



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary-designee Randy Romanski

GUIDANCE DOCUMENT

Date: October 8, 2020

Re: RVP Relief for Winter-Grade Fuels

Analysis:

The current version of Wisconsin Administrative Code chapter ATCP 94 has not been significantly revised since 2010. In the 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), 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 October 8, 2020 through May 31, 2021, and September 16, 2021 through February 5, 2022. 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 October 8, 2020 through May 31, 2021, and from September 16, 2021 through February 5, 2022.
- Conventional automotive gasoline, reformulated gasoline, and E15 are included.
- Fuels covered by this temporary enforcement suspension may have an RVP \leq 16.0 PSI.
- Temporary enforcement suspension is only applicable to the RVP limit for finished fuels.

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- 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, 2021 through September 15, 2021.
- The Department will not take enforcement actions for the sale of covered finished fuels with an RVP \leq 16.0 PSI during the periods of October 8, 2020 through May 31, 2021 and September 16, 2021 through February 5, 2022 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 February 5, 2022.

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