



E. SCOTT PRUITT
ADMINISTRATOR

August 28, 2017

The Honorable John Bel Edwards
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Re: Fuel Waiver Concerning Louisiana

Dear Governor Edwards:

This is in response to the August 28, 2017, request for a waiver under the Clean Air Act (CAA) made on your behalf by the Secretary of the Louisiana Department of Environmental Quality, Chuck Carr Brown, to address a fuel supply emergency caused by Hurricane Harvey. The letter requests that the U.S. Environmental Protection Agency waive the federal regulations requiring low volatility gasoline for sixteen parishes (the “designated parishes”), as a result of the disruption in the supply of fuel caused by Hurricane Harvey.¹

The EPA and the U.S. Department of Energy have continued to actively monitor the supply of fuel in Louisiana, in coordination with Louisiana officials, following landfall of Hurricane Harvey on August 25, 2017. Refineries in the immediately impacted areas remain shut-down, and the storm has caused significant and widespread destruction, including power outages and damage to infrastructure. The effect of the storm damage, evacuations, emergency response and recovery needs is creating a shortage of compliant fuel in the designated parishes, and the projected track of the storm is expected to exacerbate the difficulties in the fuel supply storage and distribution system outside the immediate impacted areas of Texas. The EPA has concluded, with the concurrence of DOE, that it is necessary to take additional action to minimize the disruption of an adequate supply of low Reid vapor pressure (RVP) gasoline to the affected parishes.

The regulations promulgated under the CAA require gasoline sold in the designated parishes to have a maximum RVP of 7.8 pounds per square inch (psi) during the “high ozone” season, which lasts through September 15, 2017, after which state compliant gasoline may be sold and distributed in the

¹ The designated parishes are: Ascension, E. Baton Rouge, Iberville, Livingston, W. Baton Rouge, Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Point Coupee, St. Bernard, St. Charles, St. James, and St. Mary

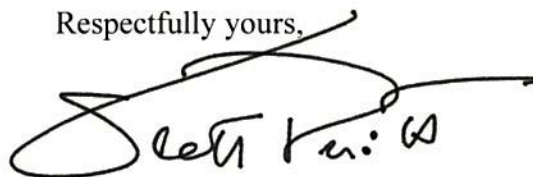
designated parishes under applicable regulations. *See* 40 C.F.R. § 80.27(a)(2)(ii) and the EPA guidance at <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>.

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 in the designated parishes. 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, an event that could not reasonably be 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). Further, 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).

Therefore, to minimize or prevent problems with the supply of gasoline, I am today issuing this waiver of the 7.8 psi RVP requirement for gasoline sold in the designated parishes for the remainder of the “high ozone” season. This waiver is effective immediately and will continue through September 15, 2017. Under this temporary waiver, regulated parties may sell or distribute gasoline with a maximum RVP of 9.0 psi in the designated parishes. In addition, I am also waiving the requirement of 40 C.F.R. § 80.27(d) for gasoline sold in the designated parishes. This section of the regulations requires gasoline to have between 9% and 10% ethanol by volume in order to qualify for the “special provisions for alcohol blends” that increase the RVP standard by 1 psi. Under this temporary waiver, gasoline with less than 9% ethanol by volume will qualify for the “special provisions for alcohol blends” requirement.²

The EPA will continue to work with DOE to monitor the impact of Hurricane Harvey on the fuel supply situation. If you have questions you may call me, or your staff may call Phillip A. Brooks at (202) 564-0652.

Respectfully yours,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal flourish extending to the right.

E. Scott Pruitt

cc: The Honorable Rick Perry, Secretary of Energy
Dr. Chuck Carr Brown, Secretary, Louisiana Department of Environmental Quality

² We do not anticipate the need for a waiver of the commingling provisions of the RFG regulations in Louisiana. But in order to eliminate potential barriers to the delivery of gasoline to the designated parishes, I am also waiving of the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any reformulated gasoline blendstock for oxygenate blending with any other gasoline, blendstock, or oxygenate, unless certain conditions are met.