



State of Wisconsin  
Governor Tony Evers

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**Department of Agriculture, Trade and Consumer Protection**  
Secretary Randy Romanski

**Date:** August 29, 2022

**From:** Joe Smith, Director, Weights and Measures

**Re:** August 27, 2022 EPA Reid Vapor Pressure Waiver

On August 27, 2022, EPA Secretary Michael S. Regan issued a Reid Vapor Pressure (RVP) fuel waiver in Wisconsin. The official fuel waiver is attached to this message.

Starting on August 27, 2022, regulated parties may produce, sell, and distribute gasoline with a RVP of no more than 11.5 psi (12.5 psi if the gasoline contains between 9% and 15% ethanol) within the State of Wisconsin. This raised RVP limit includes conventional and reformulated gasoline per the EPA August 27, 2022 waiver.

On September 16, 2022 enforcement of RVP in winter-grade fuels in the State of Wisconsin will resume following the attached guidance document dated August 29, 2022.

Joe Smith  
Director – Bureau of Weights and Measures  
Wisconsin Department of Agriculture, Trade and Consumer Protection  
Division of Trade and Consumer Protection

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## **GUIDANCE DOCUMENT**

**Date: August 29, 2022 \*UPDATED\* effective August 27, 2022**

**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.

In addition, the temporary enforcement suspension conditions detailed below also effectively incorporate the Reid Vapor Pressure fuel waiver issued by the Environmental Protection Agency (EPA) on August 27, 2022. That EPA waiver was issued in response to the request for such waiver by Governor Evers and other Midwestern Governors due to the fuel supply emergency caused by the recent fire at the bp Products North American Whiting refinery in Whiting, Indiana.

### **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, August 27, 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, August 27, 2022 through May 31, 2023, and September 16, 2023 through October 26, 2023.
- Conventional automotive gasoline, reformulated gasoline, and E15 are included.

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- Fuels covered by this temporary enforcement suspension must meet the following:
  - Class A  $\leq$  10.0 psi
  - Class B  $\leq$  11.0 psi
  - Class C  $\leq$  12.5 psi
  - Class D  $\leq$  14.5 psi
  - Class E  $\leq$  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 August 26, 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, August 27, 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](mailto:datcpwmcompliance@wi.gov).