

## 2307-4 W Section 4.3. Dispenser Filters

### Source:

Missouri Department of Agriculture (2012)

### Purpose:

Recognize the need for 10 micron or smaller nominal pore-sized filters for today's diesel engines.

### Item under Consideration:

Amend the NIST Handbook 130, Engine Fuels and Automotive Lubricants Regulation as follows:

#### 4.3. Dispenser Filters.

##### 4.3.1. Engine Fuel Dispensers.

- (a) All gasoline, gasoline-alcohol blends, gasoline-ether blends, ethanol flex fuel, and M85 methanol dispensers shall have a 10 micron or smaller nominal pore-sized filter.
- (b) All biodiesel, biodiesel blends, diesel, and kerosene dispensers shall have a ~~30~~ 10 micron or smaller nominal pore-sized filter with the following exceptions:
  - 1) Dispensers with flow rates greater than 15 gallons per minute shall use a 30 micron or smaller nominal pore size filter.
  - 2) Dispensers with flow rates less than or equal to 15 gallons per minute in the following states may use a 30-micron or smaller nominal pore size filter during the months of December through March. These states include: Nevada, Idaho, Montana, Wyoming, Colorado, South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Illinois, Pennsylvania, New York, Vermont, New Hampshire, and Maine. This exception has a sunset date of April 2020.
  - 3) Dispensers with flow rates less than or equal to 15 gallons per minute in North Dakota may use a 30 micron or smaller nominal size filter during the months of November through March. This exception has a sunset date of April 2020.

(Amended 2014 and 20XX)

### Background/Discussion

Abnormal dispenser filter plugging at retail will alert the retailer of potential storage tank problems. Requiring 10 micron filters for all products will reduce the inventory and the potential of installing the wrong filter for all products at the same site.

NCWM 2012 Interim Meeting: Mr. Ronald Hayes, FALS Chair, informed the Committee that FALS recommended that this item be Informational because of industry concerns that 10 micron filters would be too restrictive of flow in high-flow systems. One industry representative expressed opposition for the use of 10 micron filters and recommends this item to be Withdrawn. A representative of an automobile manufacturer claimed diesel passenger vehicles do not have the sophisticated filtration systems commonly found on commercial duty vehicles and 10 micron filters on dispensers are needed for protection from particulate contamination. As proposed, this item could cause clogging of diesel dispenser filters in colder climates. The Committee believes this item has merit but lacks a consensus and also believes that FALS needs to address these concerns. The 2012 L&R Committee designated this item as an Informational Item and assigned it to FALS for further development.

At the 2012 NCWM Interim Meeting it was apparent to the Committee that there are many unresolved issues related to passenger vehicles. The Committee encourages the FALS to continue developing this item.

At the 2012 NCWM Annual Meeting several stakeholders spoke in opposition on this item. Mr. Ronald Hayes, FALS Chair remarked that the FALS worked on this item in 2007 and believes FALS needs to continue to work on this item. The NCWM L&R Committee agreed that this item is not ready and supports the continued development by FALS.

At the 2013 NCWM Interim Meeting Mr. Hayes, FALS Chairperson, remarked that a similar item was brought before the Committee in 2007. FALS did not have enough time in their work session to work on this item. There are several stakeholders and states that are having issues with the terminology and would like it removed from the agenda. Mr. Ronald Hayes (Missouri) remarked that they supported this item because contamination is an issue with cars that do not have filtering systems. The Committee reviewed comments from the Regional Associations however; FALS did not have sufficient time to review and consider recommendation to the Committee. The Committee would like for FALS to continue to work on this item and is proposing this as an Informational item.

At the 2013 NCWM Annual Meeting Mr. Hayes, FALS Chair requested that the Committee allow them to continue to work on a recommendation for this item. There was opposition on moving this item forward. In less than two years since this proposal came forward there has been no data developed. The Committee reviewed Regional Association reports, open hearing comments and letters received changed the status of this to a Developing item.

At the 2014 NCWM Interim Meeting Mr. Hayes (Missouri) who submitted the proposal offered modified language and supporting data to support the flow rate on 10-micron diesel filters. There was considerable discussion in regards to the fill time reduction, burdensome cost for station owners, and equipment and filter maintenance. It was noted that there is work being done within ASTM but at this time that information cannot be shared. The Committee reviewed the Item Under Consideration within NCWM Interim Publication 15 (2014). The Committee moved forward the modified language provided by Mr. Hayes for consideration as a Voting Item.

At the 2014 NCWM Annual Meeting the Committee reviewed several letters and additional data submitted by the Petroleum Marketers Association of American (PMAA). The FALS recommended this Item move forward for a Vote. During open hearings there were concerns were mixed in regards to this Item. Numerous concerns were expressed concerning the data from PMAA. Several comments were heard that ASTM should be allowed to develop a standard.

At the 2015 NCWM Interim Meeting the FALS Chair notified the Committee that this proposal was discussed in their work session and the FALS group is divided on a recommendation. Russ Lewis (Marathon Petroleum Co.) submitted the Coordinating Research Council (CRC) report "Diesel Fuel Storage and Handling guide. In addition, Prentiss Searles (API) provided the Committee with a listing of the various studies and the findings that support moving this Item forward. The Committee reviewed additional letters and Regional Association recommendations. During open hearing testimony there was discussion as to whether this is a weights and measures issue or a housekeeping issue for the stations. There was lengthy discussion as to the type of particulates and contaminants that a 10 micron could filter. Cost effectiveness was a concern as to who would bear the burden of the cost. With the extensive discussion on this subject matter and new information received the Committee is designating this item as a Voting Item.

At the 2015 NCWM Annual Meeting, Mr. Lewis (on behalf of API) provided a presentation on dispenser filters. Mr. Curran (FALS Chair) informed the Committee that FALS is divided on this issue but would like it to proceed with a vote. There were no new comments other than those that have already been provided in this report. The outcome of the voting session was a split vote; therefore, it was returned to the Committee.

At the 2016 NCWM Interim Meeting, Prentiss Searles (API) provided a presentation and remarked that North Dakota is being stricken from Section 4.3.1.(b)2. Dr. Curran (FALS Chairman) remarked that FALS had some opposition from marketers on this proposal. However, FALS is recommending this move forward as a Voting Item. There was discussion on the floor as to who is responsible for clean tanks, refineries, terminals, or retailers? It was also mentioned that the ASTM standard may not be sufficient. The Committee is recommending this as a Voting Item.

At the 2016 NCWM Annual Meeting, Dr. Curran (FALS Chair) recommended that this item move forward with a vote even though FALS could not reach a consensus on this item. There were several remarks that this item should be withdrawn due to the financial burden that this would have on small independent operators. Oregon, Maine, and Massachusetts requested that they be added to the exemption listing. States were added to the exemption listing based on temperature studies based on ASTM D975 10 percentile ambient temperature tables (fig. X 5.2 and 5.3). Those in support of this proposal agree that studies on fuel cleanliness has been done. This item protects the consumer and this proposal adds the last line of defense. Stations must maintain their tanks. However; they claim contamination is in the product that is being delivered. There was also a comment as to how the sunset date of April 2020 was determined. Russ Lewis remarked that the sunset date was proposed so that if adopted and this did not resolve the issue, then it will allow for a switch back to the 30-micron filter.

At the 2017 NCWM Interim Meeting, Dr. Curran remarked that the FALS is recommending this be withdrawn. The Committee did not see any new information or data come forward on this item, so they are recommending this item be Withdrawn

**Regional Association Comments:**

The WWMA received a comment from a regulator that voting on this item was split solidly down the middle the last two times that it was brought before NCWM for adoption and doesn't see any evidence of this changing and asks that item be withdrawn. A regulator testified that the item is overreaching and should simply be a business decision left up to the fuel marketers. The Committee observed that there is no evidence of consensus among either regulators or industry on this issue. The WWMA recommended that they item be Withdrawn.

The CWMA received a comment from a regulator that Missouri is credited as the submitter of this item, when in fact, the item originated from the Fuels and Lubricants Subcommittee. This item is a separate item that was pulled off a larger revision similar to the update revision currently being made through FALS. He commented that the engine manufacturers originally brought this concern to FALS, and several years later we are still deliberating the move from 30 to 10-micron filter maximum pore size. A state regulator from Minnesota commented that if this proposal is to ever pass, the requirement should be enforced at the terminal as well as at the retail level. A regulator commented that the further downstream the product gets, the more likely it is to collect particulate. An industry representative commented that there have been very few issues or complaints from the retailers indicating they were taking possession of dirty fuel. The practicality of a 10-micron filter at the terminal is problematic. An industry representative commented the data indicating a problem with tank corrosion is at retail, not upstream. A regulator commented that the problem is with dirty tanks, not fuel filters. He commented that NCWM should consider labeling diesel fuel as filtered or unfiltered. The CWMA recommended that this item be Withdrawn.

The SWMA heard from the FALS Chair that they have been unable to reach consensus on this item. The SWMA also heard that API had no additional data to provide. The SWMA recommended that the item be withdrawn.

NEWMA recommended that the item be withdrawn.