



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection

***Updated: April 17, 2020**

RE: EPA Waiver of RVP Requirements Due to COVID-19

FOR: Temporary Conditional Variance for Gasoline RVP Limit

STATUS: CONDITIONALLY APPROVED DENIED

Variance Analysis:

On March 27, 2020 the U.S. Environmental Protection Agency (EPA) announced several steps the Agency is taking to protect the Nation's gasoline supply in response to the COVID-19 pandemic.

EPA intends to provide additional flexibility to the marketplace to transition from winter-grade, high volatility gasoline to summer-grade low vapor pressure gasoline. Due to the steep fall-off in gasoline demand as a result of the COVID-19 pandemic, gasoline storage capacity is limited and more time is needed to transition the distribution system in order to come into compliance for the summer driving season. EPA will temporarily waive the summer low volatility requirements and blending limitations for gasoline.

Without a waiver of the summer gasoline requirements, parties upstream of retailers and wholesale purchasers would be required to stop selling the winter gasoline sitting in their storage tanks on May 1, 2020, which would prevent them from loading summer gasoline into the storage tanks, resulting in a shortage of gasoline.

Code Sections:

Wis. Admin. Code ATCP s. 94.210(c), ASTM D4814-18b

Conditional Variance:

A conditional variance from Wisconsin Administrative Code ATCP s. 94.210(c), which adopts ASTM D4814-18b RVP (Reid Vapor Pressure) gasoline specifications is granted for the period of May 1 – May 20, 2020. The conditions of the variance are as follows:

- Conventional automotive gasoline and RFG gasoline are included in the variance.
- Allows the distribution from ASTM Class A-3 up to ASTM Class E-5 gasoline from May 1 to May 20, 2020.
- Gasoline covered by this variance may have an RVP \leq 15.0 PSI.
- This variance does not permit refiners to produce gasoline after May 1, 2020 that exceeds the applicable summer gasoline volatility standards, and does not permit any party to add butane to previously certified conventional gasoline if the butane would cause the gasoline to exceed the applicable summer gasoline volatility standards.

Page 1 of 2

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- Gasoline that does not meet the low volatility requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets after May 20, 2020.
- Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in these areas after May 20, 2020, may be distributed and sold until the supply is depleted.
- Retailers and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after May 20, 2020, until their supplies are depleted.

For questions, please contact Rachelle Miller at 608-224-5156.