



**To:** Retail Gas Station Owners  
**From:** Mike Sikula, Director, Weights & Measures  
**Date:** 06/16/2020  
**Subject:** What retailers need to know regarding selling E15

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On November 20, 2019 the New York State Department of Agriculture and Markets adopted amended regulations, 1 NYCRR Part 224, for petroleum products. These regulations recognize higher gasoline-ethanol blends and gasoline-butanol blends, adopt recent American Society for Testing and Materials (ASTM) standards, and implement other changes important to overall automotive fuel quality. The amended regulations contain significant changes that retail gas station owners should be aware of. The following questions and answers detail the changes.

**1) What was the old requirement for gasoline-ethanol blends?**

Prior to the adoption of the amended regulation, the Department prohibited gasoline-ethanol blends above 10% but did allow E85 (85% ethanol with 15% gasoline).

**2) What is E15?**

The Environmental Protection Agency (EPA) defines E15 as a blend of gasoline that contains greater than 10% ethanol and no more than 15% ethanol.

**3) Is E15 an ethanol flex fuel?**

Yes, as per Federal Trade Commission (FTC) 16 CFR Part 306, "Ethanol flex fuel means a mixture of gasoline and ethanol containing more than 10% but not greater than 83% ethanol by volume."

**4) What vehicles may use E15?**

As per the EPA, E15 may be used in:

- Flexible-fuel vehicles (FFVs);
- Model year 2001 and newer cars;
- Model year 2001 and newer light-duty trucks; and
- Model year 2001 and newer medium-duty passenger vehicles (SUVs).

**5) Which vehicles/engines may not use E15?**

As per the EPA, E15 may not be used in:

- On-highway and nonroad motorcycles;
- Vehicles with heavy-duty engines, such as school buses, transit buses, and delivery trucks;
- Nonroad vehicles, such as boats and snowmobiles;



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- Engines in nonroad equipment, such as lawnmowers and chainsaws; or
- Model year 2000 and older cars, light-duty trucks, and medium-duty passenger vehicles.

**6) Will E15 be sampled by weights and measures?**

Yes, and it will be held to the quality requirements in ASTM D4814 “Standard Specification for Automotive Spark-Ignition Engine Fuel.”

**7) Can E15 be sold in areas requiring reformulated (RFG) gasoline?**

Yes, however, it must comply with all applicable requirements.

**8) Are there any equipment compatibility issues I should be aware of if I chose to sell E15?**

Yes, retailers must be aware of the following:

- The dispenser used must be approved for use with E15. For more information and to check the status of your dispensers, determine the dispenser manufacturer and model or NTEP certificate number, then visit the National Conference on Weights and Measures (NCWM), National Type Evaluation Program (NTEP), at the following website link:  
[www.ncwm.com/ntep-certificates](http://www.ncwm.com/ntep-certificates)
- The storage tank, piping, sealants, gaskets and other parts/components must be compatible with E15.



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**9) What are the labeling requirements for selling E15?**

Retailers offering E15 for sale must label the dispenser in accordance with EPA 40 CFR 80.1501 and FTC 16 CFR Part 306.

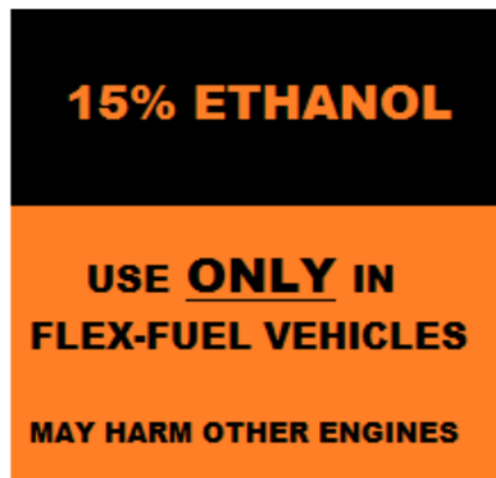
**40 CFR 80.1501:**



(3-5/8 inches x 3-1/2 inches)

“The label shall be placed on the upper two-thirds of each fuel dispenser where the consumer will see the label when selecting a fuel to purchase. For dispensers with one nozzle, the label shall be placed above the button or other control used for selecting E15, or in any other manner that clearly indicates which control is used to select E15. For dispensers with multiple nozzles, the label shall be placed in the location that is most likely to be seen by the consumer at the time of selection of E15.” (40 CFR 80.1501)

**16 CFR 306:**





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(3 inches x 2-1/2 inches)

“The label, or labels, must be placed conspicuously on the dispenser, in full view of consumers and as near as reasonably practical to the price per unit of the automotive fuel.” (16 CFR 306.10)

**10) Does E15 require an octane label?**

No, E15 does not require an octane label; however, if a retailer chooses to post an octane label, the product must meet the minimum octane posted.

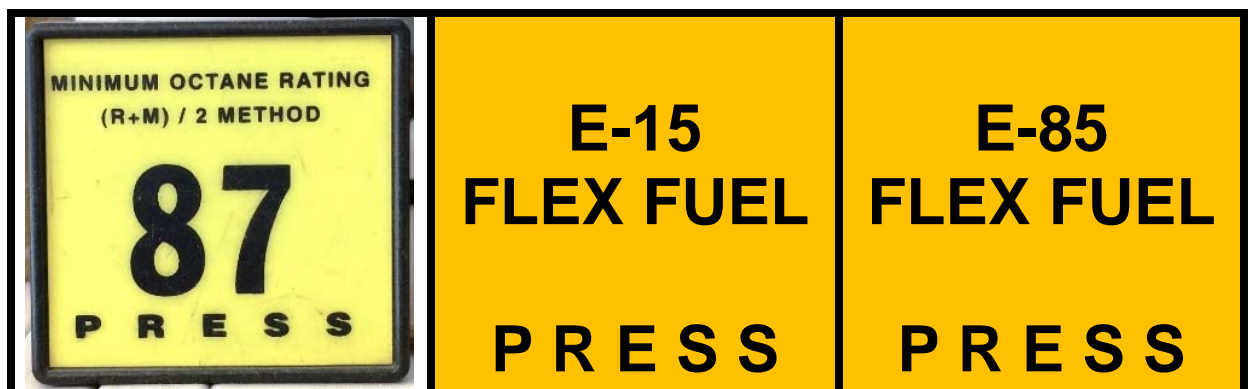
**11) Can I use E85 to blend E15 at the dispenser?**

Yes, retailers can blend 87(E10) and E85 to make E15, however, because E85 can contain between 51% and 83% ethanol, retailers must ensure the dispenser blend ratios are set correctly.

Below are two blending methods retailers may want to consider; however, other methods may be used:

1. Program the blend for the maximum ethanol content in the E85; or
2. Have a service company adjust the blend ratio whenever the ethanol content in the E85 changes.

If a consumer experiences vehicle damage as a result of fuel being dispensed at a higher ethanol content than what is posted on the dispenser, the retailer may be held responsible.








**12) How do I mark the fill-port for E15?**

Fill-port markings should be consistent with American Petroleum Institute (API) recommended practice 1637, 3<sup>rd</sup> Edition, July 2006.

Example:

For a station that sells 87(E10), 88(E15) and E85 the fill port markings would be:

	 E-15	 E85
White Circle w/Black Cross	Blue Circle w/White Cross	Bronze Elongated Pentagon

**13) Can I sell other gasoline-ethanol blends?**

Gasoline-ethanol blends greater than 15% and less than 51% (E20, E30, E40 and E50) are prohibited.

**14) Are there any other changes to the regulation I should be aware of?**

Yes, retailers should also be aware of the following:

a) Butanol:

Butanol may be blended with gasoline in lieu of ethanol up to 16%. For gasoline-butanol blends a sign must be posted stating the maximum percentage of butanol in the blend.

Example:

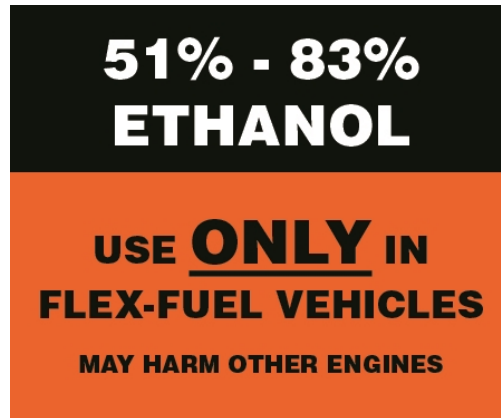


(1/4 - inch block letters)

b) E85 flex-fuel blends:

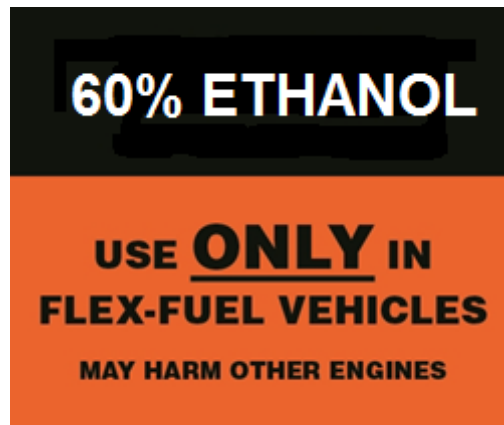
Retailers can continue to offer E85 for sale, however, the dispenser must be labeled as per 16 CFR Part 306.12 using one of the following methods:

1. With a label representing that the blend has between 51% and 83% ethanol.



Or

2. With a label representing the amount of ethanol in the blend, rounded to the nearest ten (E60, E70 or E80). For example:



c) Additional ASTM standards adopted:

- Denatured fuel ethanol intended for blending with gasoline - ASTM D4806-19a.
- Ethanol flex fuels containing 51% to 83% ethanol - ASTM D5798-19b.
- E15 gasoline - ASTM D4814-18a.
- Butanol intended for blending with gasoline - ASTM D7862-17.
- Butanol blends - ASTM D4814-18a.
- Biodiesel intended for blending with diesel fuel - ASTM D 6751-15c.
- Biodiesel blends between 5% and 20% - ASTM D7467-18.



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d) Bottom water level in retail storage tanks:

The maximum bottom water level in retail storage tanks has been reduced to one inch.

e) Terms used to describe gasoline:

The following terms must meet the requirements shown below:

Regular	Means 87 octane
Mid-grade, plus and extra	Means 88 octane or greater
Premium, Super and Ultra	Means 91 octane or greater

Note: Other terms may be used.

f) Ethanol-free (E0) gasoline:

Ethanol free gasoline must be labeled “ethanol free” “non-ethanol” “no ethanol” or similar term.

g) Cetane labeling:

Following a recent statutory change to Article 16, section 192-c, posting the cetane on diesel dispensers is no longer required. Posting the grade (1-D or 2-D) continues to be required.

h) Other helpful reference materials:

“E15 Retailer Handbook” published by the Renewable Fuels Association (RFA):

<https://ethanolrfa.org/wp-content/uploads/2019/06/retailadvisory.pdf>

Questions?

Please call 518-457-3146