve the matter and respond to the retailer within 30 days.

(e) Deliveries of petroleum products to a retailer at night or after closing hours shall be made only with prior written

consent of the retailer.

(f) No delivery of any product shall be made to any storage tank when the water level exceeds two (2) inches (5 centimeters) in depth, when measured from the bottom through the fill pipe or other opening at the top of the tank.

**224.5 Bulk delivery disclosure requirements.** For any bulk shipment of petroleum products which is transferred, sold or delivered to anyone who is not a consumer, the refiner or distributor shall provide, at the time of each transfer, sale or delivery, a delivery ticket or other written proof of the transfer. It shall contain the following information and certifications:

(a) Business or corporate name and address of the refiner or distributor supplying the products.

(b) Business or corporate name and address of the distributor, wholesale purchaser-consumer or retailer receiving the products.

(c) Business or corporate name and address of the person who delivered the products, and the identification of the delivery vehicle (e.g. truck number). This information shall be supplied by the person who made the delivery, e.g. common or contract carrier.

(d) Date of delivery.

(e) Identity and grade of each product transferred, sold, or delivered.

(1) Automotive gasoline shall be identified as leaded or unleaded.

(2) Diesel motor fuel shall be identified as grade 1-D or 2-D Diesel fuel. If the fuel is enhanced diesel motor fuel, the identification shall also include the term "enhanced".

(3) Kerosene shall be identified as grade 1-K or 2-K.

(f) Quantity of each type of petroleum product transferred, sold or delivered.

(1) The quantity shall be recorded on a mechanically prepared meter document and shall be expressed in terms of gallons or liters.

(2) Temperature compensation, wholesale transactions. Wholesale sales of gasoline or diesel motor fuel may be in units of gallons or liters compensated to 60 degrees Fahrenheit (15.6 degrees Celsius). Where products are sold compensated to 60 degrees Fahrenheit (15.6 degrees Celsius) the documentation shall clearly indicate the following:

(i) The uncompensated or "gross" volume before compensation. This value shall be recorded on a mechanically prepared meter document.

(ii) Product temperature at the time of measurement in degrees Fahrenheit or Celsius.

(iii) The API gravity of the product.

(iv) The compensated or "net" volume, when compensated to 60 degrees Fahrenheit (15.6 degrees Celsius).

(g) Certifications. The refiner or distributor supplying the products shall certify the appropriate quality values required below to the person receiving the product. The certification shall be based on the values determined by him or the values certified to him by his supplier. The certifications required by this section may be made either on the delivery documents, or on a letter or other written statement. A certification by letter or other written statement shall remain in effect until a new certification is made.

(1) Automotive gasoline.

(i) Minimum octane rating (R+M)/2 method, as described in section 9 of this part.

(ii) Maximum vapor pressure in pounds per square inch.

(iii) Ethanol content. If the product contains more than 1% ethanol by volume, the maximum percentage of ethanol in the gasoline.

(iv) Methanol content. If the product contains more than three-tenths percent (0.3%) methanol by volume, the maximum percentage of methanol and the minimum percentage of co-solvent in the gasoline.

(2) Diesel motor fuel - Minimum cetane number.

(h) Unless otherwise prescribed in this part, refiners, distributors, wholesale purchaser-consumers, and retailers shall maintain copies of the documentation required in this section for six months. However, in the case of a certification made by letter or other written statement, a copy of the certification shall be maintained while in force and for six months after it has been superseded by a new certification. These copies shall be kept at the normal place of business, on the retail premises in the case of a retail establishment, and shall be available for inspection by weights and measures officials during normal business hours.

**224.6 Retail measuring devices for petroleum products.**

(a) All retail sales of petroleum products shall be from price computing devices.

(1) Devices indicating in customary units shall provide accurate indications of the volume delivered in gallons and binary-submultiples or decimal subdivisions of the gallon, the selling price per gallon, and the total selling price including all federal, state, and local taxes.

(2) Devices indicating in metric units shall provide accurate indications of the volume delivered in liters and decimal subdivisions of the liter, the selling price per liter, and the total selling price including all federal, state, and local taxes.

(b) Any digital money-value indication shall be in mathematical agreement with its associated quantity indication.

(c) All retail computing petroleum devices shall be equipped with money-value indications of sufficient digits to insure the accurate display of the total selling price and the price per unit of any purchase.

(d) Temporary exemption. A temporary exemption from the requirements set forth in subdivision (c) of this section may be granted upon a finding by the commissioner that an insufficient number of retail computing devices are available for all retail stations or other retail outlets to comply with the requirements of subdivisions (a)-(c) of this section. Upon such finding, the commissioner, under such terms and conditions as may be prescribed, may grant a temporary exemption for a specified period of time to any retail station or other retail outlet which submits a written application in such form and manner as may be prescribed by the commissioner; provided, however, that any retail station or other retail outlet granted a temporary exemption in accordance with this subdivision shall comply with the following requirements:

(1) the "price per gallon" indication on the face of the retail computing petroleum device is replaced with the statement, "1/2 price per gallon" (the term one-half may be expressed either as "1/2" or "one-half");

(2) The "total sale" indication on the face of the retail computing petroleum devices is replaced with the statement, "1/2 total sale" (the term one-half may be expressed either as "1/2" or "one-half");

(3) The replacement statements provided for in paragraphs (1) and (2) of this subdivision are printed in letters or

fractions at least one inch in height and are clear, legible and conspicuous with respect to color, style and contrasting background;

(4) A sign or placard, at least 12 inches in height and at least 12 inches in width, is posted on the dispensing device stating clearly and legibly with the whole cent numeral at least nine inches in height and two inches in width, the selling price per gallon of such motor fuel. The sign and selling prices shall be posted so as to be clearly visible to the driver of an approaching vehicle or motorboat.

(e) This section shall not apply to approved manually operated stroke pumps or to approved volumetric measures used for delivery of kerosene. This section shall not apply to devices activated by access keys or cards where sales are limited to members under contract.

#### **224.7 Inventory records, retail establishments.**

(a) A retailer selling gasoline or diesel motor fuel shall keep daily inventory records. Records shall be kept for each storage tank (or battery of tanks if they are interconnected) and shall include measurements of:

- (1) Inventory on hand;
- (2) Deliveries ;
- (3) Sales or other use;
- (4) Losses or gains;
- (5) Bottom water level.

(b) Reconciliation of records shall be kept current.

(c) Water in storage tanks. A retailer shall remove the bottom water from any storage tank used to store gasoline or diesel fuel within 48 hours after the daily inventory reconciliation indicates a bottom water level exceeding two (2) inches (5 centimeters).

(d) All records required in this section shall be safely preserved on the premises for six months, and maintained for five years in such manner as to insure their security and accessibility for inspection by weights and measures officials.

#### **224.8 Retail sales of gasoline-alcohol blends.**

(a) A retailer or reseller shall not transfer, sell, dispense, or offer gasoline for sale in this state if it contains more than one (1) percent by total volume of ethanol unless the retail dispensing device displays a sign with at least one-quarter inch block letter on a contrasting background reading "Contains.....% ethanol", the blanks being filled in with the maximum percentage of ethanol in the gasoline. This information shall be continuously displayed on the upper fifty percent (50%) of the dispenser.

(b) A retailer or reseller shall not transfer, sell, dispense, or offer gasoline for sale in this state if it contains more than three tenths (0.3) percent by total volume of methanol unless the retail dispensing device displays a sign with at least one-quarter inch block letter on a contrasting background reading "Contains.....% Methanol" and "Contains .....% Co-solvent, the blanks being filled in with the maximum percentage of methanol and the minimum percentage of co-solvent in the gasoline. This information shall be continuously displayed on the upper fifty percent (50%) of the dispenser.

(c) A retailer that stores, sells or offers for sale any gasoline-alcohol blend for the first time shall remove all water and precipitated materials from the storage tank before the gasoline-alcohol blend is delivered into the storage tank.

#### **224.9 Octane posting and certification for automotive gasoline.**

(a) Duties of refiners, importers and producers.

- (1) If you are a refiner, importer or producer, you must determine the octane rating of all gasoline before you

transfer it. You can do that yourself or through a testing lab.

(2) To find the octane rating, use the method prescribed in paragraph (4) of subdivision (a) of section 224.3 of this Part.

(3) In each transfer you make to anyone who is not a consumer, you must certify the octane rating of the gasoline consistent with your determination. You can do this in either of two ways:

(i) Include a delivery ticket with each transfer of gasoline. It may be an invoice, bill of lading, bill of sale, terminal ticket, delivery ticket, or any other written proof of transfer. It must contain at least these four items: (1) your name; (2) the name of the person to whom the gasoline is transferred; (3) the date of the transfer; (4) the octane rating. This may be rounded off to a whole or half number equal to or less than the number determined by you.

(ii) Give the person a letter or other written statement. This letter must include the date, your name, the other person's name, and the octane rating of any gasoline you will transfer to that person from the date of the letter onwards. The octane rating may be rounded to a whole or half number equal to or less than the number determined by you. This letter of certification will be good until you transfer gasoline with a lower octane rating. When this happens, you must certify the octane rating of the new gasoline, either with a delivery ticket or by sending a new letter of certification.

(4) When you transfer gasoline to a common carrier, you must certify the octane rating of the gasoline to the common carrier, either by letter or on the delivery ticket or other paper.

(5) You must keep records of how you determined octane ratings for one year. They must be open for inspection by weights and measures officials during normal business hours.

(b) Duties of distributors.

(1) If you are a distributor, you must certify the octane rating of the gasoline in each transfer you make to anyone who is not a consumer.

(2)(i) If you do not blend the gasoline with other gasoline, you must certify consistent with the octane rating certified to you. If you blend the gasoline with other gasoline, you must certify consistent with your determination of the average, weighted by volume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to certify the octane rating of the gasoline consistent with your determination of the octane rating according to the method prescribed in paragraph (4) of subdivision (a) of section 224.3 of this Part.

(ii) In all cases above, the octane rating may be rounded to a whole or half number equal to or less than the number certified to you or determined by you.

(3) You may certify either by using a delivery ticket with each transfer of gasoline, as outlined in section 9(a)(3)(i) of this part, or by using a letter of certification, as outlined in section 9(a)(3)(ii) of this part.

(4) When you transfer gasoline to a common carrier, you must certify the octane rating of the gasoline to the common carrier, either by letter or on the delivery ticket or other paper. When you receive gasoline from a common carrier, you must also receive from the common carrier a certification of the octane rating of the gasoline, either by letter or on the delivery ticket or other paper.

(5) You must keep for one year any delivery tickets or letters of certification on which you based your octane rating certifications. You must also keep for one year records of any octane rating determinations you made according to the method prescribed in paragraph (4) of subdivision (a) of section 224.3 of this Part. They must be open for inspection by weights and measures officials during normal business hours.

(c) Duties of retailers.

- (1) If you are a retailer, you must post the octane rating of all automotive gasoline you sell to consumers. You must do this by putting at least one label on each face of each gasoline dispenser through which you sell gasoline. If you are selling two or more kinds of gasoline with different octane ratings from a single dispenser, you must put separate labels for each kind of gasoline on each face of the dispenser.
- (2)(i) The label, or labels, must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per gallon of the gasoline.
  - (ii) You may petition for an exemption from the placement requirements by writing the Secretary of the Federal Trade Commission. You must state the reasons why you want the exemption.
- (3) If you do not blend the gasoline with other gasoline, you must post consistent with the (R+M)/2 octane rating certified to you. If you blend the gasoline with other gasoline, you must post consistent with your determination of the average, weighted by volume, of the octane ratings certified to you for each gasoline in the blend, or consistent with the lowest octane rating certified to you for any gasoline in the blend. Whether you blend gasoline or not, you may choose to post the octane rating consistent with your determination of the octane rating according to the method prescribed in paragraph (4) of subdivision (a) of section 224.3 of this Part. In all cases above, the octane rating must be shown as a whole or half number equal to or less than the octane rating certified to you or determined by you.
- (4)(i) You must maintain and replace labels as needed to make sure consumers can easily see and read them.
  - (ii) If the labels you have are destroyed or are unusable or unreadable for some unexpected reason, you can satisfy the law by posting a temporary label as much like the required label as possible. You must still get and post the required label without delay.
- (5) When you receive gasoline from a common carrier, you must also receive from the common carrier a certification of the octane rating of the gasoline, either by letter or on the delivery ticket or other paper.
- (6) You must keep for one year any delivery tickets or letters of certification on which you based your posting of octane ratings. You must also keep for one year records of any octane rating determinations you made according to the method prescribed in paragraph (4) of subdivision (a) of section 224.3 of this Part. These records may be kept at the retail station, or at another, reasonably close location. They must be open for inspection by weights and measures officials during normal business hours.

**224.10 Cetane posting, retail sales of diesel fuel.**

- (a) If you are a retailer, you must post the minimum cetane number rating of all diesel fuel you sell to consumers. You must do this by putting at least one label on each face of each dispenser through which you sell diesel fuel.
- (b) The label, or labels must be placed conspicuously on the dispenser so as to be in full view of consumers and as near as reasonably practical to the price per gallon of the diesel fuel.
- (c) You must post consistent with the cetane number rating certified to you, or you may choose to post the cetane number rating determined by you according to the methods prescribed in ASTM D 975, as incorporated by reference in section 224.3(b) of this Part. In all cases above, the cetane number rating must be shown as a whole or half number equal to or less than the cetane number rating certified to you or determined by you.
- (d)(1) You must maintain and replace labels as needed to make sure consumers can easily see and read them.
  - (2) If the labels you have are destroyed or are unusable or unreadable for some unexpected reason, you can satisfy the requirements by posting a temporary label as much like the required label as possible. You must still

get and post the required label without delay.

(e) When you receive diesel motor fuel from a common carrier, you must also receive from the common carrier a certification of the cetane number rating of the diesel motor fuel, either on the delivery ticket or other paper.

(f) You must keep for six months any delivery tickets or letters of certification on which you based your posting of cetane number rating. You must also keep for six months records of any cetane number rating determinations you made. These records shall be kept at the retail station and they must be open for inspection by weights and measures officials during normal business hours.

**224.11 Label specifications, octane and cetane posting.** All labels used to post octane or cetane shall meet the following specifications:

(a) Layout. The label is 3" wide x 2 1/2" long. The illustrations appearing at the end of this section are prototype labels that demonstrate the proper layout. Helvetica type is used throughout except for the octane or cetane number rating which is in Franklin gothic type. Spacing of the label is 1/4" between the top border and the first line of text, 1/8" between the first and second line of text (used only for octane labels), 1/4" between the octane or cetane number rating and the line of text above it. All text and numerals are centered within the interior borders.

(b) Type size and setting. The Helvetica series is used for all numbers and letters with the exception of the octane or cetane number. Helvetica is available in a variety of phototype setting systems and by linotype.

(1) Gasoline octane rating. The top line "MINIMUM OCTANE RATING" is set in 12 point Helvetica Bold, all capitals, with letterspace set at 12 1/2 points. The second line "(R+M)/2 METHOD" is set in 10 point Helvetica Bold, all capitals, with letterspace set at 10 1/2 points. The octane number is set in 96 point Franklin gothic condensed with 1/8" space between the numbers.

(2) Diesel fuel cetane number. The top line "MINIMUM CETANE RATING" is set in 12 point Helvetica Bold, all capitals, with letterspace set at 12 1/2 points. The cetane number is set in 96 point Franklin gothic condensed with 1/8" space between the numbers.

(c) Colors. The basic color on all labels is process yellow. All type is process black. All borders are process black. Both colors must be non-fade.

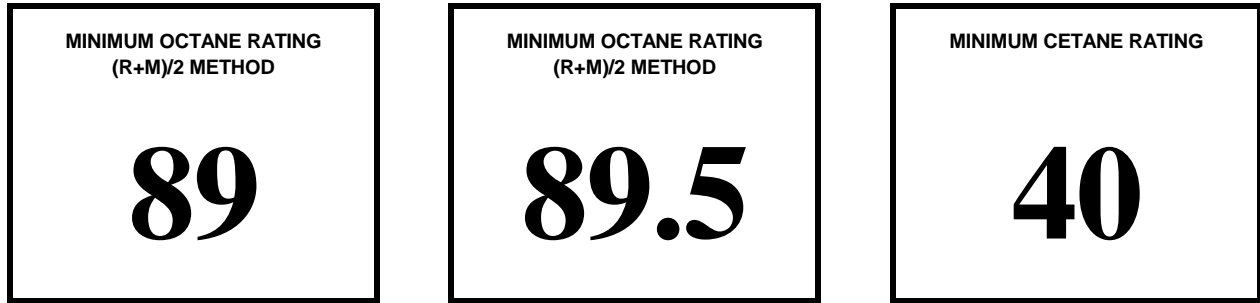
(d) Contents. The contents are shown in the illustration. The proper octane rating for each gasoline or cetane number rating for each diesel motor fuel must be shown. No marks or information other than that called for by this rule may appear on the label.

(e) Special label protection. All labels must be capable of withstanding extremes of weather conditions for a period of at least one year. They must be resistant to gasoline, oil, grease, solvents, detergents, and water.

(f) Illustrations of labels. Labels should meet the specifications in this section, and should look like these examples, except the black print should be on a yellow background.

(g) Exemptions. Exemptions to the octane label requirements included in the regulations of the Federal Trade Commission shall be recognized.

Illustrations of Labels



**224.12 Retail sales of unleaded or leaded gasoline.**

- (a) No retailer or wholesale purchaser-consumer, or his/her employee or agent, shall sell, dispense, or offer for sale gasoline represented to be unleaded unless such gasoline meets the defined requirements for unleaded gasoline.
- (b) Every retailer and every wholesale purchaser-consumer shall affix to each gasoline stand a permanent legible label as follows:
  - (1) For gasoline pump stands containing pumps for the introduction of unleaded gasoline into motor vehicles, the label shall state: Unleaded gasoline.
  - (2) For gasoline pump stands containing pumps for the introduction of leaded gasoline into motor vehicles, the label shall state: Contains lead anti-knock compounds. Any label required under this paragraph shall be located so as to be readily visible to a retailer's or a wholesale purchaser-consumer's employees and persons operating motor vehicles into which gasoline is to be dispensed.
- (c) If more than one grade of unleaded gasoline is dispensed from a gasoline pump or pump stand, compliance with this section is required for only one grade.

**224.13 Retail sales of diesel motor fuel, kerosene.**

- (a) Diesel motor fuel sold at retail shall be identified by the grades of 1-D or 2-D. If the fuel is enhanced diesel motor fuel, the identification shall also include the term "enhanced". The grade of diesel motor fuel shall be continuously posted on each face of the dispenser that displays the sale information.
- (b) Kerosene sold at retail shall be identified by the grades of 1-K or 2-K.
  - (1) When sold through a retail computing dispenser, the grade of kerosene shall be continuously posted on each face of the dispenser that displays the sale information. When sold through an approved manually operated stroke pump or using an approved liquid measure, the grade shall be conspicuously posted on a sign or placard.
  - (2) In the case of 2-K kerosene, an additional statement "WARNING - NOT SUITABLE FOR USE IN UNVENTED HEATERS REQUIRING 1-K KEROSENE" shall be presented in block letters at least one-half inch (1/2") in height and one-sixteenth inch (1/16") stroke (width of type) on a contrasting background. When kerosene is sold through a retail computing dispenser, the warning statement shall be continuously posted on the upper fifty percent (50%) of the dispenser. When kerosene is sold through an approved manually operated stroke pump or using an approved liquid measure, the warning statement shall be conspicuously posted on a sign or placard.

**224.14 Color coding of fill ports.**

(a) The owner or operator of a retail establishment selling petroleum products from underground storage tanks shall permanently mark all fill ports to identify the products inside. These markings shall be consistent with the symbol code of the American Petroleum Institute which follows.

(b) The colors to be used are:

- |                              |                     |
|------------------------------|---------------------|
| (1) High leaded gasoline     | red                 |
| (2) Middle leaded gasoline   | blue                |
| (3) Lower leaded gasoline    | white               |
| (4) Higher unleaded gasoline | red w/white cross   |
| (5) Middle unleaded gasoline | blue w/white cross  |
| (6) Lower unleaded gasoline  | white w/black cross |
| (7) Vapor recovery           | orange              |
| (8) Diesel                   | yellow              |
| (9) #1 fuel oil              | purple w/yellow bar |
| (10) #2 fuel oil             | green               |
| (11) Kerosene                | brown               |

(c) Symbols to be used are:

- (1) A circle for gasoline products and vapor recovery lines
- (2) Hexagon for other distillates
- (3) A border must be painted around fuel products containing extenders such as alcohol. The border will be black around a white symbol and white around all other colors.

**224.15 Custom blending devices, test procedures.**

(a) "Custom blending device" shall mean any gasoline dispensing device that delivers a mixture of two gasoline products of different octane ratings.

(b) Any blended fuel dispensed in the inspection and test of a custom blending device shall be returned to the lowest octane storage tank supplying that custom blending device.

(c) Custom blending devices where the blending occurs after the measurement of the products shall be inspected and tested for accuracy according to the procedures set forth below.

(1) Allow 10-second drain period each time test measure is emptied. To determine proper operation of totalizers, observe and record the totalizer indications before and after all test drafts.

(2) Test at lowest octane. Set selector control so that lowest octane product is dispensed. Normal test - full flow - basic tolerance.

If the first test is well within tolerance, proceed to (3); otherwise repeat this test.

(3) Check computed price on both sides of dispenser.

(4) Test at highest octane. Set selector control so that highest octane product is dispensed. Normal test - full flow - basic tolerance.

If test is well within tolerance, proceed to (5); otherwise repeat this test.

- (5) Check computed price on both sides of dispenser.
- (6) Test at blend - select an intermediate blend. Special test - slow flow - basic tolerance.

If test is well within tolerance and the error is less than or equals the average error of the previous two tests, proceed to (7); otherwise slow flow test at first grade above lowest octane and first grade beneath highest octane (where applicable).

- (7) Check computed price on both sides of dispenser.
- (8) Set money-value computation on other blends. Set selector control at each of the remaining blends and dispense one indicated gallon to check computed price.

**224.16 Reimbursement to municipalities.**

(a) The commissioner shall reimburse municipalities for costs associated with implementation of the petroleum product quality program.

(b) Reimbursement shall be made for:

- (1) Employee wages, based on the employee's hourly rate including fringe benefits, for the time required to perform the following services as directed by the commissioner:
  - (i) Collection of petroleum product samples and transport of said samples to a designated collection point.
  - (ii) Screening petroleum products for the presence of lead additives and/or alcohols.
  - (iii) Preparation and submission of required reports to the commissioner.
  - (iv) Investigations necessary to affirm that a violation has occurred.
- (2) Administration costs, not to exceed 15% of program costs. All such costs must be individually justified.
- (3) Transportation costs including tolls and mileage at the current rate negotiated under the Professional, Scientific and Technical Bargaining Unit contract.
- (4) Purchase price of petroleum samples collected and submitted for test.
- (5) Other costs, as justified. Prior written approval shall be required for equipment purchases.

(c) Payment shall be made each quarter upon receipt of a voucher from the municipality identifying the amounts claimed for each area of reimbursement. Documentation and receipts supporting the claims shall be maintained by the municipality for three (3) years and shall be available for inspection by department representatives. Documentation shall include a log of time spent by each employee on work performed in support of this program.

**224.17 Stayed or Invalid Sections.** If any section of this part is stayed or held invalid, the remainder will stay in force.