



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



GERALD D. REID  
COMMISSIONER

**TESTIMONY OF MARC CONE**

**DIRECTOR OF THE BUREAU OF AIR QUALITY**

**MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**SPEAKING NEITHER FOR NOR AGAINST**

**L.D. 822 AN ACT REGARDING ETHANOL IN MOTOR FUEL**

**SPONSORED BY REPRESENTATIVE O'CONNOR**

**BEFORE THE JOINT STANDING COMMITTEE**

**ON THE ENVIRONMENT AND NATURAL RESOURCES**

**DATE OF HEARING: March 20, 2019**

Senator Carson, Representative Tucker, and members of the Committee, I am Marc Cone, Director of the Bureau of Air Quality with the Department of Environmental Protection, speaking neither for nor against LD 822. This bill has two parts. The first prohibits the sale of motor fuel products in the State that contain ethanol greater than 10% unless the sale of such fuel is in a sealed container that contains one quart or less of the motor fuel. The second part repeals §585-M which would ban corn based ethanol in motor fuel if 2 states and Maine adopt such a ban.

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

By way of background, gasoline has been and will continue to be a very highly regulated commodity. The Clean Air Act requires the United States Environmental Protection Agency (EPA) to regulate fuels and fuel additives if a fuel, fuel additive or any emission products causes or contributes to air or water pollution that may endanger the public health or welfare. EPA must also address emission products of fuels or fuel additives that may impair any emission control devices used on vehicles or engines. Since the 1970's, a myriad of laws regarding gasoline have banned lead, banned methyl tertiary butyl ether (MTBE), reduced smog emissions, reduced toxic compounds, and reduced sulfur content. These laws have reduced and will continue to reduce pollutants from motor vehicles.

To dispel any confusion, however, the ethanol content of fuel is not required, nor regulated, by the Maine DEP. Today's gasoline contains ethanol primarily because of the federal Renewable Fuel Standard (RFS), an EPA-administered program that requires transportation fuel sold in the United States to contain a minimum volume of renewable fuels.

Although gasoline containing 10 percent ethanol, or E10, is the most common type of motor vehicle fuel under the Renewable Fuel Standard, EPA also allows the use of motor fuel containing up to 15% ethanol in 2001 model year and newer passenger and flex-fuel vehicles. The use of E15 is prohibited in older light-duty motor vehicles, and all heavy-duty gasoline vehicles and engines, motorcycles and gasoline-powered equipment such as lawn and garden equipment and boats.

Although the Department is not aware of E15 currently being supplied in Maine, we would not oppose the prohibition of this fuel, given concerns with fuel quality and the potential cost increases to consumers and gas station owners to install or upgrade tanks and/or pumps.

The second part of the bill repeals 38 M.R.S. §585-M, which established a ban on corn-based ethanol in motor vehicle fuel provided 2 other New England states also adopt such bans. The Department is unaware of any advantage to keeping this requirement nor any disadvantage to repealing this requirement.

Thank you for the opportunity to provide this testimony, and I would be happy to answer any questions.