

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

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|---|--------------------------|---|--|-----------------------------------|-----------------------|
| AGENCY NAME Mississippi Department of Agriculture & Commerce | | CONTACT PERSON Jennifer Thompson | | TELEPHONE NUMBER (601)359-1144 | |
| ADDRESS P.O. Box 1609 | | CITY Jackson | | STATE MS | ZIP 39215 -1609 |
| EMAIL jennifer@mdac.ms.gov | SUBMIT DATE 3/19/2020 | Name or number of rule(s): "Title 2, Part 1 MDAC Rules, Subpart 4, Chapter 8, Section 108.01 of the Petroleum Products Inspection Law Regs "Standard Specifications" | | | |

Due to the reduction in demand for motor fuels due to the COVID-19 emergency, The Department issues this temporary rule to provide a waiver for ASTM Reid Vapor Pressure Specifications related to gasoline and gasoline blended with one or more percent ethanol. The reasoning for this waiver is to avoid supply disruptions for Mississippi and other states affected by the COVID-19 emergency for the time period April 1, 2020 through April 30, 2020. This should provide a greater supply of gasoline for sale in the state.

Specific legal authority authorizing the promulgation of rule: *Miss. Code Ann. 75-55-3.*

List all rules repealed, amended, or suspended by the proposed rule: Section 108.01.

ORAL PROCEEDING:

An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.




ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

| TEMPORARY RULES | PROPOSED ACTION ON RULES | FINAL ACTION ON RULES |
|---|---|---|
| <input checked="" type="checkbox"/> Original filing <input type="checkbox"/> Renewal of effectiveness To be in effect in _____ days Effective date: <input type="checkbox"/> Immediately upon filing <input checked="" type="checkbox"/> Other (specify): <u>April 1, 2020</u> | Action proposed: <input type="checkbox"/> New rule(s) <input type="checkbox"/> Amendment to existing rule(s) <input type="checkbox"/> Repeal of existing rule(s) <input type="checkbox"/> Adoption by reference Proposed final effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____ | Date Proposed Rule Filed: _____ Action taken: <input type="checkbox"/> Adopted with no changes in text <input type="checkbox"/> Adopted with changes <input type="checkbox"/> Adopted by reference <input type="checkbox"/> Withdrawn <input type="checkbox"/> Repeal adopted as proposed Effective date: <input type="checkbox"/> 30 days after filing <input type="checkbox"/> Other (specify): _____ |

Printed name and Title of person authorized to file rules: Andy Gipson, Commissioner and Ashli Brown, State Chemist

Signature of person authorized to file rules:  

| | | |
|---|---|---|
| <p>OFFICIAL FILING STAMP</p>  <p>Accepted for filing by <u>24791 AF</u></p> | <p>DO NOT WRITE BELOW THIS LINE</p> <p>OFFICIAL FILING STAMP</p>  <p>Accepted for filing by _____</p> | <p>OFFICIAL FILING STAMP</p>  <p>Accepted for filing by _____</p> |
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The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Subpart 4-Bureau of Regulatory Services
Chapter 08-Petroleum Products Inspection Law

Standard Specifications

108.01 The Commissioner and State Chemist hereby adopt by reference, including subsequent amendments and editions, ASTM D4814, "Standard Specification for Automotive Spark-Ignition Engine Fuel" as standard specification for gasoline with the following modifications:

1. Applications for temporary exceptions to vapor pressure and vapor/liquid ratio specifications as provided in this Subparagraph may be made to the Commissioner and State Chemist. Said applications shall contain evidence that outlets marketing gasoline in Mississippi cannot be supplied from bulk terminals furnishing specified volatility level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Commissioner and State Chemist at which time the Commissioner and State Chemist shall establish the duration of the exception;
2. Vapor pressure and vapor/liquid ratio seasonal specifications as listed in this Subparagraph may be extended for a maximum period of 15 days to allow for the disbursement of old stocks. However, new stocks of a higher volatility classification shall not be offered for retail sale prior to the effective date of the higher volatility classification.
3. For the time period of April 1, 2020 to April 30, 2020, fuel shall meet ASTM D4814 volatility class D. This subparagraph shall repeal April 30, 2020.
(Amended February 12, 2001; June 4, 2008; Temporary Rule April 1, 2020.)

Source: *Miss. Code Ann.* §75-55-3.

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level gasoline or that customary sources of supply have been temporarily interrupted by product shortage and alternate sources furnishing specified volatility level gasoline are not available. Such temporary exceptions granted shall apply only until the next meeting of the Commissioner and State Chemist at which time the Commissioner and State Chemist shall establish the duration of the exception;

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3. For the time period of April 1, 2020 to April 30, 2020, fuel shall meet ASTM D4814 volatility class D. This subparagraph shall repeal April 30, 2020.

(Amended February 12, 2001; June 4, 2008; Temporary Rule April 1, 2020.)

Source: Miss. Code Ann. §75-55-3.