GUIDANCE DOCUMENT

Date: March 1, 2022 *UPDATED*

Re: RVP Relief for Winter-Grade Fuels

Analysis:
The current version of Wisconsin Administrative Code §ch. ATCP 94 has not been significantly revised since
2010. In the more than ten years since that last revision, the fuel industry has significantly increased the use of
renewable fuels, such as gasoline-ethanol fuel blends. Gasoline-ethanol fuel blends have intrinsically higher Reid
Vapor Pressure (RVP) due to the volatility of ethanol.

After requesting informal comments from industry on the revision of Wis. Admin. Code §ch. ATCP 94, the
Department was made aware of the need for RVP relief on winter-grade fuels. Furthermore, Department research
into the fuel regulation requirements of surrounding states found that RVP relief is a standard practice in those
states. In addition, the Department has concluded that failure to take action on the RVP requirements for winter-
grade fuel may result in increased fuel prices for consumers at the pump and supply shortages in Wisconsin
markets.

Given all those considerations, the Department intends to include RVP relief in the revision of Wis. Admin. Code
§ch. ATCP 94 that is currently in process. Until the ATCP 94 revision is complete, the Department intends to
implement the temporary enforcement suspension conditions detailed below.

Code Sections:
Wis. Admin. Code § ATCP 94.210(1)(c) and ASTM D4814-18b

Conditions of temporary enforcement suspension:
A conditional and temporary enforcement suspension of Wisconsin Administrative Code § ATCP 94.210(1)(c),
which adopts ASTM D4814-18b RVP (Reid Vapor Pressure) gasoline specifications, will occur during the periods
of September 16, 2021 through May 31, 2022, September 16, 2022 through May 31, 2023, and September 16,
2023 through October 26, 2023. The conditions of the temporary enforcement suspension are as follows:

- When gasoline is blended with at least one percent (1%) and no more than fifteen percent (15%) ethanol, a one
  pound per square inch (1.0 psi) vapor pressure tolerance is allowed for volatility classes A, B, C, D, and E from
  September 16, 2021 through May 31, 2022, September 16, 2022 through May 31, 2023, and September 16,
  2023 through October 26, 2023.
- Conventional automotive gasoline, reformulated gasoline, and E15 are included.
- Fuels covered by this temporary enforcement suspension must meet the following:
  - Class A <= 10.0 psi
  - Class B <= 11.0 psi
  - Class C <= 12.5 psi
  - Class D <= 14.5 psi
  - Class E <= 16.0 psi

- Temporary enforcement suspension is only applicable to the RVP limit for finished fuels.
This temporary and conditional enforcement suspension does not permit the sale of fuels that exceed the applicable summer gasoline volatility standards during the period of June 1, 2022 through September 15, 2022 and June 1, 2023 through September 15, 2023.

The Department will not take enforcement actions for the sale of covered finished fuels with an RVP within the limits listed above during the periods of September 16, 2021 through May 31, 2022, September 16, 2022 through May 31, 2023, and September 16, 2023 through October 26, 2023, if that finished fuel meets all conditions of this guidance document and all other required specifications.

The Department may rescind this guidance document at any time after providing at least 60 days’ advance notice. The Department will notify industry at least 60 days prior to rescinding this guidance document.

This temporary and conditional suspension of enforcement is being provided in conjunction with the Department’s intention to incorporate the same RVP relief into the proposed revisions of Wisconsin Administrative Code §ch. ATCP 94 that are currently under consideration. Accordingly, this guidance document will be automatically rescinded with the expiration of the scope statement for Wis. Admin. Code §ch. ATCP 94 on October 26, 2023.

For questions, please contact the department at (608) 224-4942 or email datcpwmcompliance@wi.gov.