



E. SCOTT PRUITT
ADMINISTRATOR

September 7, 2017

The Honorable Kay Ivey
Governor of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Nathan Deal
Governor of Georgia
206 Washington Street
111 State Capitol
Atlanta, Georgia 30334

The Honorable Larry Hogan
Governor of Maryland
100 State Circle
Annapolis, Maryland 21401

The Honorable Phil Bryant
Governor of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

The Honorable Roy Cooper
Governor of North Carolina
Office of the Governor
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Henry McMaster
Governor of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

The Honorable Bill Haslam
Governor of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243

The Honorable Terry McAuliffe
Governor of the Commonwealth of Virginia
State Capitol
Third Floor
Richmond, Virginia 23219

The Honorable Greg Abbott
Governor of Texas
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428

The Honorable John Bel Edwards
Governor of Louisiana
Office of the Governor
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Rick Scott
Governor of Florida
PL 05 The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Bruce Rauner
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706



The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Avenue NW
Suite 316
Washington, D.C. 20004

The Honorable Eric Holcomb
Governor of Indiana
State House
Room 206
Indianapolis, Indiana 46204-2797

The Honorable Sam Brownback
Governor of Kansas
Capitol
300 SW 10th Avenue, Suite 212S
Topeka, Kansas 66612-1590

The Honorable Matt Bevin
Governor of Kentucky
700 Capitol Ave., Suite 100
Frankfort, Kentucky 40601

The Honorable Rick Snyder
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Mark Dayton
Governor of Minnesota
130 State Capitol
75 Rev. Dr. Martin Luther King, Jr.
Boulevard
St. Paul, Minnesota 55155

The Honorable Eric Greitens
Governor of Missouri
Capitol Building
Room 216, P.O. Box 720
Jefferson City, Missouri 65102

The Honorable Pete Ricketts
Governor of Nebraska
P.O. Box 94848
Lincoln, Nebraska 68509-4848

The Honorable John Kasich
Governor of Ohio
30th Floor
77 South High Street
Columbus, Ohio 43215

The Honorable Mary Fallin
Governor of Oklahoma
Capitol Building
2300 Lincoln Blvd., Rm. 212
Oklahoma City, Oklahoma 73105

The Honorable Dennis Daugaard
Governor of South Dakota
500 East Capitol Street
Pierre, South Dakota 57501

The Honorable Scott Walker
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

The Honorable Dan Malloy
Governor of Connecticut
210 Capitol Avenue
Hartford, Connecticut 06106

The Honorable Paul LePage
Governor of Maine
#1 State House Station
Augusta, Maine 04333

The Honorable Charlie Baker
Governor of Massachusetts
State House
Office of the Governor, Room 360
Boston, Massachusetts 02133

The Honorable Chris Sununu
Governor of New Hampshire
Office of the Governor
107 North Main Street, Room 208
Concord, New Hampshire 03301

The Honorable Gina Raimondo
Governor of Rhode Island
State House
Providence, Rhode Island 02903

The Honorable Phil Scott
Governor of Vermont
109 State Street
Pavilion Office Building
Montpelier, Vermont 05609

The Honorable John Carney
Governor of Delaware
Legislative Hall
Dover, Delaware 19901

The Honorable Chris Christie
Governor of New Jersey
The State House
P.O. Box 001
Trenton, New Jersey 08625

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Tom Wolf
Governor of Pennsylvania
Room 225
Main Capitol Building
Harrisburg, Pennsylvania 17120

The Honorable Jim Justice
Governor of West Virginia
1900 Kanawha Street
Charleston, West Virginia 25305

The Honorable Asa Hutchinson
Governor of Arkansas
State Capitol
Room 250
Little Rock, Arkansas 72201

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.")¹

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

¹ 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).² Second, the Texas SIP requires gasoline

² 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.

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.

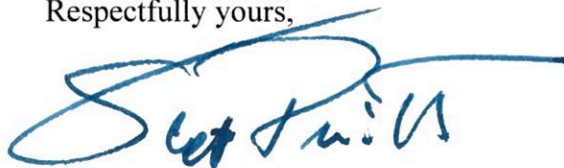
Reformulated Gasoline

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.³

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

³Since 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