



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 24 2012

Mr. Frank C. Lenski
President, RFG Survey Association
11350 Random Hills Road
Suite 800
Fairfax, Virginia 22030

OFFICE OF
AIR AND RADIATION

Dear Mr. Lenski:

This letter is in response to your submission on May 4, 2012, of the "2012 E15 Compliance Survey Plan" on behalf of the companies listed in your submission. As you indicated, the RFG Survey Association (RFGSA) designed a nationwide survey plan to help fuel and fuel additive manufacturers meet the misfueling mitigation conditions of the October 13, 2010 and January 21, 2011 partial waivers, which allow fuel and fuel additive manufacturers to introduce into commerce gasoline-ethanol blends containing greater than 10 volume percent and no more than 15 volume percent ethanol (E15) for use in model year (MY) 2001 and newer light-duty motor vehicles. The RFGSA survey plan is also designed to satisfy the survey requirements established in the E15 Misfueling Mitigation Rule (E15 MMR) and found at 40 CFR 80.1502.

As you know, the E15 partial waivers include conditions requiring each fuel and fuel additive manufacturer subject to the waivers to participate in a survey of compliance at fuel retail dispensing facilities. To satisfy the compliance survey waiver condition, each manufacturer must submit a statistically sound survey plan to EPA for approval and begin implementing an approved survey plan prior to introducing E15 into the marketplace. Manufacturers may comply with the compliance survey waiver condition in one of two ways. First, a manufacturer may conduct an individual survey of labels and ethanol content at retail stations at which the manufacturer's E15 or ethanol used to make E15 may be distributed. Second, a manufacturer or group of manufacturers may contract with an independent survey organization to perform a nationwide survey.

In the E15 MMR, EPA provided more specific survey requirements for the E15 compliance survey (e.g., how to select the appropriate number of retail stations to survey, what analytical test methods to use to measure the ethanol content in collected fuel samples). Similar to the E15 partial waivers' survey requirements, the E15 MMR provides responsible parties two options for complying with the E15 MMR survey requirements. Survey option 1 requires a responsible party to properly conduct a program of compliance surveys in accordance with an EPA-approved survey plan in any area in which E15 is being sold as well as in other potentially affected areas. Survey option 2 allows responsible parties to participate in a consortium which arranges to have an independent survey association conduct a statistically valid, nationwide compliance survey program. Under the E15 MMR, both survey options require that a survey plan be submitted for EPA approval each year for use in the following year. The E15 MMR also requires that a

survey collect Reid vapor pressure (RVP) measurements for fuel samples collected from fuel dispensers with E15 labels during the summertime RVP control period.

We have evaluated the RFGSA survey plan you submitted for the remainder of 2012, and have concluded that the plan meets the partial waivers' requirements for a compliance survey utilizing the nationwide survey option for the rest of the year. We have also concluded that the plan is sufficient to satisfy the E15 MMR requirements for survey option 2 for the remainder of 2012.

As noted above, you submitted the RFGSA survey plan on behalf of 71 companies as of April 20, 2012. You also submitted information indicating that implementation of the plan has been funded by those companies. You noted that enrollment in the survey program is ongoing, and that you will provide EPA with monthly updates that include each new survey participant's contact and program information. The cost of implementing the plan will be shared with new survey participants based on terms you and survey participants determine are appropriate.

With this letter, we are approving the RFGSA survey plan for the remainder of 2012. Every company that enrolls in the plan meets the condition of the E15 partial waivers for an EPA-approved survey plan for the rest of year 2012. Full implementation of an EPA-approved survey is a further condition of the waivers. Failure to fully implement the RFGSA plan means that the E15 introduced into commerce by the plan's enrollees is not covered by the partial waivers. We look forward to receiving the results of the RFGSA survey as they become available.

If you have any questions or comments regarding this matter please contact Robert Anderson of my staff at (202) 343-9718.

Sincerely,

A handwritten signature in black ink, appearing to read "Byron Bunker".

Byron Bunker, Acting Director
Compliance Division