



U. S. Environmental Protection Agency- New England

April, 2006

News to service stations and distributors regarding ethanol- blended RFG and non-ethanol blended-RFG

The States of Connecticut and New York banned methyl tertiary butyl ether, or MTBE, from gasoline effective January 1, 2004. In addition, the States of Maine, New Hampshire, and Vermont have banned MTBE from gasoline effective January 1, 2007 and Rhode Island's ban goes into effect in July, 2007. Based on this and changes to fuel requirements brought about by the Energy Policy Act of 2005, it is expected that ethanol blended reformulated gasoline (RFG) will be sold in areas where RFG is presently sold, including in Massachusetts which currently has no MTBE ban. (The Energy Policy Act has mandated that EPA remove the requirement to have 2% oxygen in all RFG, and now requires that EPA include a national renewable fuels standard.) In addition, we have been informed that ethanol blended fuels may be sold in other areas of New England, where RFG is not required, namely Vermont, Maine and northern New Hampshire. This transition to ethanol blended fuels is currently underway.

The RFG regulations regarding what is commonly known as "commingling" have recently changed. The provision now reads that "no person may combine any ethanol-blended VOC-controlled reformulated gasoline that is produced with any non-ethanol-blended VOC-controlled reformulated gasoline during the period January 1 through September 15" with limited exceptions. *See* 40 CFR 80.78(a)(8). This prohibition is in the federal rule to prevent the effect called commingling, which would result in a more volatile fuel when the two fuel types are mixed- than either of the fuels separately. This is also called an RVP "kick" associated with ethanol blends. More smog causing chemicals would be emitted if the two fuel types are mixed, resulting in dirtier air. Although the VOC-control period begins on May 1 for upstream parties and June 1 for retailers, this prohibition is in effect starting in January because refiners may begin their production and distribution of VOC-controlled RFG as early as January.

Again, both ethanol blended VOC-controlled RFG and non-ethanol blended VOC-controlled RFG alone can meet the pollution reduction requirements of the RFG program- it is the mixture of the two blends that causes the problem. This restriction pertains to any person who sells gasoline at a service station, who delivers gasoline to a service station, or any person further up the gasoline distribution chain.

The exceptions cover retail stations and wholesale purchaser- consumers, and are described in 40 CFR 80.78(a)(8). This section allows commingling to occur during two 10-day periods each season. This section also includes notification and recordkeeping requirements for any person choosing to mix these two types of fuel. With the exception stated below, any affected party that changes the service of a tank between these blend types must have a sample of the new product tested for compliance with the VOC standard within the 10 day timeframe described by the rule if the product is to continue to be distributed or sold to consumers. Alternatively, in order to avoid these testing requirements, any service station or wholesale purchaser-consumer which wants to switch between fuel types (i.e., ethanol blended VOC-controlled RFG and any non-ethanol blended VOC-controlled RFG), must draw the tank down as much as is practicable before receiving the other type of gasoline, and the retailer may receive only product of the other compliant fuel type into the tank during the rest of the 10-day period. Of course, if a station wishes to switch between these fuel types at any time in the summer season, it could also draw its tanks down sufficiently, and demonstrate compliance, through testing, of the fuel before it is sold. *See* 40 CFR 80.78(a)(10). If a party wants to avoid the sampling, notification, recordkeeping and testing requirements, it should wait until after September 15 to switch between these blends.

We expect that the MTBE bans in New England States and the new provisions of the Energy Policy Act of 2005 effect many gasoline distributors and service stations throughout the area. Anyone who has any questions can contact Bob Judge of EPA in Boston at 617-918-1045.