

455G.31 E-85 gasoline storage and dispensing infrastructure.

1. As used in this section, unless the context otherwise requires:

a. "Dispenser" includes a motor fuel pump, including but not limited to a motor fuel blender pump.

b. "E-85 gasoline", "ethanol blended gasoline", and "retail dealer" mean the same as defined in section 214A.1.

c. "Gasoline storage and dispensing infrastructure" means any storage tank located below ground or above ground and any associated equipment including but not limited to a pipe, hose, connection, fitting seal, or motor fuel pump, which is used to store, measure, and dispense gasoline by a retail dealer.

d. Ethanol blended gasoline shall be designated in the same manner as provided in section 214A.2.

e. "Motor fuel pump" means the same as defined in section 214.1.

2. A retail dealer may use gasoline storage and dispensing infrastructure to store and dispense ethanol blended gasoline classified as E-9 or higher if all of the following apply:

a. For gasoline storage and dispensing infrastructure other than the dispenser, the department of natural resources under this chapter or the state fire marshal under chapter 101 must determine that it is compatible with the ethanol blended gasoline being used.

b. (1) For a dispenser, all of the following shall apply:

(a) The dispenser must be listed by an independent testing laboratory as compatible with ethanol blended gasoline classified as E-9 or higher.

(b) The owner or operator or a person authorized by the owner or operator must visually inspect the dispenser and the dispenser sump daily for leaks and equipment failure and maintain a record of such inspection for at least one year after the inspection. The record shall be located on the premises of the retail dealer and shall be made available to the department of natural resources or the state fire marshal upon request. If a leak is detected, the department of natural resources shall be notified pursuant to section 455B.386.

(2) The state fire marshal shall issue an order as soon as practicable after determining that a commercially available dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory. The state fire marshal shall publish the order in the Iowa administrative bulletin. A person shall not install a dispenser which would otherwise be permitted under subparagraph (1) after sixty days following the date that the order is published. A person who installed such dispenser before the sixty-day period expired may use the dispenser as provided in subparagraph (1) until four years after the date that the order is published.

3. This section is repealed four years following the date that the order issued by the state fire marshal is published in the Iowa administrative bulletin as provided in this section.

2006 Acts, ch 1142, §25; 2006 Acts, ch 1185, §122; 2007 Acts, ch 22, §80; 2007 Acts, ch 211, §4749; 2008 Acts, ch 1169, §2225, 30