



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 15 2012

OFFICE OF
AIR AND RADIATION

Mr. Robert M. Dinneen
President and Chief Executive Office
Renewable Fuels Association
425 Third Street, S.W.
Washington, D.C. 20024

Dear Mr. Dinneen:

This letter is in response to your submission on March 2, 2012 of the “Renewable Fuels Association Model E15 Misfueling Mitigation Plan” (March 2, 2012 Model Plan). As you indicated in your submission, the Renewable Fuels Association (RFA) designed the March 2, 2012 Model Plan to help fuel and fuel additive manufacturers meet the misfueling mitigation conditions of the October 13, 2010¹ and January 21, 2011² partial waivers, which allow fuel and fuel additive manufacturers to introduce into commerce gasoline-ethanol blends containing greater than 10 volume percent and no more than 15 volume percent ethanol (E15) for use in model year (MY) 2001 and newer light-duty motor vehicles.

The E15 partial waivers include conditions requiring each fuel and fuel additive manufacturer subject to the waivers to submit to EPA a misfueling mitigation plan (MMP), for EPA’s approval, and to fully implement the EPA-approved MMP prior to introduction of the fuel or fuel additive into commerce as appropriate. The partial waivers state that an MMP “must include provisions that will implement all reasonable precautions for ensuring that the fuel or fuel additive (i.e. gasoline intended for use in E15, ethanol intended for use in E15, or final E15 blend) is only introduced into commerce for use in MY2001 and newer light-duty motor vehicle.”³ The partial waivers specify that reasonable precautions include, but are not limited to, reasonable measures for labeling E15 fuel pump dispensers, providing information on product transfer documents (PTDs) and participating in a compliance survey.

We have evaluated the March 2, 2012 Model Plan and have concluded that the Plan would generally be sufficient to satisfy the partial waivers’ requirements for an MMP. The March 2, 2012 Model Plan describes how the labeling and PTD conditions of the partial waivers would be met by a company submitting the Plan for EPA approval (“plan submitter”). It also commits the

¹ 75 FR 68,094 (November 4, 2010).

² 76 FR 4,662 (January 26, 2011).

³ 75 FR 68,150 (November 4, 2010) and 76 FR 4,682 (January 26, 2011).

plan submitter to participating in a compliance survey that the submitter will separately submit for EPA approval as meeting the specific requirements for survey plans.

As the March 2, 2012 Model Plan properly notes, a company that wishes to use the Plan must notify EPA in writing that the company seeks approval of the Plan for the company's use in meeting the requirements for an MMP. We are providing further information on our E15 website about how that notification may occur. Before deciding whether to approve the March 2, 2012 Model Plan for a company, EPA may seek additional information and/or require additional misfueling mitigation measures, as appropriate, considering the company's specific circumstances. EPA must approve a company's submission of an MMP before the company may use it to demonstrate its compliance with the requirements for an MMP.

Since the March 2, 2012 Model Plan does not spell out the specifics of a survey plan, it properly provides that a company submitting the Plan will separately submit a survey plan for EPA approval and will not introduce E15 into commerce until EPA has approved the survey plan and the plan has been implemented. Failure by a company to fully implement its EPA-approved MMP or survey plan means the E15 fuel or fuel additive introduced into commerce by the company is not covered by the EPA partial waivers.

If you need any further assistance in this matter, please feel free to contact Robert Anderson of my staff at (202) 343-9718.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Bunker", written in a cursive style.

Byron Bunker
Acting Director, Compliance Division
Office of Transportation and Air Quality