



E. SCOTT PRUITT
ADMINISTRATOR

August 29, 2017

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

Re: Fuel Waiver Concerning Georgia

Dear Governor Deal:

This is in response to your August 28, 2017, request for a waiver under the Clean Air Act (CAA) made on your behalf by the Director of the Georgia Environmental Protection Division, 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 13 counties in the Atlanta Metro Area,¹ (the Affected Counties) as a result of the disruption in the supply of low volatility fuel caused by Hurricane Harvey.

The EPA and the U.S. Department of Energy have continued to actively monitor the supply of fuel in Georgia, in coordination with Georgia officials, following landfall of Hurricane Harvey in the state of Texas on August 25, 2017. Nearly a dozen refineries in the immediately impacted areas remain shut-down, and several others are operating at reduced capacity. The affected refineries include those that provide a significant percentage of fuel meeting the special requirements for the Atlanta area. As a result, the shut-downs and production curtailments is creating a shortage of compliant fuel for the Atlanta area supplied via pipeline from Gulf-area refineries. 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 Atlanta area.

The regulations promulgated under the CAA require gasoline sold in the affected counties 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

¹ *Georgia Counties*: Cherokee, Clayton, Cobb, Coweta, DeKalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Paulding, Rockdale.

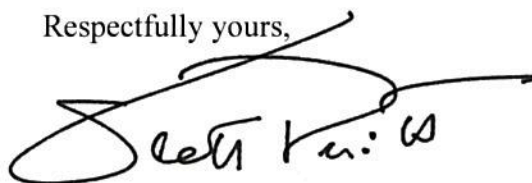
distributed in the affected counties under applicable regulations. *See* 40 C.F.R. § 80.27(a)(2)(ii) and the EPA guidance at <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>.

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 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 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 affected counties 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 affected counties. In addition, I am also waiving the requirement of 40 C.F.R. § 80.27(d) for gasoline sold in the affected counties. 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
Richard E. Dunn, Director, Georgia Environmental Protection Division

² We do not anticipate the need for a waiver of the commingling provisions of the reformulated gasoline (RFG) regulations in Georgia. But in order to eliminate potential barriers to the delivery of gasoline to the affected counties, 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.