



U.S. Environmental Protection Agency
Office of Underground Storage Tanks

E15 Rulemaking: An Overview

February 2021



Proposed Regulation: *E15 Fuel Dispenser Labeling and Compatibility with Underground Storage Tanks*

- On January 19, 2021, EPA published a notice of proposed rulemaking: *E15 Fuel Dispenser Labeling and Compatibility with Underground Storage Tanks*
- Joint OAR and OUST proposed rule with 90-day public comment period ending April 19, 2021
 - Fuel Dispensers: OAR provisions proposed changes to E15 warning label on dispensers
 - USTs: Two UST provisions dealing with UST compatibility rule in 280.32
- OUST also made accompanying changes to 281; SPA states will need to update their regs and come back in for SPA approval



Proposed Regulation: Background

- E15 has been slow to catch on nationwide, partly because of market situations or regulatory requirements
- In spring 2019, the biggest change was that EPA changed a rule to allow E15 to be sold year-round
- However, only around 2,000 of more than 110,000 gas stations are storing E15 today
- OUST compatibility rule and the E15 warning label are considered key remaining hurdles to allowing E15 to be used more widely



Current 40 CFR 280.32 Compatibility Requirements

(a) All UST systems must be compatible with
substance stored.
(1988 and 2015)

(b) and (c)
UST and Biofuels (2015)
Notify of Intent to Store
Biofuels
Demonstrate Compatibility
Keep Records



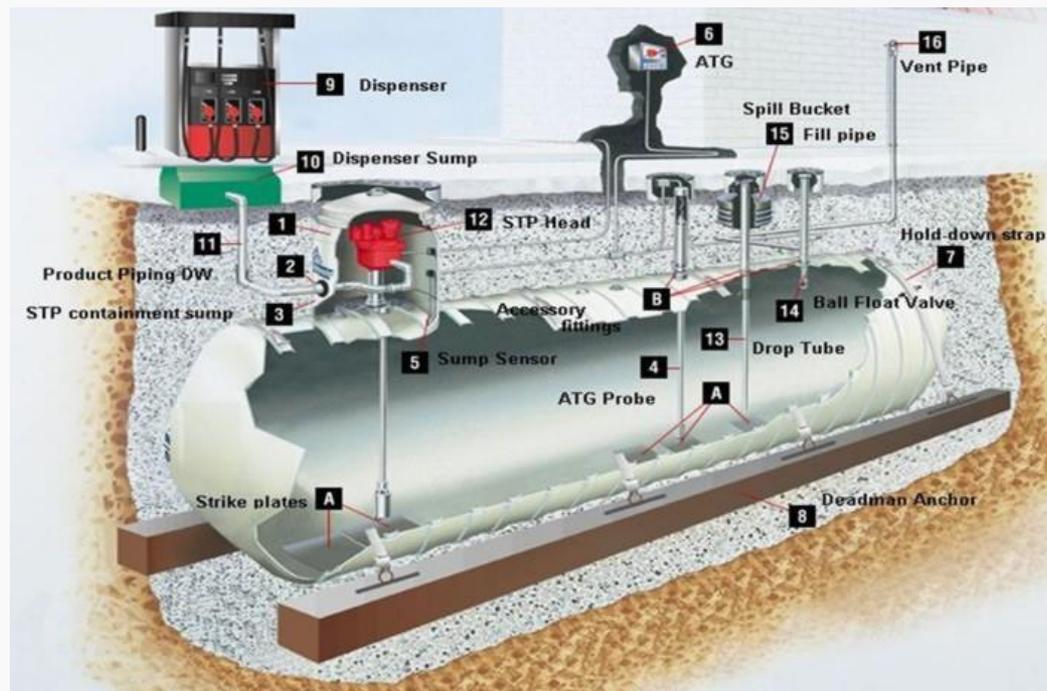
Current 40 CFR 280.32 – Compatibility

(summary of 280.32 (b) and (c) only)

- **Notification** - Owners and operators must notify the implementing agency at least 30 days before switching to a regulated substance containing greater than 10 percent ethanol, 20 percent biodiesel, or any other regulated substance identified by the implementing agency
- **Meet compatibility requirement for a list of equipment (see next slide)** – Owners and operators must
 - **demonstrate compatibility** of the UST system through a nationally recognized testing lab listing or manufacturer approval of UST equipment or components, or
 - **use an alternative option** identified by the implementing agency that is no less protective than demonstrating compatibility of the UST system
- **Recordkeeping** - Owners and operators must maintain records for as long as the biofuel blend is stored to demonstrate compliance

Requirement to Demonstrate Compatibility in 280.32 (b) and (c) applies to:

- Tanks
- Piping
- Containment sumps
- Pumping equipment
- Release detection equipment
- Spill equipment
- Overfill equipment





Proposed Regulation: First UST Provision

- Proposes to grant certain allowances for owners and operators in demonstrating compatibility
- Makes it easier for owners and operators to store E15 in existing equipment
 - If the system is secondarily contained with interstitial monitoring, owners and operators need not demonstrate compatibility of these UST systems
 - OUST estimates about 25% of UST systems in US might be eligible to follow this
 - Provides a list of equipment produced after certain dates for which owners and operators of any UST system need not demonstrate compatibility when demonstrating compatibility of the UST system; EPA is aware those certain components are all compatible



Proposed Regulation: Second UST Provision

- Proposes a new requirement that
 - when UST systems are installed, or UST equipment and components are replaced
 - they must be constructed with equipment and components that are **compatible with ethanol blends up to 100 percent**
- Important, because currently some components are still offered in two versions:
 - Standard versions (generally compatible up to E10), and
 - Biofuel compatible (generally up to E25 or up to E100)
- Rule would help ensure UST infrastructure can handle an expanded variety of fuels for the next few decades



Proposed Regulation: Second UST Provision

- Proposal to require all replaced or newly installed components or UST systems be compatible with up to 100 percent ethanol applies
 - **to USTs** storing fuel for over-the-road use, both diesel and gasoline
 - but does not apply **to USTs** for emergency generators or that are classified as airport hydrant systems
- 100 percent compatibility requirement for new or replaced in the proposed rule applies to UST system only (the components below ground) and not to dispensers
- Therefore, local fire-marshall or other regulations for compatibility might still apply to dispensers and limit them to dispensing E10, even if stations are in states where proposed UST rule would allow E15 in the UST system
- Also proposed a change to 281 section of SPA – states will need to update their regulations and re-apply for SPA



Proposed Rule: Where and When?

- Current proposal has rule going into effect in non-SPA states and Indian Country one year after the effective date
- SPA states would have to update their regulations in order for these requirements to apply
- No changes until and unless EPA publishes a final rule for this to go into effect



What comes next?

- 90-day comment period open until April 19, 2021
- In the interim,
 - Outreach
 - Consultations
 - Meetings with stakeholders



UST Webpage About the Proposed Rule

An official website of the United States government.

EPA United States Environmental Protection Agency

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Proposed Rulemaking—E15 Fuel Dispenser Labeling and Compatibility with Underground Storage Tanks

EPA's Administrator signed a notice of proposed rulemaking regarding E15 labeling on fuel dispensers and UST system compatibility provisions.

About the UST system compatibility section of the proposed rulemaking

EPA is proposing revisions to the 2015 UST regulation. Specifically, EPA is proposing to grant certain allowances for owners and operators in demonstrating compatibility, making it easier for them to meet the current requirements. EPA is also proposing a new requirement that in the future when UST systems are installed, or UST equipment and components are replaced, they must be constructed with equipment and components that are compatible with ethanol blends up to 100 percent; this requirement will be effective within one year of the effective date of the final rule.

EPA is also proposing to change the 2015 state program approval regulation and make it consistent with the proposed revisions of the compatibility requirements in the 2015 UST regulation. These rule changes, when final, will be effective in states without state program approval and in Indian Country. In all other states and territories, the states and territories will have three years from the final rule date to update their regulations as part of their state program approval.

[Notice of Proposed Rulemaking: E15 Fuel Dispenser Labeling and Compatibility with Underground Storage Tanks \[PDF\]](#) (44 pp, 457 K, [download PDF](#)); see page 3099 for the E15 Compatibility with Underground Storage Tanks section.

EPA will accept comments on the proposed rulemaking through April 19, 2021. See the online [Federal Register notice](#).

For more information, contact Elizabeth McDermott at mcdermott.elizabeth@epa.gov or 202-564-0646.

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[Contact Us](#) to ask a question, provide feedback, or report a problem.

<https://www.epa.gov/ust/proposed-rulemaking-e15-fuel-dispenser-labeling-and-compatibility-underground-storage-tanks>



Additional EPA Resources Related to E15 Compatibility

UST Website <https://www.epa.gov/ust>

- UST System Compatibility Biofuels Guide & E15 UST Compatibility Statement: <https://www.epa.gov/ust/emerging-fuels-and-underground-storage-tanks-usts#tab-2>
- UST Compliance Advisory on E15: <https://www.epa.gov/ust/compliance-advisories-about-2015-underground-storage-tank-regulation>
- 2015 UST Technical Compendium: <https://www.epa.gov/ust/underground-storage-tank-ust-technical-compendium-about-2015-ust-regulation>



EPA OUST Contacts

Mark Barolo

Acting Director, OUST

202-564-1611 or

barolo.mark@epa.gov

Liz McDermott

Release Prevention Division

202-564-0646 or

mcdermott.elizabeth@epa.gov

Tony Raia

Director, Release Prevention
Division, OUST

(202) 567-1647 or

raia.anthony@epa.gov

Ryan Haerer

Release Prevention Division

202-564-0762 or

haerer.ryan@epa.gov