Attention: Retail stations selling gasoline and gasoline ethanol blends, bulk fuel plants, refineries, terminals and fuel consumers
Re: Temporary Gasoline Volatility Requirement Waiver
Date: March 30, 2020

Regulatory Guidance 20-06
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 waivers and temporary extensions of certain deadlines.

Guidance.

Minnesota Statutes §239.761, subd. 3(a), subd. 4(b)(2) and subd. 6(c) reference ASTM standards that set seasonal volatility requirements for gasoline and oxygenated gasoline. The ASTM standard specifies a change to volatility requirements on April 1. Due to the sharp decline in demand for gasoline, the seasonal ASTM volatility requirement changes that were scheduled to go into effect on April 1, 2020 will receive a temporary waiver through April 30, 2020.

The waiver will allow distribution of ASTM 4814-11b volatility class E-5 or D-4 gasoline and oxygenated gasolines from April 1, 2020 to April 30, 2020.

COVID-19 has resulted in fewer drivers on the roadways. The sharp decline in gasoline demand has left stations, terminals and bulk delivery companies having a large volume of gasoline in their storage tanks that does not meet the volatility requirements of ASTM 4814-11b for April.
To ensure an equitable Minnesota, the Commissioner of Commerce has issued a waiver.

Until April 30, 2020, all gasoline and oxygenated gasolines sold in Minnesota for use in internal combustion engines must meet the ASTM4814-11b requirements for March. Terminals and bulk delivery companies will be able to continue delivering product that meets March specifications while they continue to convert supply to products that meet the requirements for May.

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.

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