

WAC 16-662-165 Civil penalties and enforcement—Motor fuel quality. (1) Enforcement actions and civil penalties will be assessed as described below. The department considers each violation to be a separate and distinct occurrence.

(a) Penalties for ASTM specifications violations include a gasoline or diesel sample not meeting one or more ASTM quality specifications as indicated by the department's contract laboratory certificate of analysis. The applicable standards include: D4814 gasoline and gasoline - oxygenate blends, ASTM D7467 biodiesel blends greater than five percent and equal to or less than twenty percent, ASTM 6751 B100 and D975 diesel and biodiesel blends equal to or less than five percent, gasoline - ethanol blends exceeding legal limits, ASTM D5798 ethanol flex fuel, also referred to as E85 fuel ethanol or E85 motor fuel.

	Gasoline	Diesel	Biodiesel and biodiesel blends	Other fuels
1st Violation	Notice of Correction	Notice of Correction	Notice of Correction	Notice of Correction
2nd Violation	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00
3rd Violation	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00
4th and subsequent violations	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00

(b) Penalties for biodiesel and biodiesel blend ratio violations, including biodiesel and biodiesel blends above or below what is labeled on the dispenser.

	Blends between 0 and 5 percent	Blends between 6 and 20 percent	Blends between 21 and 99 percent	100% Biodiesel
1st Violation	Notice of Correction	Notice of Correction	Notice of Correction	Notice of Correction
2nd Violation	\$1,200.00	\$1,400.00	\$1,400.00	\$1,400.00
3rd Violation	\$1,700.00	\$1,900.00	\$1,900.00	\$1,900.00
4th and subsequent violations	\$2,700.00	\$2,900.00	\$2,900.00	\$2,900.00

(c) Penalties for water in retail fuel storage tanks violations, including failed field tests to determine water in fuel storage tanks exceeding NIST Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulation, Retail Storage Tanks and Dispenser Filters, Subsections 4.1 and 4.2.

	Water phase exceeding 1 inch in storage tanks used for gasoline or diesel Water phase exceeding 1/4 inch in storage tanks used for biodiesel blends up to 20%	Water phase exceeding 1/4 inch in storage tanks used for gasoline ethanol blends or biodiesel blends above 20%	Any fuel storage tank with a water phase exceeding 6 inches
1st Violation	NOC	Stop-Sale and \$200.00	Stop-Sale and \$1,500.00
2nd Violation	\$1,000.00	Stop-Sale and \$1,000.00	Stop-Sale and \$3,000.00
3rd Violation	\$2,500.00	Stop-Sale and \$2,500.00	Stop-Sale and \$6,000.00
4th and subsequent violation	\$5,000.00	Stop-Sale and \$5,000.00	Stop-Sale and \$10,000.00

(d) Penalties for fuel dispenser labeling and retail storage tank fill connection marking violations, including biodiesel, ethanol blended and other fuels offered for sale without dispenser labeling required by WAC 16-662-105 and NIST Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulation, Section 3 Classification and

Method of Sale of Petroleum Products as modified by WAC 16-662-115; and retail storage tanks missing fill connection markings as required by NIST Handbook 130, Uniform Engine Fuels and Automotive Lubricants Regulation, Retail Storage Tanks and Dispenser Filters, Subsection 4.4 Product Storage Identification.

	Biodiesel blends	Gasoline and gasoline-ethanol blends up to 10 percent	Ethanol flex fuel	Other fuels
1st Violation	Notice of Correction			
2nd Violation	\$200.00			
3rd Violation	\$500.00			
4th and subsequent violations	\$1,000.00			

(e) Penalties for octane labeling violations, including octane levels in gasoline lower than posted on the fuel dispenser.

	Between .7 and .9 octane lower	Between 1 and 1.9 octane lower	Between 2 and 2.9 octane lower	Greater than 3 octane lower
1st Violation	Notice of Correction	Notice of Correction	Notice of Correction	Notice of Correction
2nd Violation	\$1,000.00	\$1,500.00	\$2,500.00	\$3,000.00
3rd Violation	\$2,500.00	\$3,000.00	\$5,000.00	\$6,000.00
4th and subsequent violations	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00

(2) Penalties for other violations. Penalties for violations not covered under subsection (1) of this section will be determined by applying one of the above sections that is most similar to the violation and by applying aggravating and mitigating factors under WAC 16-662-170.

[Statutory Authority: RCW 19.94.190, 19.94.195, 19.112.020, 19.112.140, and chapter 34.05 RCW. WSR 16-19-093, § 16-662-165, filed 9/21/16, effective 10/22/16.]