

The Texas Natural Resource Conservation Commission (commission) proposes amendments to §114.307, Exemptions, and §114.309, Affected Counties. The commission proposes these amendments to Chapter 114, Control of Air Pollution from Motor Vehicles; Subchapter H, Low Emission Fuels; Division 1, Gasoline Volatility; and corresponding revisions to the state implementation plan (SIP).

#### BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The commission proposes these amendments to address concerns of research laboratories and academic institutions, and to provide flexibility by more closely matching the exemptions established for the gasoline Reid vapor pressure (RVP) rules to those exemptions allowed in the diesel fuel rules as specified in §114.317, Exemptions to Low Emission Diesel Requirements. The proposed amendments to the RVP rules are not expected to have a significant impact on air quality.

The regional low RVP gasoline program as established through the adoption of §114.301, Control Requirements for Reid Vapor Pressure; §114.304, Registration of Gasoline Producers and Importers; §114.305, Approved Test Methods; §114.306, Recordkeeping, Reporting, and Certification Requirements; and §114.309 in April 5, 2000, requires all conventional gasoline in the 95-county central and eastern Texas region to be limited to a maximum RVP of 7.8 pounds per square inch (psi) from May 1 through October 1 of each year, beginning May 1, 2000.

The 95-county central and eastern Texas region affected by these rules consists of Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls,

Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties.

The research laboratories and academic institutions located within the RVP control areas are concerned that the current language in §114.301 does not allow them to conduct research and test fuels, additives, and/or motor vehicles using fuels with an RVP higher than allowed during the ozone control period.

The ozone control period normally extends from May 1 through October 31 of each year or for about six months. This places an undue hardship on those institutions that need to test with the higher RVP fuels during the ozone control period. Also, test fuels are sometimes required to be stored in quantities greater than the currently exempted 500 gallons. The proposed amendments to §114.307 will clarify that these affected facilities are exempt from the provisions.

Other proposed amendments to §114.307 include an exemption for gasoline used for competition racing purposes; and an exemption for retail dispensing outlets from all monitoring, recordkeeping, and reporting requirements, except to maintain product transfer documents. Finally, the proposed amendments would exempt gasoline that does not meet the RVP requirements, to be stored or transferred in the affected counties as long as it is not ultimately used in the affected counties to power

a gasoline-powered, spark-ignition engine in a motor vehicle or non-road equipment. This storage and transfer exemption does not apply to that fuel used in conjunction with agricultural use; aviation use; research, development, or testing purposes; or as competition racing fuel.

In addition, a proposed amendment will correct a typographical error relating to the name of Smith County, which is located in the RVP control area. In the rules adopted on April 5, 2000, Smith County was inadvertently listed as Judge Smith County. This proposed amendment will eliminate confusion and correct the error by deleting the word "Judge."

#### SECTION BY SECTION DISCUSSION

The proposed amendments to §114.307 add new subsections (b) - (e). The proposed amendments to this section will make the exemptions for gasoline consistent with the exemptions for diesel fuel specified in §114.317. Proposed subsection (b) establishes an exemption for gasoline used in research, development, or testing purposes of fuels, additives, and/or motor vehicles. Under the current rules, research facilities and academic institutions are limited to a maximum RVP of 7.8 psi from May 1 through October 1. This exemption would allow research facilities and academic institutions to use higher RVP fuels year-round for their fuels-related research. Proposed new subsection (c) establishes an exemption for gasoline used for competition racing purposes. Competition racing gasolines have higher RVP specifications than allowed which would effectively limit the competition racing events to the non-ozone control periods. This exemption would allow competition racing events year-round. Proposed new subsection (d) exempts the owner or operator of a retail fuel dispensing outlet from all monitoring, recordkeeping, and reporting requirements of these rules, except for the requirement to maintain

product transfer documents. This exemption would eliminate unnecessary paperwork for retail gasoline dispensing outlets. The recordkeeping requirement related to product transfer documents was left unchanged because it allows the commission to track gasoline back to its producers if enforcement actions are needed. Finally, proposed new subsection (e) states that gasoline, which does not meet the RVP requirements, is allowed in the affected counties as long as it is not ultimately used to power a gasoline-powered, spark-ignition engine in a motor vehicle or non-road equipment in the affected counties. This exemption allows gasoline suppliers and transporters to ship and store their higher RVP fuels into and through the affected areas rather than having to ship or store the fuel outside of the affected areas. The exemption in subsection (e) does not apply to fuel used in conjunction with agricultural use; aviation use; research, development, or testing purposes; or as competition racing fuel.

The proposed amendments to §114.309 will correct a typographical error relating to the name of Smith County, which is located in the RVP control area. In the April 5, 2000 adopted revisions to this section, Smith County was inadvertently listed as “Judge Smith County.”

#### FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

Jeffrey Horvath, Strategic Planning and Appropriations Division, determined that for the first five-year period the proposed amendments are in effect, there will not be significant fiscal implications for the commission or other units of state and local government as a result of administration or enforcement of the proposed amendments.

The commission proposes these amendments in order to ensure that research laboratories and academic institutions located within the 95-county regional low RVP gasoline program, will be able to conduct research and testing of fuels, additives, and/or motor vehicles, as these facilities may use fuels for testing which have higher RVP than is currently allowed. Also, these test fuels are sometimes required to be stored in quantities greater than the currently exempted 500 gallons. The proposed amendments will clarify that such facilities are exempt from provisions relating to the use of fuels which have higher RVP than currently allowed.

In addition, the proposed amendments would provide exemptions from the provisions restricting the use of fuels with higher RVP for gasoline used for competition racing purposes and owners or operators of retail fuel dispensing outlets would be exempt from certain recordkeeping requirements, except the current requirement to maintain product transfer documents. The RVP level of a batch of gasoline is set by fuel producers during the refining process, therefore, retail outlets do not have the ability to alter the RVP of the delivered fuel. The proposed amendments would clarify that retailers are exempt from recordkeeping and reporting requirements, except for maintaining product transfer documents which allow the commission to track gasoline back to its producers if enforcement actions are needed. The proposed amendments are not expected to impact current state and local government practices and are intended to clarify exemptions regarding these provisions; therefore, there will be no significant fiscal implication for the commission or state and local government. The proposed amendments would also correct a typographical error relating to the name of Smith County, which is located in the RVP control area.

The regional low RVP gasoline program was established in April 2000, and requires all conventional gasoline in the 95-county central and eastern Texas region to be limited to a maximum RVP of 7.8 psi from May 1 through October 1 of each year. This 95-county control area was established as part of a regional air pollution control strategy for the Dallas-Fort Worth (DFW) and Houston-Galveston (HGA) ozone nonattainment areas. Gasoline with a lower RVP evaporates more slowly, and therefore reduces the amount of volatile organic compounds (VOC) emitted to the atmosphere, which consequently reduces the potential for ground-level ozone formation. The formation of ozone is also more likely to occur during the warmer times of the year.

#### PUBLIC BENEFIT AND COSTS

Mr. Horvath also determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated from enforcement of and compliance with the proposed amendments would be the maintenance of a regional ozone reduction strategy while allowing research facilities to continue with the research, development, and testing of fuels during the regulatory period of May 1 through October 1 of each year. Much of the research at such facilities supports efforts to produce vehicle and engine systems that reduce pollutant emissions. In addition, the proposed amendments will clarify provisions relating to the use of competition racing fuel during the months of May 1 through October 1, and clarify recordkeeping and recording requirements for gas stations and other retail fuel outlets. There are no fiscal implications anticipated to businesses or individuals as a result of implementing the proposed amendments, because they are not expected to impact current practices.

The commission proposes these amendments in order to ensure that research laboratories and academic institutions located within the 95-county regional low RVP gasoline program, will be able to conduct research and testing of fuels, additives, and/or motor vehicles, as these facilities may use fuels for testing which have higher RVP than is currently allowed. Also, these test fuels are sometimes required to be stored in quantities greater than the currently exempted 500 gallons. The proposed amendments will clarify that such facilities are exempt from provisions relating to the use of fuels which have higher RVP than currently allowed.

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1 through October 1 of each year. This control area was established as part of a regional air pollution control strategy for the DFW and HGA ozone nonattainment areas. Gasolines with lower RVP evaporate more slowly and therefore reduce the amount of VOC emitted to the atmosphere and consequently reduce the potential for ground-level ozone formation. The formation of ozone is also more likely to occur during the warmer times of the year.

#### SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

There will be no adverse fiscal implications for small or micro-businesses as a result of implementation of the proposed amendments. There are no known research laboratories or academic institutions considered to be small or micro-businesses. However, it is anticipated that there are many independent retailers of gasoline in the affected 95-county area that are small or micro-businesses. The proposed amendments do not vary with the size of the business and may result in positive fiscal implications through potential reduced reporting and recordkeeping requirements, though the fiscal implications are not considered to be significant. The proposed amendments are not expected to impact current practices and are intended to clarify exemptions regarding these provisions.

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#### DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rulemaking in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the proposed rulemaking is not subject to §2001.0225 because it does not meet the definition of a “major environmental rule” as defined in that statute. “Major environmental rule” means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The amendments to Chapter 114 are intended to protect the environment or reduce risks to human health from environmental exposure to ozone but will not affect in a material way, a sector of the economy, competition, and the environment due to its impact on the fuel manufacturing and distribution network of the state. The amendments are intended to provide flexibility in the RVP air pollution control program as part of the strategy to reduce emissions of nitrogen oxides (NO<sub>x</sub>) necessary for the counties included in the HGA ozone nonattainment area to be able to demonstrate attainment with the ozone national ambient air quality standard (NAAQS). Impacts on the fuel manufacturing and distribution network and the environment will not be significant because the proposed amendments simply add a few clarifying exemptions to §114.307, remove monitoring, recordkeeping, and reporting requirements for retail gasoline dispensing outlets except the requirement to maintain product transfer documents, and correct a typographical error. Based on this, the proposed amendments are not major environmental rules.

Additionally, even if these amendments were major environmental rules, §2001.0225 only applies to a major environmental rule that: 1.) exceeds a standard set by federal law, unless the rule is specifically required by state law; 2.) exceeds an express requirement of state law, unless the rule is specifically required by federal law; 3.) exceeds a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4.) adopts a rule solely under the general powers of the agency instead of under a specific state law.

This proposed rulemaking action does not meet any of these four applicability requirements.

Specifically, the RVP fuel requirements including these proposed amendments were developed in order to meet the ozone NAAQS set by the United States Environmental Protection Agency (EPA) under 42 United States Code (USC), §7409, and therefore meet a federal requirement. Provisions of 42 USC, §7410, require states to adopt a SIP which provides for “implementation, maintenance, and enforcement” of the primary NAAQS in each air quality control region of the state. While §7410 does not require specific programs, methods, or reductions in order to meet the standard, SIPs must include “enforceable emission limitations and other control measures, means or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance as may be necessary or appropriate to meet the applicable requirements of this chapter,” (meaning Chapter 85, Air Pollution Prevention and Control). It is true that 42 USC does require some specific measures for SIP purposes, like the inspection and maintenance program, but those programs are the exception, not the rule, in the SIP structure of 42 USC. The provisions of 42 USC recognize that states are in the best position to determine what programs and controls are

necessary or appropriate in order to meet the NAAQS. This flexibility allows states, affected industry, and the public, to collaborate on the best methods for attaining the NAAQS for the specific regions in the state. Even though 42 USC allows states to develop their own programs, this flexibility does not relieve a state from developing a program that meets the requirements of §7410. Thus, while specific measures are not generally required, the emission reductions are required. States are not free to ignore the requirements of §7410 and must develop programs to assure that the nonattainment areas of the state will be brought into attainment on schedule.

The requirement to provide a fiscal analysis of proposed regulations in the Texas Government Code was amended by Senate Bill (SB) 633 during the 75th Legislative Session, 1999. The intent of SB 633 was to require agencies to conduct a regulatory impact analysis (RIA) of extraordinary rules. These are identified in the statutory language as major environmental rules that will have a material adverse impact and will exceed a requirement of state law, federal law, or a delegated federal program, or are adopted solely under the general powers of the agency. With the understanding that this requirement would seldom apply, the commission provided a cost estimate for SB 633 that concluded “based on an assessment of rules adopted by the agency in the past, it is not anticipated that the bill will have significant fiscal implications for the agency due to its limited application.” The commission also noted that the number of rules that would require assessment under the provisions of the bill was not large. This conclusion was based, in part, on the criteria set forth in the bill that exempted proposed rules from the full analysis unless the rule was a major environmental rule that exceeds a federal law. As previously discussed, 42 USC does not require specific programs, methods, or reductions in order to meet the NAAQS; thus, states must develop programs for each nonattainment area to ensure that area

will meet the attainment deadlines. Because of the ongoing need to address nonattainment issues, the commission routinely proposes and adopts SIP rules. The legislature is presumed to understand this federal scheme. If each rule proposed for inclusion in the SIP was considered to be a major environmental rule that exceeds federal law, then every SIP rule would require the full RIA contemplated by SB 633. This conclusion is inconsistent with the conclusions reached by the commission in its cost estimate and by the Legislative Budget Board (LBB) in its fiscal notes. Since the legislature is presumed to understand the fiscal impacts of the bills it passes, and that presumption is based on information provided by state agencies and the LBB, the commission believes that the intent of SB 633 was only to require the full RIA for rules that are extraordinary in nature. While the SIP rules will have a broad impact, that impact is no greater than is necessary or appropriate to meet the requirements of 42 USC. For these reasons, rules proposed for inclusion in the SIP fall under the exception in Texas Government Code, §2001.0225(a), because they are required by federal law. The commission performed photochemical grid modeling which predicts that NO<sub>x</sub> emission reductions, such as those required by these rules, will result in reductions in ozone formation in the HGA ozone nonattainment area. This rulemaking does not exceed an express requirement of state law. This rulemaking is intended to obtain NO<sub>x</sub> emission reductions which will result in reductions in ozone formation in the HGA ozone nonattainment area and help bring HGA into compliance with the air quality standards established under federal law as NAAQS for ozone. The rulemaking does not exceed a standard set by federal law, exceed an express requirement of state law (unless specifically required by federal law), or exceed a requirement of a delegation agreement. The rulemaking was not developed solely under the general powers of the agency, but was specifically developed to meet the NAAQS

established under federal law and authorized under Texas Clean Air Act (TCAA), §§382.011, 382.012, 382.017, 382.019, 382.037(g), and 382.039.

The commission invites public comment on the draft RIA determination.

#### TAKINGS IMPACT ASSESSMENT

The commission prepared a takings impact assessment for these proposed rules in accordance with Texas Government Code, §2007.043. The following is a summary of that assessment. The specific purpose of the proposed rulemaking is to provide flexibility in the RVP fuel program which will act as an air pollution control strategy to reduce NO<sub>x</sub> emissions necessary for the eight counties included in the HGA ozone nonattainment area to be able to demonstrate attainment with the ozone NAAQS.

Promulgation and enforcement of the proposed rules will not burden private, real property because this proposed rulemaking action does not require an investment in the permanent installation of new refinery processing equipment. Although the proposed rules do not directly prevent a nuisance or prevent an immediate threat to life or property, the RVP program does prevent a real and substantial threat to public health and safety, and partially fulfill a federal mandate under 42 USC, §7410. Specifically, the emission limitations and control requirements within the RVP program have been developed in order to meet the ozone NAAQS set by the EPA under 42 USC, §7409. States are primarily responsible for ensuring attainment and maintenance of the NAAQS once the EPA has established them. Under §7410 and related provisions, states must submit, for approval by the EPA, SIPs that provide for the attainment and maintenance of NAAQS through control programs directed to sources of the pollutants involved. Therefore, the purpose of the proposed rules is to provide flexibility in implementing low

RVP gasoline which is necessary for the HGA ozone nonattainment area to meet the air quality standards established under federal law as NAAQS. Consequently, the exemption which applies to these proposed rules is that of an action reasonably taken to fulfill an obligation mandated by federal law; therefore, these proposed rules do not constitute a takings under the Texas Government Code, Chapter 2007.

#### CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission determined that the rulemaking action relates to an action or actions subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination Act of 1991, as amended (Texas Natural Resources Code, §§33.201 et seq.), and the commission rules in 30 TAC Chapter 281, Subchapter B, concerning Consistency with the CMP. As required by 30 TAC §281.45(a)(3) and 31 TAC §505.11(b)(2), relating to actions and rules subject to the CMP, commission rules governing air pollutant emissions must be consistent with the applicable goals and policies of the CMP. The commission reviewed this action for consistency with the CMP goals and policies in accordance with the rules of the Coastal Coordination Council, and determined that the action is consistent with the applicable CMP goals and policies. The CMP goal applicable to this rulemaking action is the goal to protect, preserve, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §501.12(1)). No new sources of air contaminants will be authorized and NO<sub>x</sub> air emissions will be reduced as a result of the existing RVP rules and these amendments. The CMP policy applicable to this rulemaking action is the policy that commission rules comply with regulations in 40 Code of Federal Regulations (CFR), to protect and enhance air quality in the coastal area (31 TAC §501.14(q)). This rulemaking action complies with 40 CFR 51. Therefore,

in compliance with 31 TAC §505.22(e), the commission affirms that this rulemaking action is consistent with CMP goals and policies.

Interested persons may submit comments on the consistency of the proposed rules with the CMP during the public comment period.

#### ANNOUNCEMENT OF HEARING

The commission will hold a public hearing on this proposal on July 17, 2001, 10:00 a.m., Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Building F, Room 2210, Austin.

The hearing is structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. A four-minute time limit may be established at the hearing to assure that enough time is allowed for every interested person to speak.

Open discussion will not occur during the hearing; however, agency staff members will be available to discuss the proposal 30 minutes prior to the hearing, and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs, who are planning to attend the hearing, should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

#### SUBMITTAL OF COMMENTS

Written comments may be submitted to Lola Brown, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087 or faxed to (512) 239-4808. All comments should reference Rule Log Number 2001-009-114-AI. Comments must be received by 5:00 p.m., July 23, 2001. For further information, please contact Scott Carpenter at (512) 239-1757 or Alan Henderson at (512) 239-1510.

#### STATUTORY AUTHORITY

The amendments are proposed under Texas Water Code (TWC), §5.103 and §5.105, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; and under the Texas Health and Safety Code, TCAA, §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purposes of the TCAA. The amendments are also proposed under TCAA, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; §382.012, concerning State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the control of the state's air; §382.019, concerning Methods Used to Control and Reduce Emissions from Land Vehicles, which authorizes the commission to adopt rules to control and reduce emissions from engines used to propel land vehicles; §382.037(g), concerning Vehicle Emissions Inspection and Maintenance Program, which authorizes the commission to regulate fuel content if it is demonstrated to be necessary for attainment of the NAAQS; and §382.039, concerning Attainment Program, which authorizes the commission to develop and implement transportation programs and other measures necessary to

demonstrate attainment and protect the public from exposure to hazardous air contaminants from motor vehicles.

The proposed amendments implement TCAA, §§382.002, 382.011, 382.012, 382.019, 382.037(g), and 382.039.

**SUBCHAPTER H: LOW EMISSION FUELS**

**DIVISION 1: GASOLINE VOLATILITY**

**§114.307, §114.309**

**§114.307. Exemptions.**

(a) (No change.)

(b) Any gasoline that is either in a research, development, or test status; or is sold to petroleum, automobile, engine, or component manufacturers for research, development, or test purposes; or any gasoline to be used by, or under the control of petroleum, additive, automobile, engine, component manufacturers for research, development, or test purposes; or any independent research laboratories or academic institutions for use in research, development, or testing of petroleum, additive, automobile, engine, component products, is exempt from the provisions of this division (relating to Gasoline Volatility), provided that: [Gasoline that does not meet the requirements of §114.301 of this title is not prohibited from being transferred, placed, stored, and/or held within the affected counties and during the control period so long as it is not ultimately intended for use or used to power a gasoline engine in the affected counties during the control period.]

(1) the gasoline is kept segregated from non-exempt product, and the person possessing the product maintains documentation identifying the product as research, development, or testing fuel, as applicable, and stating that it is to be used only for research, development, or testing purposes; and

(2) the gasoline is not sold, dispensed, or transferred, or offered for sale, dispensing, or transfer from a retail fuel dispensing facility. It shall also not be sold, dispensed, or transferred, or offered for sale, dispensing, or transfer from a wholesale purchaser-consumer facility, unless such facility is associated with fuel, automotive, or engine research, development, or testing.

(c) Any gasoline that is refined, sold, dispensed, transferred, or offered for sale, dispensing, or transfer as competition racing fuel is exempted from the provisions of this division, provided that:

(1) the fuel is kept segregated from non-exempt fuel, and the party possessing the fuel for the purposes of refining, selling, dispensing, transferring, or offering for sale, dispensing, or transfer as competition racing fuel maintains documentation identifying the product as racing fuel, restricted for non-highway use in competition racing motor vehicles or engines;

(2) each pump stand at a regulated facility, from which the fuel is dispensed, is labeled with the applicable fuel identification and use restrictions described in paragraph (1) of this subsection;  
and

(3) the fuel is not sold, dispensed, transferred, or offered for sale, dispensing, or transfer for highway use in a motor vehicle.

(d) The owner or operator of a retail fuel dispensing outlet is exempt from all requirements of §114.306 of this title, except §114.306(b) of this title.

(e) Gasoline that does not meet the requirements of §114.301 of this title is not prohibited from being transferred, placed, stored, and/or held within the affected counties so long as it is not ultimately used to power:

(1) a gasoline-powered spark-ignition engine in a motor vehicle in the counties listed in §114.309 of this title (relating to Affected Counties), except for that used in conjunction with purposes stated in subsections (a), (b), and (c) of this section; or

(2) a gasoline-powered spark-ignition engine in non-road equipment in the counties listed in §114.309 of this title, except for that used in conjunction with purposes stated in subsections (a), (b), and (c) of this section.

**§114.309. Affected Counties.**

All affected persons in the following counties shall be in compliance with §§114.301 and 114.304 - 114.307 of this title (relating to Control Requirements for Reid Vapor Pressure; Registration of Gasoline Producers and Importers; Approved Test Methods; Recordkeeping, Reporting, and Certification Requirements; and Exemptions) no later than the dates specified in §114.301(b) of this title: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson,

Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison,  
Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola,  
Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San  
Patricio, San Augustine, Shelby, [Judge] Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van  
Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.