

MOTOR FUELS QUALITY ACT (EXCERPT)
Act 44 of 1984

290.649/ Variance; conditions for granting; fines; disposition.

Sec. 9l. (1) A gasoline refiner, distributor, or terminal may petition the department for a temporary variance from the vapor pressure standards established by the director or in this act. In order to receive a variance, the refiner, distributor, or terminal shall demonstrate that fuel necessary to meet the current standard cannot be supplied and that the refiner, distributor, or terminal has taken and will continue to take all reasonable steps to minimize the vapor pressure of fuel during the period the variance is in effect. If the department finds that the reason fuel that would allow the refiner, distributor, or terminal to meet the standard is not available is beyond the control of the refiner, distributor, or terminal and that compliance with the vapor pressure standard would result in fuel shortages that cannot otherwise be made up, the department may grant the variance. The variance shall be granted only for the minimum period necessary and in no event shall the department grant a variance for longer than 20 days. The allowable vapor pressure under the variance shall be the minimum the department considers necessary and in no event shall allow the refiner, distributor, or terminal to operate with a vapor pressure of greater than 9.0 psi.

(2) A fine of 10 cents per gallon of fuel sold or released for sale during the variance period shall be collected by the department for every variance granted. After 2006, the amount of the fine shall be the amount charged in 2006 annually adjusted by the same percentage increase or decrease as the increase or decrease in the Detroit consumer price index. The department shall collect the fines on forms generated by the department and shall establish a payment schedule for payment of fines. Fines collected under this section shall be deposited in the gasoline inspection and testing fund established in section 8 and shall be appropriated annually by the legislature for air quality mitigation projects in the geographic area covered by the applicable state implementation plan requirement for low vapor pressure fuel.

History: Add. 2006, Act 104, Imd. Eff. Apr. 6, 2006.

Compiler's note: For transfer of powers and duties relating to purity and quality standards for biofuels from department of energy, labor, and economic growth to department of agriculture, see E.R.O. No. 2009-4, compiled at MCL 445.2026.