

7610.1300 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 7610.1300 to 7610.1610, the following definitions shall apply.

Subp. 2. [Repealed, 16 SR 1400]

Subp. 3. **Aviation gasoline.** "Aviation gasoline" means all of the various grades of aviation gasoline as defined in American Society for Testing and Materials (ASTM) D 910-70.

Subp. 4. [Repealed, 16 SR 1400]

Subp. 5. **Commissioner.** "Commissioner" means the commissioner of the Department of Commerce.

Subp. 5a. **Department.** "Department" means the Minnesota Department of Commerce.

Subp. 6. **End user.** "End user" means any person who is an ultimate consumer of a petroleum product other than a wholesale purchaser consumer.

Subp. 7. **Jet fuel.** "Jet fuel" means those fuels commonly known as kerosene base jet fuel and naphtha base jet fuel.

Subp. 8. **Large energy facility.** "Large energy facility" means any facility on a single site designed for or capable of storing more than 1,000,000 gallons of crude petroleum, petroleum fuels, oil, or derivatives thereof, or any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 9. **Middle distillate.** "Middle distillate" means any derivative of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel that has a 50 percent boiling point in the ASTM D86 standard distillation test falling between 371 degrees Fahrenheit and 700 degrees Fahrenheit. "Middle distillate" shall not include kerosene-based and naphtha-based jet fuel, heavy fuel oils grades numbers 4, 5, and 6, intermediate fuel oils that are blends containing number 6 oil, and all specialty items such as solvents, lubricants, waxes, and process oil.

Subp. 10. **Motor gasoline.** "Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140 degrees Fahrenheit to 390 degrees Fahrenheit and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

Subp. 11. **Petroleum pipeline company.** "Petroleum pipeline company" means any company that owns or operates in Minnesota any pipeline greater than six inches in diameter and having more than 50 miles of its length in Minnesota used for the transportation of crude petroleum, petroleum fuels, oil, or derivatives thereof.

Subp. 12. **Prime petroleum supplier.** "Prime petroleum supplier" means the supplier or producer that makes the first sale of any petroleum product into the state distribution system for consumption within the state. Any supplier or producer that is considered a Minnesota prime supplier by the Federal Energy Agency shall be deemed to be a prime petroleum supplier under these rules. "Prime petroleum supplier" shall not include any licensed petroleum distributor or propane retailer who takes delivery of a product in another state for use in Minnesota, if the distributor or retailer has in possession a letter from the supplier stating that the supplier has or will report the sales of said product to the Federal Energy Agency and the state, or if the total amount of any single product so received by the distributor or retailer is less than 500,000 gallons per year.

Subp. 13. **Propane.** "Propane" means the chemical C_3H_8 in its commercial forms including propane butane mixes in which propane constitutes greater than ten percent of the mixture by weight. Included within the definition of propane is the propane content of natural gas liquids and refinery gas when used for refinery fuel use.

Subp. 14. **Residual fuel oil.** "Residual fuel oil" means the fuel oil commonly known as: numbers 4, 5, and 6 fuel oils; bunker C; Navy special fuel oil; crude oil when burned directly as a fuel; and all other fuel oils which have a 50 percent boiling point over 700 degrees Fahrenheit in the ASTM D-86 standard distillation test.

Subp. 15. **Total petroleum products.** "Total petroleum products" means propane, butane, propane/butane mix, motor gasoline, kerosene, number 2 heating oil, diesel fuel, other middle distillates, aviation gasoline, jet fuel, number 4 for utilities, numbers 5 and 6 for utilities, number 4 for nonutilities, numbers 5 and 6 for nonutilities, bunker C, Navy special, other residuals, lubricants, special naphthas, and solvents.

Subp. 16. **Wholesale purchaser consumer.** "Wholesale purchaser consumer" means any ultimate consumer that, as part of its normal business practices, purchases or obtains a product from a supplier and receives delivery of that product into a storage tank substantially under the control of that consumer at a fixed location; and that: purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971; or purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more multifamily residences; or purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971.

Subp. 17. **Wholesale purchaser reseller.** "Wholesale purchaser reseller" means any firm that purchases, receives through transfer, or otherwise obtains (as by consignment)

an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.

Statutory Authority: *MS s 216C.10*

History: *L 1983 c 289 s 115 subd 1; L 1987 c 186 s 15, c 312 art 1 s 9; 16 SR 1400; L 2001 1Sp4 art 6 s 1*

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