

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 15 OIL AND GAS
PART 110 BIODIESEL FUEL SPECIFICATION, DISPENSERS, AND DISPENSER LABELING REQUIREMENTS

19.15.110.1 ISSUING AGENCY: New Mexico State University, New Mexico Department of Agriculture
[19.15.110.1 NMAC - N, 08/16/10]
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19.15.110.2 SCOPE: All parties involved in the manufacture or sale of petroleum products as defined in the Petroleum Products Standards Act.
[19.15.110.2 NMAC - N, 08/16/10]

19.15.110.3 STATUTORY AUTHORITY: Granted to the board of regents of New Mexico state university under the Petroleum Products Standards Act, Chapter 57, Article 19, Sections 25 through 37, New Mexico Statutes Annotated 1978.
[19.15.110.3 NMAC - N, 08/16/10]

19.15.110.4 DURATION: Permanent.
[19.15.110.4 NMAC - N, 08/16/10]

19.15.110.5 EFFECTIVE DATE: August 16, 2010, unless a later date is cited at the end of a section.
[19.15.110.5 NMAC - N, 08/16/10]

19.15.110.6 OBJECTIVE: This part establishes the specifications and test methods for biodiesel as well as the requirements for the dispensers and labeling of the dispensers.
[19.15.110.6 NMAC - N, 08/16/10]

19.15.110.7 DEFINITIONS:

- A. "Director" means the director of the New Mexico department of agriculture.
 - B. "Department" means the New Mexico department of agriculture.
 - C. "Biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel that is derived from agricultural plant oils or animal fats and that meets the current edition of the American society for testing and materials (ASTM) specification for biodiesel fuel, B100, blend stock for distillate fuels.
 - D. "Biodiesel blend" means a fuel comprised of a blend of biodiesel fuel with petroleum based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend.
 - E. "Batch" and "production lot" means a homogenous production volume of finished biodiesel from one or more sources that is held in a single container where representative samples are taken and analyzed to provide an authentic certificate of analysis for the specific volume.
 - F. "Biodiesel certificate of analysis" means a document verifying that B100 biodiesel has been analyzed and complies with, at minimum, the current edition of the ASTM D6751 biodiesel fuel test methods and specifications.
 - G. "Accredited laboratory" means a laboratory that is currently accredited by an independent laboratory accrediting body for analyzing motor fuels using test procedures and specifications that are in specification D6751.
 - H. "Other renewable diesel" means a diesel fuel substitute, produced from non-fossil renewable resources, that has an established ASTM international standard, is approved by the United States environmental protection agency, and meets specifications of the national conference on weights and measures, designated "100% biomass-based diesel".
 - I. "Other renewable diesel blend" means a fuel comprised of a blend of other renewable diesel fuel with petroleum based diesel fuel, designated "XX biomass-based diesel blend". In the abbreviation, "XX", the XX represents the volume percentage of other renewable diesel in the blend.
- [19.15.110.7 NMAC - N, 08/16/10]

19.15.110.8 SPECIFICATIONS:

A. “Biodiesel fuel specifications.” B100 biodiesel intended for blending with diesel fuel shall meet the current edition of ASTM D6751, standard specification for biodiesel fuel (B100) blend stock for middle distillate fuels.

B. Blends of biodiesel and diesel fuels shall meet the following requirements:

(1) The base diesel fuel shall meet the current edition of ASTM D 975, standard specification for diesel fuel oils.

(2) The biodiesel blend stock shall meet the current edition of ASTM D6751, standard specification for biodiesel (B100) blend stock for middle distillate fuels.

(3) The standard specification for diesel fuel oil, biodiesel blend (B6 to B20), shall meet the current edition of ASTM D7467.

[19.15.110.8 NMAC - N, 08/16/10]

19.15.110.9 BIODIESEL FUEL DISPENSERS:

A. Biodiesel fuel dispensers (“pumps”): The dispenser or “pump” used to deliver biodiesel and its blends is required to be a legal-for-trade, national type evaluation program (NTEP) approved with a certificate of conformance (CC) dispenser designed for petroleum No. 2 diesel fuel, correctly calibrated with the actual blend of biodiesel being dispensed.

B. Unless clearly indicated otherwise on the NTEP CC, an NTEP approved diesel dispenser is only approved to a maximum 20% biodiesel blend (B20 biodiesel blend).

[19.15.110.9 NMAC - N, 08/16/10]

[NOTE: IMPORTANT INFORMATION THAT YOU NEED TO KNOW: “Blending” dispensers are dispensers that take two different grades of motor fuel and are capable of forming a third intermediate grade inside of the dispenser at the time of sale. A blending dispenser used for the blending of biodiesel must be NTEP approved as a blending dispenser for that particular product, and the product’s blend percentage must not exceed that allowed by the NTEP CC. As with any commercial measuring device, check with the device manufacturer if you have any questions regarding the proper usage of the device.]

19.15.110.10 DISPENSER LABELING:

A. “Biodiesel labeling specifics”: There are three different labeling requirements for biodiesel at four different concentration levels.

(1) No label is required for blends B5 and lower. Retailers are not required to disclose the presence of biodiesel at these low concentrations, provided they meet the specifications in ASTM D975.

(2) For fuel containing more than five percent biodiesel, up to B20, the text within the heading (black band) should display either:

(a) the capital letter **B** followed by a numeric representation of the percentage of biodiesel and then the term “**biodiesel blend**”; or

(b) the term “**biodiesel blend**,” retailers can provide the exact percentage of biodiesel in this range (B10, B15), but are not required to: directly underneath the black band is the text “**contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent.**”

(3) For fuel concentrations higher than B20 and less than B100, a specific blend designation (e.g., **B25, B50, B99**, etc.) is required in the heading, followed by the term “**biodiesel blend.**” Directly underneath the black band is the text “**contains more than 20 percent biomass-based diesel or biodiesel.**”

(4) For neat biodiesel (B100), the heading must display “**B100 biodiesel,**” and below the black band is the text “**contains 100 percent biodiesel.**”

(5) The provisions for biomass-based diesel fuel are similar to those of biodiesel, with the exception that no letter number designation is used in the black heading. Fuels that contain more than five percent biodiesel and more than five percent biomass-based diesel fuel must have a label for both biodiesel and biomass-based diesel fuel of the appropriate type for the level of inclusion of biodiesel and biomass-based diesel.

B. Label size, font, and format requirements: The labeling requirements are consistent with those in place of other alternative fuels with exception of color. Biodiesel labels require a blue background (PMS 277 or its equivalent). The type within the black band is also blue (PMS 277 or its equivalent). The label is 3 inches (7.62 cm) wide x 2 ½ inches (6.35 cm) long. “Helvetica black” type is used and centered throughout. The black band at the top should measure 1 inch (2.54 cm) deep. Spacing of text in the band is 3 inch (.64 cm) from the top of the label and 3/16 inch (.48 cm) from the bottom of the black band, centered horizontally within the black band. The script underneath the black band must be centered horizontally, with 1/8 inch (.32 cm) between each line. The

bottom line of type is 3 inch (.64 cm) from the bottom of the label. All type should fall no closer than 3/16 in (.48 cm) from the side edges of the label.

[19.15.110.10 NMAC - N, 08/16/10; A, 06/29/12]

19.15.110.11 BIODIESEL FUEL DELIVERY DOCUMENTATION:

A. An invoice, bill of lading, shipping paper, or other documentation, must accompany each delivery of fuel other than a sale by a retail or nonretail dealer (e.g. cardlock) to a consumer.

B. The delivery documentation for biodiesel blends above 5 percent is required to state the actual volume percent biodiesel in the fuel. For example, “B6 biodiesel blend”, “B20 biodiesel blend”, etc., for the specific volume percent of biodiesel in that particular delivery of fuel. Biodiesel blends up to and including 5 percent (B5) do not require the actual volume percent biodiesel in the fuel but do require the statement “May contain up to 5% biodiesel”.

C. For biodiesel blend levels above 5 percent, a certificate of analysis for each batch or production lot is required to verify that the B100 biodiesel has been analyzed and complies with, at minimum, ASTM D6751 biodiesel fuel test methods and specifications.

[19.15.110.11 NMAC - N, 08/16/10; A, 10/15/10]

HISTORY OF 19.15.110 NMAC: [RESERVED]