

21—86.3(214A) Incompatible infrastructure waivers.

86.3(1) *Class 1 waiver.* A retail dealer may apply for a class 1 waiver from the E-15 access standard by submitting a completed application to the department. The retail dealer shall include supporting documentation with the application regarding the retail motor fuel site's gasoline storage tanks including but not limited to the date of installation and the material that the tank is constructed from. The department may consult with the department of natural resources to confirm documentation submitted by the retail dealer.

86.3(2) *Class 2 waiver.* A retail dealer may apply for a class 2 waiver from the E-15 access standard by submitting a completed application to the department. The retail dealer shall include supporting documentation with the application including a completed inspection report prepared by a certified professional retail motor fuel site installer regarding the compatibility of the retail motor fuel site's motor fuel storage and dispensing infrastructure to store and dispense E-15 gasoline. The inspection report shall include an inventory of all motor fuel storage and dispensing infrastructure at the retail motor fuel site. The inspection report shall also include the total estimated cost of improving the retail motor fuel site to comply with the alternative E-15 access standard by installing, replacing, or converting the gasoline storage and dispensing infrastructure located at the retail motor fuel site.

86.3(3) *Special status.* If it is determined that a retail dealer is ineligible for a class 2 waiver, the department shall assign the retail dealer special status and shall forward the designation to the renewable fuel infrastructure fund board and relevant department staff.

[ARC 6732C, IAB 12/14/22, effective 1/18/23]