

E15/ASTSWMO Tanks Subcommittee: Comments Addressing Proposed Increase of E15 (Ethanol)



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06/04/2019

The Tanks Subcommittee of the Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) submitted April 25 comments to the United States Environmental Protection Agency (“EPA”) on the:

Proposed Rule for Modifications to Fuel Regulations to Provide Flexibility for E15 and to Elements of the Renewable Identification Number Compliance System (“E15 Rule”)

See 84 Fed. Reg. 10584 (March 21, 2019).

ASTSWMO describes itself as an association representing the waste management and remediation programs of the 50 U.S. States, five Territories, and the District of Columbia. The Tanks Subcommittee represents the interests of the State regulatory programs responsible for implementing 40 C.F.R. Part 280. Its members’ objective is described as ensuring that owners and operators of underground storage tank (“UST”) systems comply with federal and State release prevention requirements to protect human health and the environment.

E15 is gasoline blended with up to 15 percent ethanol. It is a regulated substance under the federal UST regulations. ASTSWMO comments address what was then a proposed and now finalized rulemaking which would allow E15 to be sold year-round. ASTSWMO notes that the E15 Rule would result in a significant increase in the number of UST systems owners interested in storing and dispensing E15 nationwide.

The relevant parts of the federal UST rules are referenced, which include 40 C.F.R. 280.32. This regulatory provision requires owners and operators to use UST systems that are fully compatible with the substance stored in the UST system – no matter the substance being stored. Further, the provision requires owners and operators of UST systems who wish to store greater than 10 percent ethanol demonstrate that the systems are compatible with the substances stored and document compatibility for as long as the UST system is storing the substance.

The April 25th comments describe and/or note:

- The UST regulatory requirements to demonstrate compatibility
- Encouraging owners and operators of UST systems to review EPA’s booklet addressing compatibility with biofuels
- Stating compatibility requirements for UST systems storing ethanol blended fuels over E10 are not limited to newly installed systems, but also include all existing systems
- Concern is expressed about the effects on the retail fueling industry (noting five percent of gas stations in the U.S. provide E15 or higher ethanol-blended fuels)

- Many of the remaining retail fueling outlets will have to replace some of their equipment to comply with compatibility requirements
- UST systems will have a greater potential for aqueous phase liquid within the system (generating approximately twice the amount of such phase liquid, thereby creating a greater potential for microbial-induced corrosion)
- States could be impacted because of the increased potential for corrosion resulting in new leaking UST sites

A copy of the comments can be downloaded [below](#).