Attention: Retail stations selling diesel fuel, bulk fuel plants, refineries, terminals, biofuel producers and diesel fuel consumers
Re: Minimum Biodiesel Content Deadline Waiver
Date: March 30, 2020

Regulatory Guidance 20-05
Issued March 30, 2020

Authority.

On March 13, 2020, Governor Tim Walz signed Executive Order 20-01, declaring a peacetime emergency related to COVID-19.

On March 28, 2020, Governor Tim Walz signed House File 4531, authorizing Commissioner of Commerce Steve Kelley (“Commissioner”) to delay, stay, or waive the following licensing, investigative and other deadlines related to the duties and responsibilities of the Commissioner and regulated entities required to effectively continue the business of the Minnesota Department of Commerce and to assist regulated entities during the current peacetime emergency.

In light of the challenges related to the COVID-19 virus, the Commissioner of Commerce has issued an Order granting temporary waivers or extensions of certain deadlines.

Guidance.

Minnesota Statutes §239.77, subd. 2(a) sets deadlines for seasonal increases in the minimum biodiesel content for diesel fuel. Due to the sharp decline in the demand for diesel fuel, the increase in the minimum biodiesel content requirement to 10% scheduled to go into effect on April 1, 2020 is waived and extended until April 15, 2020. Further, the increase to 20% scheduled to go into effect on April 15, 2020 is waived and extended until May 1, 2020.

All diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain at least

- five percent (5%) biodiesel fuel oil by volume from April 1, 2020 to April 14, 2020
- ten percent (10%) biodiesel fuel oil by volume from April 15, 2020 to April 30, 2020
- twenty percent (20%) biodiesel fuel oil by volume from May 1, 2020 to September 30, 2020

COVID-19 has resulted in fewer drivers on the roadways. The sharp decline in diesel fuel demand has left stations, terminals and bulk delivery companies having a large volume of diesel fuel in their storage tanks that would not meet the minimum biodiesel content requirements.
To ensure an equitable Minnesota, the Commissioner of Commerce has issued a waiver.

By May 1, 2020, all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines must contain twenty percent (20%) biodiesel fuel oil by volume. The waiver was timed to allow retailers an additional two (2) weeks to turn their storage tanks over while purchasing diesel containing the appropriate amount of biodiesel.

The Minnesota Department of Commerce Weights & Measures inspectors will collect fuel samples and audit delivery records, on an ongoing basis, to ensure that all diesel fuel sold or offered for sale in Minnesota for use in internal combustion engines contains the appropriate percentage of biodiesel fuel oil by volume.

Questions.

If you have any questions email greg.vanderplaats@state.mn.us. Commerce staff are responding as soon as possible to written inquiries from all regulated industries.

With You Every Day.

Wherever you are in Minnesota, the Department of Commerce is with you every day. Whether you’re filling up on gas, purchasing a home, working to reduce energy consumption or rebuilding after a disaster—we are with you, no matter what.

The Minnesota Department of Commerce oversees more than 20 regulated industries, ensuring that Minnesota businesses are strong and Minnesota consumers are protected. Our mission is to protect the public interest, advocate for Minnesota consumers, ensure a strong, competitive and fair marketplace, strengthen the state’s economic future and serve as a trusted public resource for consumers and businesses. Learn more at mn.gov/commerce.