



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

SEP 14 2016

THE ADMINISTRATOR

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

The Honorable Bill Haslam
Governor of Tennessee
State Capitol, 1st Floor
600 Charlotte Ave
Nashville, Tennessee 37243

Re: Fuel Waiver Concerning Atlanta, Georgia and Nashville, Tennessee

Dear Governor Deal and Governor Haslam:

This letter is in response to your September 14, 2016 requests that the U.S. Environmental Protection Agency waive the federal gasoline low volatility requirements under the Clean Air Act (CAA) for 13 counties in metropolitan Atlanta, Georgia, and five counties in metropolitan Nashville, Tennessee,¹ (the Affected Counties) due to a disruption in the supply of low volatility fuel caused by an unanticipated pipeline failure in Alabama on a pipeline owned by the Colonial Pipeline Company. The EPA and the U.S. Department of Energy have been actively monitoring the supply of fuel to the Affected Counties. In addition, we have been coordinating with Georgia and Tennessee state officials throughout this period. The EPA has determined, and DOE concurs, that it is necessary to take action to minimize or prevent disruption of an adequate supply of fuel to consumers in the Affected Counties. By this letter, I am granting a waiver of the 7.8 pounds per square inch (psi) Reid vapor pressure (RVP) requirement for gasoline, as provided below.

The regulations promulgated under the CAA require gasoline sold in the Affected Counties to have a maximum RVP of 7.8 psi during the "high ozone" season, which lasts through 11:59 p.m. September 15, 2016, after which state compliant gasoline may be sold and distributed in the Affected Counties under applicable regulations. See 40 C.F.R. § 80.27(a)(2)(ii) and EPA guidance at <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>. The unanticipated pipeline failure has resulted in a significant curtailment of the supply of 7.8 psi RVP gasoline available for distribution in the Affected Counties because the Colonial Pipeline supplies a large portion of the low volatility fuel to the Affected Counties.

¹ *Georgia Counties:* Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Rockdale. *Tennessee Counties:* Davidson, Rutherford, Sumner, Williamson, Wilson

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 Affected Counties. 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 pipeline failure, 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 Affected Counties for the remainder of the "high ozone" season. This waiver is effective immediately and will continue through 11:59 p.m. September 15, 2016. Under this temporary waiver, regulated parties may sell or distribute gasoline with a maximum RVP of 9.0 psi (10.0 psi if the gasoline contains between 9 percent and 10 percent ethanol) in the Affected Counties.

The EPA will continue to work with DOE to monitor the impact of the pipeline failure 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.

Sincerely,



Gina McCarthy

cc: The Honorable Dr. Ernest Moniz
Secretary of Energy