

DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE

Clearinghouse Rule Number: 10-006		Hearing Location: Madison, Wisconsin	
Rule Number: Chapter Comm 48		Hearing Date: February 26, 2010	
Relating to: Petroleum and Other Liquid Fuel Products			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
1	Erin Roth Wisconsin Petroleum Council Madison, Wisconsin	1. Comm 48.210 (1) (d) 1. and 4.: Suggests omitting the reference to par. (b) in both sections. States these revisions do not change Wisconsin’s basis as a “neat” or unblended state, and Wisconsin includes its own simple text that is similar to the historical criteria in Handbook 130 by the Weights and Measures Division of the US Department of Commerce. States when Wisconsin updates to the 2009b edition of ASTM D4814, it will allow the base gasoline to only have to meet the “revised” T50 and T V/L. Indicates there are no issues with T50 min, as D4814-09b requires the base gasoline to meet 170°F and the blended would need to meet 150°F. However, this basically allows the double dipping of TV/L during the summer months. The D4814-09b lowers the Class 2 TV/L from 133 to 122 and the Class 3 TV/L from 124 to 116. Effectively, this could lower the blended gasoline even further by 8 or 9°F – which likely was not the intent of ASTM since ASTM only looks at finished-fuel (blended) performance, and they relied on actual data to relax to the extent they did. Bottom line is that the changes currently proposed will relax gasoline requirements versus where they are today.	1. The criteria in section Comm 48.210 (1) (b) are relic gasoline specifications that the Department has applied in Wisconsin for several decades, since before the seasonal volatility specifications in ASTM D4814 for automotive gasoline were first adopted in 1979. Where automotive gasoline is stored for an extended period, and under certain conditions such as in aboveground tanks, a small loss of the more volatile portion may result in the fuel falling outside the seasonal volatility specifications in D4814. The criteria in Comm 48.210 (1) (b) enable the Department to then allow this fuel to be used in engines where the more restrictive specifications in D4814 need not apply – such as at airports, marinas, or farms, or for snowmobiles or racing gas – provided this fuel complies with the relic specifications in paragraph (b). Retaining the two cited references to paragraph (b) allows for ethanol or other oxygenates to be part of this fuel as well. This may become more desirable in the future. To avoid having the proposed rules relax the automotive gasoline requirements, the rule draft has been revised to delete any changes to the current requirements in paragraph (d).
2	Shelby Neal National Biodiesel Board Jefferson City, Missouri	2a. Supports the proposed rule changes insofar as they reference the latest revisions of recently updated ASTM standards for biodiesel and the labeling of retail pumps that contain biodiesel blends of 6% and above, as published under Title 16 of the Code of Federal Regulations, Part 306. States the proposed changes will create consistency with current regional, national, and other state standards for fuel quality. The consistent implementation of ASTM fuel-quality standards for biodiesel and biodiesel blends as well as consistent labeling among and between states will allow for broader and more	2a. Support is noted.

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		expedient acceptance of renewable fuels.	
		2b. Supports the proposed change in section Comm 48.310 (3) (a) that requires an eight-ounce representative sample be taken from every biodiesel shipment that is imported into the State. As for the frequency of in-state sampling, collection and analysis of imported fuel, and access to records, prefers that all biodiesel producers, marketers, and retailers be sampled on a regular basis. However, states they can support a system that does not necessarily require testing every facility during every testing cycle, provided the State proactively tests a representative number of samples from producers, marketers, and retailers.	2b. Support is noted.

File reference: Comm 48/Hearing summary2