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Trump Unveils E15 Proposal

President to direct EPA to lift summer restrictions

By *Samantha Oller* (/profile/samantha-oller) on Oct. 04, 2018

WASHINGTON -- The Trump administration is making a formal move to enable E15's year-round sales.

President Trump announced he would direct the U.S. Environmental Protection Agency (EPA) to pursue rulemaking that would waive Reid vapor pressure (RVP) restrictions on E15 from June 1 to Sept. 15 in areas that typically have summertime regulations to prevent smog. He was set to announce it at a campaign rally on Oct. 9 in Council Bluffs, Iowa.

"We're taking care of our refineries and our refiners ... but we want to get more fuel into the system," he said in **remarks on the South Lawn of the White House** (<https://www.whitehouse.gov/briefings-statements/remarks-president-trump-marine-one-departure-15/>) before heading to Iowa.

Republican lawmakers from corn-growing states who had attended an Oct. 9 White House meeting lauded the decision. "Just left the White House after getting the good news that President Trump has directed the EPA to promulgate a regulation making E15 available 12 months out of the [year]," **tweeted Iowa Sen. Chuck Grassley** (<https://twitter.com/ChuckGrassley/status/1049751169265016832>).

The president has repeatedly **expressed his support** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/trump-oks-year-round-e15>) for year-round E15 sales but until now has not made a formal proposal or directed the EPA to move on it. **Recent reports** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/e15-policy-change-coming>) suggested the administration was finally set to move, ahead of the November midterm elections.

To help introduce E15 to consumers, Growth Energy, Washington, D.C., has launched the website **Unleaded 88** (<https://unl88.com>), named after the branding that many retailers are adopting for E15. The website emphasizes E15's higher octane content compared to E10, provides information on the types of vehicles that can use it and which fueling locations sell it.

Currently, more than 1,400 out of the approximately 122,000 fueling locations in the United States sell E15. In the past two years, many large chains began adding E15, including **Rutter's** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/rutter-s-adds-e15>), **Casey's General Stores** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/casey-s-adds-e15-and-e85>), **QuikTrip** (<https://www.cspdailynews.com/industry-news-analysis/top-convenience-stores/retailer/quiktrip-corp-2017>) and **Kwik Trip** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/kwik-trip-adds-e15>).

"We thank President Trump for delivering on his promise to rural America by lifting the summer restriction on E15 sales," said Emily Skor, CEO of Growth Energy. "He answered the call from American farmers by removing the single most important barrier to growth in higher biofuel blends. This announcement is great news for farmers, biofuel workers, retailers and consumers everywhere who want to enjoy cleaner, more affordable options at the fuel pump. This is a critical step toward giving American motorists higher-octane options at a lower cost all year long."

"Securing fair market access for E15 and other higher blends has been our top regulatory priority for several years, said Geoff Cooper, president and CEO of the Renewable Fuels Association (RFA), Washington, D.C., "and we are pleased that the first official step in this process is being taken. When markets are open and competitive, American consumers win."

RIN Plans and Pushback

Meanwhile, Trump was also reportedly set to announce the administration would reform the market for Renewable Identification Numbers (RINs), the credits that obligated parties under the Renewable Fuel Standard (RFS) use to prove compliance to annual biofuel blending quotas. In particular, the EPA may cap the number of RINs that can be held by traders, which could force them out of the market and provide downward pressure on RIN prices.

One issue not part of the recent news was the EPA's approach in approving small refinery blending exemptions. Ethanol advocates have attacked the agency's recent approval of several of these exemptions, which waive a refiner's blending obligations under the RFS. **Opponents argue** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/ethanol-groups-sue-epa-over-small-refinery-exemptions>) that the EPA's moves have destroyed demand for ethanol. To address these concerns, the EPA **updated the RFS website** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/e15-policy-change-coming>) in September to provide greater transparency on the waivers and the RINs market.

Despite Trump's formal proposal and support, the process for waiving E15's summertime restrictions through EPA rulemaking would likely take several months, and it is open to legal challenges from opponents.

After reports that the Trump administration was planning to move on an E15 summertime waiver, American Petroleum Institute (API) Downstream Group Director Frank Macchiarola described the potential move as "a flawed, anti-consumer policy," warning about the potential damage the ethanol blend could cause to vehicle engines not designed to use it. He also pointed to past statements from the EPA under previous administrations that only Congress—not the agency—had the authority to provide an RVP waiver to E15.

Chet Thompson, CEO of American Fuel & Petrochemical Manufacturers (AFPM), criticized the move and hinted at a lawsuit, **telling the Associated Press** (<https://twitter.com/JarrettRenshaw/status/1049731267426693120>) it would likely come after the rule-making process. "The president's proposal to waive the rules for E15 is unlawful and could actually make the problems of the Renewable Fuel Standard worse," Thompson said. "The president has promised to broker a deal to reform the RFS that works for all stakeholders. This isn't it. We are disappointed to see that despite good-faith efforts by refiners to find potential solutions, the administration has unilaterally embraced a one-sided approach that only serves the ethanol community, which has shown little interest in finding common ground."

Industry groups also have legislative allies. On Oct. 4, a group of 20 senators from mostly oil and natural-gas producing states **sent a letter** (<https://www.inhofe.senate.gov/download/?id=E6BACC38-CA5E-4E97-88EB-83E74CE5E5EC&download=1>) to Trump describing the decision to grant an E15 waiver as "a one-sided approach." It noted the EPA's earlier stance that it did not have the legal authority to grant a waiver and warned about a lack of sufficient safeguards to protect consumers from misfueling with the ethanol blend, which the EPA approved for use in model-year 2001 and newer vehicles.

Photograph: Shutterstock

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Government Shutdown Threatens E15 Approval Timeline

EPA's May target for announcing a final year-round sales rule under pressure: Bloomberg

By Samantha Oller (/profile/samantha-oller) on Jan. 08, 2019

WASHINGTON -- The partial government shutdown is threatening the U.S. Environmental Protection Agency's (EPA's) "ambitious" timeline for approving year-round sales of E15, **Bloomberg reported** (<https://www.bloomberg.com/news/articles/2019-01-04/farmers-fear-another-hit-as-trump-shutdown-threatens-ethanol-vow>).

The EPA has **targeted May** (<https://www.cspdailynews.com/fuels/epa-announce-e15-fuel-economy-rules>) to announce a final rule that would provide the 15% ethanol blend with a waiver of summertime Reid vapor pressure (RVP) requirements. Last October, the Trump administration **directed the EPA** (<https://www.cspdailynews.com/fuels-news-prices-analysis/fuels-news/articles/trump-unveils-e15-proposal>) to begin rule-making to provide E15 with the waiver, which would allow the ethanol blend's sale year-round. Currently, fuel retailers in most markets can only sell E15 from June 1 to Sept. 15 to drivers of flex-fuel vehicles.

Currently, however, the EPA is working with a skeleton staff as the partial government shutdown enters its third week. In a statement **to Reuters** (<https://www.reuters.com/article/us-usa-ethanol-gasoline/epa-warns-that-us-government-shutdown-delaying-e15-gasoline-proposal-sources-idUSKCN1P226X>), a spokesman for the agency insisted the May target date would be met.

"This is a priority for both President Trump and Acting Administrator [Andrew] Wheeler," said spokesperson Michael Abboud. "The ongoing partial shutdown will not impede EPA's ability to keep to our deadline."

Experts told Bloomberg that the partial shutdown would make conditions difficult to meet the deadline.

"If you start getting in beyond these two weeks, here, then it does begin to ramp up the pressure because there won't be people there to work on this stuff," Paul Argyropoulos, president of Policy Nexus Advisors, Damascus, Md., and a former senior policy adviser for the EPA, told Bloomberg last week.

Argyropoulos expects the EPA's E15 ruling to be legally challenged as soon as it is announced. Opponents in the refining industry have questioned whether the EPA has the legal authority to provide an RVP waiver or whether Congress needs to do so.

"From the outset, the EPA gave itself very little wiggle room to complete the year-round E15 rule-making before summer, so the shutdown is making a tight timeline even tighter," Geoff Cooper, president of the Renewable Fuels Association, Washington, D.C., told Bloomberg.

Meanwhile, activities related to the Renewable Fuel Standard (RFS) may also be paused during the partial government shutdown, said Neelesh Nerurkar, vice president and senior analyst for ClearView Energy Partners, Washington, D.C. This would include the EPA's efforts at reforming the market for renewable identification numbers (RINs)—the credits used by obligated parties such as refiners to prove compliance with RFS blending quotas—revisiting biofuel consumption targets for 2020 to 2022 and considering **small refinery exemptions** (<https://www.cspdailynews.com/fuels/ethanol-groups-sue-epa-over-small-refinery-exemptions>).

"The longer staff cannot work on these RFS actions, the more challenging it makes an already challenging first quarter," Nerurkar told the news outlet.

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Filld Hits Regulatory Roadblock in Seattle

Mobile fueling startup suspends on-street fueling under order from fire marshal

By Samantha Oller (/profile/samantha-oller) on Jan. 07, 2019

Photograph courtesy of Filld

SEATTLE -- Mobile fueling is a relatively new service model—so much so that some local fire marshals have struggled to **develop regulations** (<https://www.cspdailynews.com/fuels/demand-fueling-safe>) for the many startups entering the business. Most recently, Filld, one of the first on-demand fueling operations, has been ordered to suspend its on-street fueling service in Seattle by the local fire marshal, **GeekWire reported** (<https://www.geekwire.com/2018/filld-shut-mobile-fueling-seattle-wrestles-fire-marshals-across-country/>).

In March 2018, Filld **launched a pilot program** (<https://www.cspdailynews.com/fuels/demand-fueling-services-expand>) to fuel up a consumers' vehicles wherever they are parked, expanding beyond its fleet offer, which is also available in Portland, Ore., and Vancouver, British Columbia. Filld offers a fill-up for below the average price of gas stations in its markets (not including a \$3 to \$9 delivery fee).

Then, in July, the Seattle fire marshal sent a stop work order to Filld related to the consumer pilot, finding it in violation of local fire codes about storing, handling or using flammable or combustible liquids. It ordered Filld to halt these activities until it received an operational permit from the Seattle Fire Department.

Since then, Filld has been negotiating with the Seattle Fire Department on the conditions required to operate legally with its current business model, **GeekWire reported**. In particular, Filld wants to continue to fuel up consumers' vehicles on the street instead of in a parking lot.

The mobile fueling service has targeted Seattle as a growth market because it is the base for several car-hailing companies and because the number of gas stations there is falling, Pierson Stoecklein, senior counsel for Filld, Mountain View, Calif., told **GeekWire**.

"If we can't get on-street fueling resolved, then we won't be able to do that in the city of Seattle, which means that we won't be able to provide that really beneficial service to the car-sharing companies, and that's a big deal," Stoecklein said.

Filld did not respond to a *CSP Daily News* request for comment by posting time. Last fall, Filld CEO Michael Buhr told *CSP Daily News* that safety is a key factor as it grows into new markets. "We're a very regulatory-first business," he said. "In all markets, we spend six months or more before a launch with the right local enforcement regulatory agencies."

Filld is negotiating with local fire marshals in markets such as Seattle as it expands its mobile fueling services into Canada and forms supply partnerships with traditional fuel retailers such as **Parkland Fuel** (<https://www.cspdailynews.com/fuels/parkland-fuel-invests-filld>).

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