



E. SCOTT PRUITT  
ADMINISTRATOR

September 7, 2017

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The Honorable Nathan Deal  
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The Honorable Larry Hogan  
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The Honorable Phil Bryant  
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The Honorable Roy Cooper  
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The Honorable Bill Haslam  
Governor of Tennessee  
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The Honorable Terry McAuliffe  
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The Honorable Greg Abbott  
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The Honorable Bruce Rauner  
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Springfield, Illinois 62706

The Honorable Muriel Bowser  
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The Honorable Eric Holcomb  
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State House  
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The Honorable Sam Brownback  
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The Honorable Matt Bevin  
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The Honorable Mark Dayton  
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The Honorable Mary Fallin  
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The Honorable Dennis Daugaard  
Governor of South Dakota  
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The Honorable Scott Walker  
Governor of Wisconsin  
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Madison, Wisconsin 53707

The Honorable Dan Malloy  
Governor of Connecticut  
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The Honorable Paul LePage  
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The Honorable Charlie Baker  
Governor of Massachusetts  
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The Honorable Chris Sununu  
Governor of New Hampshire  
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The Honorable Gina Raimondo  
Governor of Rhode Island  
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Providence, Rhode Island 02903

The Honorable Phil Scott  
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The Honorable John Carney  
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The Honorable Chris Christie  
Governor of New Jersey  
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The Honorable Andrew Cuomo  
Governor of New York  
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The Honorable Tom Wolf  
Governor of Pennsylvania  
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Harrisburg, Pennsylvania 17120

The Honorable Jim Justice  
Governor of West Virginia  
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The Honorable Asa Hutchinson  
Governor of Arkansas  
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The Honorable Kim Reynolds  
Governor of Iowa  
State Capitol  
Des Moines, Iowa 50319-0001

The Honorable Doug Burgum  
Governor of North Dakota  
Dept. 101  
600 E. Boulevard Ave.  
Bismarck, North Dakota 58505-0001

The Honorable Susana Martinez  
Governor of New Mexico  
State Capitol  
Fourth Floor  
Santa Fe, New Mexico 87501

Re: September 7, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia

Dear Governors and Mayor Bowser:

On August 31, 2017, following damage caused by Hurricane Harvey, I waived certain requirements of the Clean Air Act (CAA) relating to the sale, distribution and use of reformulated gasoline (RFG) and low volatility conventional gasoline in your states to address fuel supply emergencies caused by Hurricane Harvey. I have received requests by some of you or on your behalf regarding the continuing need for a waiver of the RFG requirements and the unique low volatility requirements in the Texas State Implementation Plan (SIP) that apply after the waiver period covered by my August 31, 2017 letter.

In response to these requests, and based on our evaluation of the continuing effects of Hurricane Harvey on the nation's fuel supply system and the effects of large-scale evacuations in response to Hurricane Irma, the U.S. Environmental Protection Agency has determined, and the U.S. Department of Energy concurs, that it is necessary to take further action to minimize or prevent the disruption of an adequate supply of gasoline in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Florida, Georgia, North Carolina, South Carolina, Virginia, West Virginia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Wisconsin, Alabama, Arkansas, Louisiana, Mississippi, New Mexico, Texas, and the District of Columbia. ("designated states and D.C.")<sup>1</sup>

As a result of Hurricane Harvey, about 14 refineries in the Gulf-area were shut down, pipelines originating in the Gulf-area that serve the south, southeast, mid-Atlantic, and mid-west states were disrupted due to storm damage, and ports that supply crude oil to Gulf-area refineries were closed. The designated states and D.C. receive a significant percentage of their gasoline supplies from the Gulf-area refineries and through the pipelines originating in the Gulf-area. Although parties in the fuel production and supply chain are making progress towards resuming normal operations, there continues to be limited production and availability of fuel to areas both within and outside of the Gulf-area. Currently six of those refineries remain shut-down, and many others are in the process of re-starting or operating at reduced capacity. While ports serving these refineries are beginning to re-open, most have restrictions limiting shipments. The refinery shut-downs, production curtailments, limited shipments of fuel by barge in the Gulf area, pipeline limitations caused by Hurricane Harvey and evacuations caused by Hurricane Irma are continuing

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<sup>1</sup> These areas are located in Petroleum Administration for Defense Districts 1-3.

to create a shortage of compliant fuel for the designated states and D.C.

These supply shortages can be reduced by waiving the low volatility gasoline requirements, the RFG requirements, and provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.

I have determined that an “extreme and unusual fuel [ ] supply circumstance” exists that will prevent the distribution of an adequate supply of gasoline to consumers. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricane Harvey and impending impact of Hurricane Irma, natural disasters that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

The EPA, in consultation with DOE, has evaluated the impact of disruption of the fuel production and distribution system on fuel supply in the designated states and D.C. Based on this evaluation, the EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent further disruption of an adequate supply of gasoline to consumers in these areas.

#### Federal RVP Standards

I am issuing this waiver of the federal Reid vapor pressure (RVP) requirements at 40 C.F.R. § 80.27 in the designated states to minimize or prevent problems with the supply of gasoline to these areas. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline within the designated states. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream standards under the federal RVP requirements at 40 C.F.R. § 80.27 that apply after September 15, 2017.

#### Texas Low Volatility SIP

I am extending the waiver of the 7.8 pounds per square inch (psi) RVP standards that applies to the areas covered by the Texas low-volatility gasoline programs in the federally-enforceable SIP. The Texas SIP includes two different programs. First, the SIP requires gasoline to be sold in 95 eastern Texas counties (Eastern Texas SIP RVP Counties) to have a maximum RVP of 7.8 psi during the summer “high ozone” season, which starts June 1, 2017 and ends on October 1, 2017. 66 Fed. Reg. 20,927 (April 26, 2001).<sup>2</sup> Second, the Texas SIP requires gasoline

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<sup>2</sup> The following 95 eastern Texas counties have a 7.8 psi RVP requirement through October 1, 2017: Anderson,

sold in El Paso County to have a maximum RVP of 7.0 psi RVP through September 16, 2017. 60 Fed. Reg. 12,438 (March 7, 1995).

I am issuing this waiver of the low RVP gasoline requirements that apply to the federally enforceable Texas low volatility gasoline programs. This waiver is effective immediately. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline within the state of Texas.

The waiver of the low RVP requirements in the Texas SIP that apply to El Paso County will continue through September 16, 2017. Since the waiver will be in effect until the end of the time period that requires the use of low volatility gasoline in El Paso county under the Texas SIP, this waiver does not address downstream standards that apply in El Paso county after September 16, 2017.

The waiver of the low RVP requirements in the Texas SIP that apply to the Eastern Texas SIP Counties will continue through September 26, 2017. After September 26, 2017, refiners and importers may not produce or import gasoline that does not meet the Texas SIP requirements for distribution into the Eastern Texas SIP RVP Counties. However, any gasoline for use in the Eastern Texas SIP RVP Counties that is in the distribution system on September 26, 2017, may be distributed and sold until the supply is depleted. Gasoline that is in the possession of parties in the fuel distribution system other than retailers and wholesale purchaser-consumers must meet the low RVP requirements of the Texas SIP by no later than October 26, 2017. Retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline produced under the waiver until their supplies are depleted.

#### Other Federally-Enforceable SIP Covered Areas

Some of the designated states have federally-enforceable SIPs that require the use of low-volatility gasoline. I am issuing this waiver of all low volatility gasoline requirements in any SIP that applies in the designated states (other than Texas which is addressed above) to minimize or prevent problems with the supply of gasoline to these areas. This waiver is effective immediately and will continue through September 15, 2017. Since the waiver will be in effect until the end of the high ozone season, this waiver does not address downstream RVP standards that apply after September 15, 2017.

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Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.

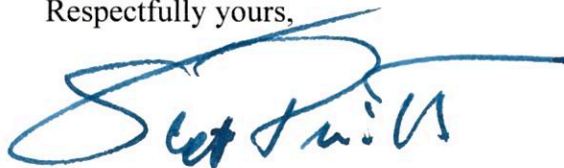
## Reformulated Gasoline

I am issuing this waiver of the federal RFG requirements in the designated states and D.C. Under this waiver, the EPA will allow regulated parties to produce, sell or distribute conventional winter gasoline (including gasoline blendstock for oxygenate blending (BOBs)) in any RFG covered area within the designated states and D.C. Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RFG BOBs with any other gasoline, blendstock, or oxygenate, unless certain conditions are met. This waiver covers the prohibitions at 40 C.F.R. § 80.78(a)(7), and applies to all designated states and D.C.<sup>3</sup>

This waiver is effective immediately and will continue through September 26, 2017. After September 26, 2017, refiners and importers may not produce or import CG for distribution into RFG covered areas in the designated states and D.C. However, any gasoline for use in the designated states and D.C. that is in the distribution system on September 26, 2017, may be distributed and sold until the supply is depleted. Gasoline that is in the possession of parties in the fuel distribution system other than retailers and wholesale purchaser-consumers must meet the RFG requirements by no later than October 26, 2017. Retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline produced under the waiver until their supplies are depleted.

This waiver supersedes my August 31, 2017 waiver, and only applies to the applicable federal requirements cited above for the designated states and D.C. Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. Should conditions warrant, this waiver may be modified, terminated or extended, as appropriate. If you have questions you may call me, or your staff may call Phillip Brooks at (202) 564-0652.

Respectfully yours,



E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy  
Richard Hyde, P.E., Executive Director, Texas Commission on Environmental Quality  
Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality

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<sup>3</sup>Since I have waived the RVP requirements in 40 C.F.R. § 80.27 and in low RVP SIPs in the designated states, parties who blend butane into previously certified conventional gasoline during the waiver period do not need to conduct the sampling and testing at 40 C.F.R. § 80.82(e)(1). Since I have waived the requirement to sell RFG in the designated states and D.C. during the waiver period, the prohibitions at 40 C.F.R. § 80.82(e)(2) also do not apply during this time period.

Richard E. Dunn, Director, Georgia Environmental Protection Division  
Jeffery F. Koerner, Director, Florida Division of Air Resource Management  
Molly Joseph Ward, Virginia Secretary of Natural Resources  
Michael J. Teague, Oklahoma Secretary of Energy and Environment  
Becky W. Keogh, Director, Arkansas Department of Environmental Quality