

214A.36 Exemption from E-15 access standard for small retail motor fuel sites — by order issued by secretary of agriculture.

1. a. The secretary of agriculture shall issue a small retail motor fuel site exemption administrative order to a retail dealer. The administrative order shall exempt the retail dealer from complying with the E-15 access standard, as otherwise required in [section 214A.32](#), at a small retail motor fuel site owned or operated by the retail dealer.

b. To qualify as a small retail motor fuel site under [this section](#), all of the following must apply:

(1) Prior to January 1, 2023, the retail motor fuel site included gasoline storage and dispensing infrastructure.

(2) The retail motor fuel site's average total gasoline gallonage was limited to three hundred thousand gallons or less for the qualifying phase as provided in [this section](#).

2. a. A retail dealer may apply for an administrative order as described in [subsection 1](#) by submitting an application to the department in a manner and according to procedures required by the department.

b. The retail dealer must sign the application which shall include a statement that the retail dealer swears and affirms that all information in the application completed by the retail dealer is true and correct.

3. a. Upon request by the department of agriculture and land stewardship, the department of revenue shall certify the average total gasoline gallonage for the retail motor fuel site computed for the qualifying phase beginning on January 1, 2020, and ending on December 31, 2022.

b. The computation described in paragraph "a" shall be based on site-by-site information for the retail motor fuel site in reports required to be filed for determination periods by the retail dealer with the department of revenue pursuant to [chapter 452A, subchapter II](#). However, if the department of revenue cannot obtain site-by-site information for the retail motor fuel site from such reports, the department of revenue may use other methods, including records maintained by the department of revenue under [chapter 422](#), to compute the retail motor fuel site's gallonage for all or any part of that qualifying phase.

c. A retail dealer who submits an application under [this section](#) shall waive the confidentiality of information in the department of revenue's certification identifying the retail dealer or retail motor fuel site otherwise applicable under [chapter 422](#) or [452A](#). The information maintained by the department of agriculture and land stewardship under [this section](#) is a confidential record under [section 22.7](#) and shall be used by the department of agriculture and land stewardship for the limited purposes of evaluating the retail dealer's application for approval and issuing an administrative order described in [subsection 1](#). The certification may be used in a criminal proceeding alleging the retail dealer committed perjury as described in [section 214A.11](#) when completing the application. The application shall include a notice of the waiver. The department of agriculture and land stewardship shall redact such identifying information in any record otherwise requiring disclosure by that department under [chapter 22](#).

d. The department of revenue, in cooperation with the department of agriculture and land stewardship, may adopt rules to administer [this subsection](#).

4. The department shall publish on its internet site for each quarter of a calendar year information aggregated from administrative orders described in [subsection 1](#) that shall be limited to the following:

a. The total number of administrative orders issued.

b. The total number of administrative orders in effect.

5. a. The secretary of agriculture shall terminate the administrative order described in [subsection 1](#) if a terminable event has occurred. A terminable event occurs on the date that any of the following apply:

(1) The failure of a retail dealer to be licensed as required under [section 214.2](#) to use a commercial weighing and measuring device when dispensing gasoline at the retail motor fuel site.

(2) The cessation of the retail dealer's business of advertising for sale or selling gasoline at the retail motor fuel site.

(3) The installation, replacement, or conversion of a gasoline storage tank located at the retail motor fuel site.

b. The department may require that a retail dealer notify the department that a terminable event as described in paragraph "a" is planned to occur, is occurring, or has occurred.

6. a. [This section](#) shall be implemented on January 1, 2023.

b. [This subsection](#) is repealed January 2, 2023.

[2022 Acts, ch 1067, §6](#)

Referred to in [§214A.11](#), [214A.32](#), [452A.33](#)

Secretary of agriculture authorized to issue order prior to January 1, 2023; [2022 Acts, ch 1067, §8](#)

NEW section