



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 27, 2022

THE ADMINISTRATOR

The Honorable JB Pritzker
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706

The Honorable Eric Holcomb
Governor of Indiana
State House, Room 206
Indianapolis, Indiana 46204

The Honorable Gretchen Whitmer
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Tony Evers
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

Re: August 27, 2022, Reid Vapor Pressure Fuel Waiver in Illinois, Indiana, Michigan, and Wisconsin

Dear Governors:

This letter responds to requests made by you or on your behalf for waivers under the Clean Air Act (CAA) to address a fuel supply emergency caused by a fire at the bp Products North America (bp) Whiting refinery located at 2815 Indianapolis Boulevard, Whiting, Indiana, 46394. You requested that the U.S. Environmental Protection Agency grant a waiver of the federal fuels regulations and federally enforceable State Implementation Plans (SIPs) that require low volatility gasoline to be sold during the summer months in Illinois, Indiana, Michigan, and Wisconsin (“waiver area”). *See* 40 C.F.R. § 1090.215, *see also* <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>. These regulations are designed to limit the formation of ozone pollution.

The EPA and the U.S. Department of Energy (DOE) have been actively monitoring the supply of gasoline to the waiver area. The EPA has concluded, with DOE’s concurrence, that it is necessary and appropriate to take action to minimize or prevent disruption of an adequate supply of gasoline to

consumers. I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of compliant gasoline to consumers in the waiver area. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I).

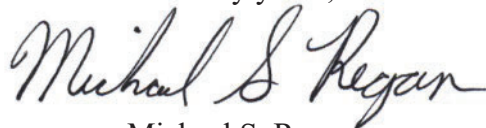
This extreme and unusual fuel circumstance is the result of a fire at bp’s Whiting refinery, an event that could not reasonably have been foreseen and is not attributable to a lack of prudent planning on the part of suppliers of fuel to the waiver area. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). 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)(iii)(I), 42 U.S.C. § 7545(c)(4)(C)(iii)(I).

Therefore, to minimize or prevent disruptions of the supply of gasoline in waiver area, I am issuing this waiver of the federal Reid vapor pressure requirements for conventional and reformulated gasoline at 40 C.F.R. § 1090.215(a)(1) and (a)(3), and of the Indiana and Michigan federally-approved low volatility gasoline SIPs and the requirements at 40 C.F.R. § 1090.215(a)(5), that apply in the waiver area. Under this temporary waiver, regulated parties may produce, sell, and distribute gasoline in the waiver area with a Reid vapor pressure of no more than 11.5 psi (12.5 psi if the gasoline contains between 9% and 15% ethanol). This waiver is effective immediately and will continue through September 15, 2022. I have concluded that this is the shortest practicable time necessary to permit the correction of the extreme and unusual circumstances preventing distribution of an adequate supply of compliant gasoline.

This waiver applies only to the applicable federal regulations and federally enforceable SIP requirements cited above for the waiver area. 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 contact John Lucey, EPA’s Deputy Associate Administrator for Intergovernmental Relations at (202) 941-1112 or lucey.john@epa.gov; or Kurt Gustafson of the EPA’s Office of Transportation and Air Quality at (202) 403-4419 or gustafson.kurt@epa.gov.

Sincerely yours,

A handwritten signature in black ink that reads "Michael S. Regan". The signature is written in a cursive, flowing style.

Michael S. Regan

cc: The Honorable Jennifer Granholm, Secretary of Energy