



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

May 18, 2009

The Honorable Michael Mauro
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit:

Senate File 423, an Act providing for the dispensing of ethanol blended gasoline by authorizing the use of secondary containment.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Culver", with a long, sweeping underline.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





SENATE FILE 423

AN ACT

PROVIDING FOR THE DISPENSING OF ETHANOL BLENDED GASOLINE BY
AUTHORIZING THE USE OF SECONDARY CONTAINMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 455G.31, subsections 2 and 3, Code 2009, are amended to read as follows:

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~~ determines that it is compatible with the ethanol blended gasoline being used.

~~b.--(1)--For-a~~ 3. A retail dealer may use a dispenser,--all of-the-following-shall-apply that does not satisfy the requirement in subsection 2 to dispense ethanol blended gasoline classified as higher than E-10 if any of the following applies:

~~(a)~~ a. (1) The dispenser ~~must-be~~ is listed by an independent testing laboratory as compatible for use with ethanol blended gasoline classified as E-9 or higher. In addition,

~~(b)--The-owner-or-operator-or-a-person-authorized-by-the owner-or-operator-must~~ the retail dealer 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-~~ (3) This ~~section~~ paragraph "a" 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~~ subparagraph (2).

b. (1) The dispenser's manufacturer has submitted the dispenser to an independent testing laboratory to be listed as compatible for use with E-85 gasoline. In addition, the retail dealer must install an under-dispenser containment system with electronic monitoring. The under-dispenser containment system shall comply with applicable rules adopted by the department of natural resources and the state fire marshal.

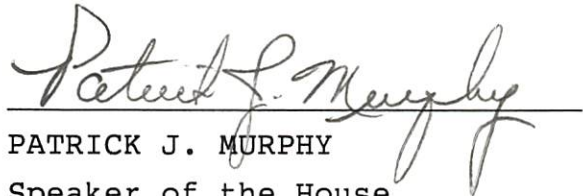
(2) If within ten years from the date that a dispenser described in subparagraph (1) is installed, the same model of dispenser is listed as compatible for use with E-85 gasoline by an independent testing laboratory, the dispenser shall be deemed as compatible for use with ethanol blended gasoline classified as E-9 or higher up to and including E-85 by the department of natural resources and the state fire marshal. However, if after that time, the same model of dispenser is not listed as compatible for use with E-85 gasoline by an independent testing laboratory, subparagraph (1) no longer applies, and the retail dealer must do any of the following:

(a) Upgrade or replace the dispenser as necessary to be listed as compatible for use with E-85 gasoline.

(b) Comply with the requirements in paragraph "a".



JOHN P. KIBBIE
President of the Senate



PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 423, Eighty-third General Assembly.



MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 18th, 2009



CHESTER J. CULVER
Governor