

# PMAA COMPLIANCE BULLETIN

June 28, 2019

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## ***EPA COMPLIANCE REQUIREMENTS FOR SALE OF E15 GASOLINE BLENDS***

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On May 30, 2019, EPA finalized regulatory changes to allow gasoline blended with up to 15 percent ethanol (E15) to take advantage of the 1-psi Reid Vapor Pressure (RVP) waiver that currently applies to E10 during the summer months. Previously, E15 could only be sold during the winter driving season. With the EPA's latest rule, E15 may now be sold **year-round beginning June 5, 2019**, subject to certain regulatory requirements. Marketers who wish to sell E15 to retail or wholesale purchaser consumers must comply with the following requirements

### ***I. E15 MISFUELING PROHIBITION REQUIREMENTS***

***E15 may not be sold for use in the following gasoline powered equipment:***

- Model Year 2000 and older light-duty gasoline engines and vehicles,
- Model Year 2000 and older heavy-duty gasoline engines and vehicles,
- Motorcycles built for highway use,
- Motorcycles built for off-road use,
- And all other non-road gasoline engines, vehicles and equipment, including gasoline powered lawn equipment, gasoline powered motorboats and ATVs.

***E15 may only be sold for use year-round in the following gasoline powered equipment:***

- 2001 and model year and newer light-duty and heavy-duty highway vehicles and gasoline engines.

***Additional Information on E15 Requirements***

***EPA: E15 Program Information***

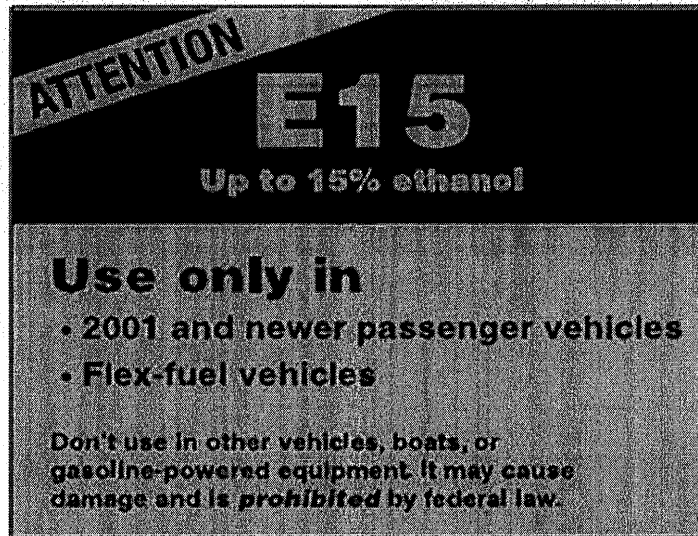
***EPA: Year-round Sale of E15***

### ***II. REDUCING RISK OF LIABILITY FOR E15 MISFUELING***

Petroleum wholesalers and retailers are not provided with blanket liability protection for consumer E15 misfueling at the pump. Instead, the EPA regulations **only reduces marketer risk of liability** for E15

misfueling. In order to reduce the risk of liability, marketers must comply with the following misfuelling mitigation requirements:

**Dispensers Labelling:** All E15 dispensers must display the following label:



#### **Label Placement**

- In the case of pumps with one nozzle dispensing several grades of gasoline, the label must be placed above the selector button dispensing E15 or any other place so long as it is clear to the consumer which button is dispensing E15.
- In the case of pumps with a nozzle for each grade, the retailer must place it where consumers will see it when they are making their fuel selection.

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#### **Product Transfer Document Language - Upstream of Oxygenate Blending**

- PTDS for conventional gasoline blendstock used for oxygenate blending with ethanol to create conventional gasoline, or gasoline transferred upstream of an oxygenate blending must contain the following:

The name and address of the transferor;

The name and address of the transferee;

The volume of conventional blendstock for oxygenate blending or gasoline,

The location of the conventional blendstock for oxygenate blending or gasoline at the time of transfer, and

The date of the transfer.

- PTDS for summertime RVP gasoline:

***"The RVP of this gasoline does not exceed [fill in appropriate value]"***

- PTDS for ethanol blends subject to the 1 psi RVP waiver must include the maximum ethanol content, the maximum RVP content and a regulatory warning stated in the following format:

***"Suitable for the special RVP provisions for ethanol blends that contain between 9 and 10 vol % ethanol."***

***"The RVP of this blendstock/gasoline for oxygenate blending does not exceed [Fill in appropriate value] psi."***

***"The use of this gasoline to manufacture a gasoline-ethanol blend containing anything other than between 9 and 10 volume percent ethanol may cause a summertime RVP violation."***

- PTDS for gasoline not eligible for the 1 psi RVP waiver provision, information regarding the suitable ethanol content stated as follows:

***"Suitable for blending with ethanol at a concentration of no more than 15 vol % ethanol."***

#### ***Product Transfer Documents – Downstream of Oxygenate Blending***

- PTDS for gasoline ethanol blends downstream of oxygenate blending – except to the ultimate consumer - must contain the following information:

The name and address of the transferor;  
The name and address of the transferee;  
The volume of gasoline being transferred;  
The location of the gasoline at the time of the transfer; and  
The date of the transfer;

One of the following statements which accurately describes the gasoline-ethanol blend:

***"E0: Contains no ethanol. The RVP does not exceed [fill in appropriate value] psi."***

***"E (fill in ethanol %)– Contains up to X% ethanol. The RVP does not exceed [fill in value] psi."***

***E10: Contains between 9 and 10 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi. The 1.0 psi RVP waiver applies to this gasoline. Do not mix with gasoline containing anything other than between 9 and 10 vol % ethanol."***

***"E15: Contains up to 15 vol % ethanol. The RVP does not exceed [fill in appropriate value] psi;"***

***"EXX-Contains no more than XX% ethanol,"***

- PTDS must be kept on file for five years.

## ***Additional Information on E15 Misfueling Mitigation Requirements***

### **EPA Misfueling Mitigation Program**

#### **III. SAMPLING AND TESTING SURVEY REQUIREMENTS**

To ensure compliance with the misfueling mitigation measures, the EPA requires participation in an ongoing sampling and testing implementation survey of retail and wholesale purchaser-consumer sites. The E-15 survey is modeled after current private consortium surveys for RFG and ULSD.

Any gasoline refiner, gasoline importer, ethanol blender, ethanol producer, or ethanol importer who manufactures, introduces into commerce, sells or offers for sale E15, gasoline, blendstock for oxygenate blending, ethanol, or gasoline-ethanol blend intended for use in or as E15 must conduct a sampling and testing survey. Retail wholesale/purchaser consumer sites subject to the survey are selected at random. The survey is conducted quarterly and include sampling and testing for ethanol content (15% max), RVP content and dispenser labeling (all retail and wholesale purchaser/consumer E-15 dispensers).

#### ***Additional Information on E15 Sampling and Testing Survey***

##### **EPA: E15 Sampling and Testing Survey Requirements**

#### **IV. PENALTIES**

The maximum penalty for violation of the E-15 misfueling mitigation requirements is \$37,500 per day, per violation for as long as the violation occurs.

#### **V. E15 COMPATIBILITY ISSUES**

Manufacturers are offering new E15 certified underground storage tank equipment. Most underground **tanks** currently installed, and operating are E15 compatible. However, many UST system **components may be** compatible, but are not certified for E15 use. Research has shown that some materials, such as some polymers and elastomers commonly used in UST system construction prior to ethanol becoming widely used, may swell and lose their shape when in contact with ethanol. In an UST system, these materials may be intended to create a seal between components, but if damaged, may not perform correctly and could lead to a release of a regulated substance to the environment. These materials may show the most swelling in gasoline blended with ethanol greater than 10 percent by volume.

Marketers with equipment not certified for E15 use must demonstrate compatibility to their state and local enforcement authorities, insurers and state tank fund authorities. There are three ways to demonstrate compatibility:

##### ***Equipment or Component Manufacturer Approval.***

- The manufacturer approval must:

Be in writing;

Indicate an affirmative statement of compatibility;

Specify the range of biofuel blends the component is compatible with; and

Be from the equipment or component manufacturer.

***Nationally Recognized, Independent Testing Laboratory***

- The equipment must be listed or certified for E15 compatibility by a national testing laboratory such as Underwriters Laboratory (UL).

***State UST Implementing Agency***

- State UST authorities may develop alternative methods of E15 compatibility demonstration.

***Additional Information on E15 Compatibility***

***EPA: UST System Compatibility with Biofuels***

***EPA Guidance: Compatibility of Pipe Dope with Biofuels***