

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
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1. Desired date of publication in Maryland Register: 12/28/2015

2. COMAR Codification

**Title Subtitle Chapter Regulation**

15 03 12 .01-.07

3. Name of Promulgating Authority

Department of Agriculture

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**Title 15**  
**DEPARTMENT OF AGRICULTURE**  
**Subtitle 03 WEIGHTS AND MEASURES**

**15.03.12 Biodiesel Motor Blend Fuel Registration for a Weighing and Measuring Device**

Authority: Agriculture Article §11-203(b) and (c), Annotated Code of Maryland

**Notice of Proposed Action**

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The Secretary of Agriculture proposes to add a new chapter to COMAR 15.03 Weights and Measures.

**Statement of Purpose**

The purpose of this action is to promote the use of biodiesel motor blend fuel by granting a limited exemption from state weights and measures requirements to certain organizations that distribute this fuel to its members only. This allows the exempted organization the limited use of a commercial measuring device that does not meet the technical requirements of Handbook 44 of the National Institute of Standards of Technology.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

This action will save certain organizations that dispense biodiesel fuel to its members a minimum of \$20,000 which represents the cost of complying with current weights and measures requirements under state law.

**II. Types of Economic Impact.**

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
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A. On issuing agency:	(R+)	Unknown
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+)	
	Cost (-)	Magnitude

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D. On regulated industries or trade groups:	(+)	\$20,000 (minimum)
E. On other industries or trade groups:	(+)	Unknown
F. Direct and indirect effects on public:	(+)	Unknown

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Any additional fees generated by this regulation will be offset by the Department's inspection costs.

D. This action may save certain organizations distributing biodiesel fuel a minimum of \$20,000.

E. May increase sales of biodiesel fuel

F. May increase access to biodiesel fuel by certain consumers.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

This action will save organizations that dispense biodiesel fuel to its members a minimum of \$20,000 which represents the cost of complying with current weights and measures requirements under state law.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Kenneth Ramsburg, Chief Weights and Measures, Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, Maryland 21401, or call (410) 841-2707, or email to [kenneth.ramsburg@maryland.gov](mailto:kenneth.ramsburg@maryland.gov), or fax to (410) 841 5914. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 16

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General and special (Weights and Measures) funds will be used.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

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# TITLE 15

## DEPARTMENT OF AGRICULTURE

### Subtitle 03 WEIGHTS AND MEASURES

#### *Chapter 12 Biodiesel Motor Blend Fuel Registration for a Weighing and Measuring Device*

Authority: Agriculture Article §11-203(b) and (c), Annotated Code of Maryland

**.01 Scope and Purpose.**

*This chapter describes the Department's exemption, allowed only to certain organizations that distribute biodiesel blend fuel to its members only, and not to the general public, that permits the limited use of a commercial measuring device that does not meet the technical requirements of Handbook 44 of the National Institute of Standards and Technology.*

**.02 Definitions.**

A. *In this chapter, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *"Biodiesel" means a renewable, biodegradable fuel that is manufactured from vegetable oils, animal fats, or recycled grease.*

(2) *"Biodiesel blend" means a motor fuel comprised of a minimum of 20% biodiesel fuel.*

(3) *"Department" means the Maryland Department of Agriculture.*

(4) *"Device" means any weighing or measuring instrument or meter used for measuring the correct amount of alternative fuel distributed by an organization.*

**.03 Application and Qualifications for Certification.**

A. *A qualifying organization requesting registration of a device shall make application to the Department on a Departmental form, pay any fee required by this chapter, and include the following information:*

(1) *Name of the applicant;*

(2) *Business address of the applicant;*

(3) *Whether the applicant has ever had a registration or license suspended or revoked by the Department; and*

(4) *Any other information the Department considers necessary to determine the qualifications of the applicant.*

B. *In addition to the above, the organization shall certify to the Department that it meets all of the following conditions:*

(1) *That the organization is organized under Subtitle 5A of the Corporations and Associations Article of the Annotated Code of Maryland or other entity approved by the Department that provides biodiesel blend fuel to its members.*

- (2) *That the biodiesel blend is not commercially available in the market area where the device is located.*
- (3) *That the device is accurate and free of error;*
- (4) *That the device is constructed so that it is permanent in its adjustments and repeats its indications correctly;*
- (5) *That the device does not facilitate the perpetration of fraud;*
- (6) *That the device will only be used to dispense biodiesel blend fuel for use by active fully paid members of the organization, and that all fees and fuel prices are the same for all members;*
- (7) *That the organization does not advertise, publicize, or otherwise disseminate information to the public indicating the unit pricing of the biodiesel blend fuel;*
- (8) *That the organization does not have more than 60 members who purchase biodiesel blend fuel;*
- (9) *That no more than 30,000 gallons of biodiesel blend fuel shall be dispensed annually;*
- (10) *That the device is clearly marked to indicate that it is not legal for trade and is restricted to members of the organization;*
- (11) *That the organization is in compliance with all other applicable state and federal requirements relating to the biodiesel blend fueling facility;*
- (12) *That the organization grants permission to the Department to inspect the device, any records required by this chapter, and the biodiesel fuel facility;*
- (13) *That the organization purchases biodiesel blend fuel only from persons who are legally licensed to distribute fuel in Maryland, and*
- (14) *That the organization acknowledges and agrees that its registration may be denied, revoked or suspended by the Department as provided by regulation .07 of this chapter.*

**.04 Certification of Registration Fee.**

- A. *The Department shall issue a certification of registration to any qualifying organization under this chapter upon payment of the fee specified in §B of this regulation.*
- B. (1) *\$50 for each business location; and*  
(2) *\$12.50 per meter.*

**.05 Annual Registration Renewals.**

- A. *A registration expires on May 31st each year after the date issued.*
- B. *An organization may renew a registration as required by regulation .03 of this chapter and upon payment of a renewal fee as specified in §B of regulation .04 of this chapter.*

**.06 Record-Keeping Requirements.**

*Any organization whose device is certified for registration under this chapter shall keep for three years the following records and make them available to the Department upon request:*

- A. *Copies of any bills of lading and delivery tickets for any biodiesel blend fuel acquired by the organization;*
- B. *The name of each member of the organization who acquired biodiesel blend fuel during each calendar year; and*
- C. *The total amount of biodiesel blend fuel dispensed each calendar year by the organization.*

**.07 Denial, Revocation, Suspension of Application of Registration.**

- A. *The Department may deny an application for renewal, or revoke or suspend the current registration of any device:*
  - (1) *For operating without a current registration for the device;*
  - (2) *For any violation of this chapter, including providing false information to the Department or any violation of any certification by the organization to the Department under Regulation .03 of this chapter; or*
  - (3) *If the Department determines that the biodiesel blend fuel is commercially available in the market being served by the non-profit organization.*
- B. *Before the Department takes any action under this regulation, the organization shall be given reasonable notice and the opportunity to be heard.*