

**SUBSTITUTE FOR
HOUSE BILL NO. 5570**

A bill to amend 1984 PA 44, entitled
"Motor fuels quality act,"
by amending section 3 (MCL 290.643), as amended by 1993 PA 231.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) The director shall establish standards pursuant
2 to this act to ensure the purity and quality of gasoline sold or
3 offered for sale in this state.

4 (2) The director shall establish standards for the amount
5 and type of additives allowed to be included in gasoline.

6 (3) The director shall establish standards for the grading
7 of gasoline, including, but not limited to, leaded subregular
8 with a minimum 87 AKI, leaded regular with a minimum 89 AKI,
9 leaded premium with a minimum 93 AKI, unleaded subregular with a
10 minimum 85 AKI, unleaded regular with a minimum 87 AKI and a
11 minimum 82 MON, unleaded midgrade 88 with a minimum 88 AKI and

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1 minimum 82 MON, unleaded midgrade 89 with a minimum 89 AKI and a
2 minimum 83 MON, unleaded premium with a minimum 90 AKI, and
3 grades for alcohol fuels. Leaded gasoline with a 94 AKI or more,
4 and unleaded gasoline with a 91 AKI or more, may be offered for
5 sale labeled with the minimum AKI number if the gasoline has been
6 listed with and approved by the department. The leaded gasoline
7 with 94 AKI or more shall be labeled as leaded premium followed
8 by the approved AKI number, and the unleaded gasoline with 91 AKI
9 or more shall be labeled unleaded premium followed by the
10 approved AKI number.

11 (4) The director shall establish standards for Reid vapor
12 pressure as specified by the American society for testing and
13 materials, except as otherwise required to conform to federal or
14 state law. The director shall establish the Reid vapor pressure
15 as 9.0 pounds per square inch (psi) for retail outlets during the
16 period beginning June 1 through September 15 of each year, except
17 for dispensing facilities where the director shall establish the
18 Reid vapor pressure as 7.8 psi in the year 1996 and thereafter.
19 As used in this subsection and section 10d, "Reid vapor pressure"
20 means the vapor pressure of gasoline or gasoline oxygenate blend
21 as determined by ASTM test method D323, standard test method for
22 vapor pressure of petroleum products (Reid method) or test method
23 D4953, standard test method for vapor pressure of gasoline and
24 gasoline oxygenate blends (dry method).

25 (5) In establishing additive and grading standards the
26 director shall adopt the latest standards for gasoline
27 established by the American society for testing and materials and

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1 shall adopt the latest standards for gasoline established by
2 federal law or regulation. The standards established by the
3 director shall not prohibit a gasoline blend that is permitted by
4 a valid waiver granted by the United States environmental protec-
5 tion agency pursuant to the fuel or fuel additive waiver in sec-
6 tion 211(f)(4) of part A of title II of the clean air act, chap-
7 ter 360, 81 Stat. 502, 42 U.S.C. 7545, and the ethanol waiver of
8 1.0 psi in section 211(h)(4) of part A of title II of the clean
9 air act, chapter 360, 81 Stat. 502, 42 U.S.C. 7545, if the gaso-
10 line blend meets all of the conditions set forth in the waiver.

11 BEGINNING JANUARY 1, 2003, THE DIRECTOR SHALL NOT PERMIT THE USE
12 OF THE ADDITIVE METHYL TERTIARY BUTYL ETHER (MTBE) IN THIS

13 STATE. [THE DIRECTOR SHALL REQUIRE NOTIFICATION TO THE DEPARTMENT OF
WHICH ADDITIVE OR ADDITIVES ARE USED TO REPLACE MTBE. THE DIRECTOR,
IN CONSULTATION WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY, SHALL
DETERMINE IF THE ADDITIVE IS LIKELY TO CAUSE HARMFUL EFFECTS ON THE
ENVIRONMENT OR PUBLIC HEALTH WITHIN THE STATE. THE DIRECTOR SHALL
NOT ALLOW THE LEVEL OF BENZENE IN GASOLINE TO INCREASE AS A
REPLACEMENT FOR MTBE.] THE BY JUNE 1, 2002, THE DIRECTOR, IN
CONSULTATION WITH THE

14 DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, SHALL REVIEW
15 THE STATUS OF THE USE OF MTBE IN THIS STATE. THE REVIEW SHALL
16 INCLUDE THE FOLLOWING:

17 (A) THE AMOUNT OF THE ADDITIVE METHYL TERTIARY BUTYL ETHER
18 (MTBE) CURRENTLY IN USE IN GASOLINE IN THIS STATE.

19 (B) AN ESTIMATE OF THE AMOUNT OF MTBE THAT IS IMPORTED IN
20 GASOLINE TRANSPORTED INTO THIS STATE FROM OTHER STATES OR
21 COUNTRIES.

22 (C) RECOMMENDATIONS AS TO WHETHER THE JANUARY 1, 2003 PROHI-
23 BITION CAN BE ACHIEVED AND, IF NOT, DETERMINE A MORE FEASIBLE
24 DATE.

25 (D) ANY OTHER INFORMATION CONSIDERED APPROPRIATE.

26 (6) Standards established pursuant to this section shall be
27 by rules promulgated pursuant to the administrative procedures

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1 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being~~
2 ~~sections 24.201 to 24.328 of the Michigan Compiled Laws 1969~~
3 PA 306, MCL 24.201 TO 24.328.