



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

THE ADMINISTRATOR

August 30, 2019

The Honorable Ron DeSantis  
Office of the Governor  
The Capitol  
400 South Monroe Street  
Tallahassee, Florida 32399-0001

Dear Governor DeSantis:

I have received a request for a waiver under the Clean Air Act (CAA) made on your behalf to address a fuel supply emergency caused by the large-scale evacuations due to the imminent landfall of Hurricane Dorian. In response to this request, the U.S. Environmental Protection Agency (EPA) has determined, and the U.S. Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent the disruption of an adequate supply of gasoline in the State of Florida.

As you know, regulations promulgated under the CAA require the use of low volatility gasoline during certain months in order to limit the formation of ozone pollution. The regulations requiring the use of low volatility conventional gasoline (CG) during the high ozone season are found at 40 C.F.R. § 80.27. *See* 40 C.F.R. § 80.27 and <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure#table>. The reformulated gasoline (RFG) regulations at 40 C.F.R. § 80.78(a)(7) prohibit any person from combining any reformulated blendstock for oxygenate blending (RBOB) with any other gasoline, blendstock, or oxygenate, except for the oxygenate of the type and amount specified by the refiner that produced the RBOB. RBOB is combined with its specified oxygenate to produce RFG.

We understand that you have declared a state of emergency and that supplies of compliant summer gasoline are being rapidly depleted as a result of continually refueling evacuation routes. These supply shortages can be reduced by waiving the requirements to sell low volatility summer gasoline and by waiving provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB 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 Dorian, an event 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 State of Florida. 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 the State of Florida.

I am issuing this waiver of the federal Reid Vapor Pressure (RVP) requirements at 40 C.F.R. § 80.27 for the State of Florida to minimize or prevent problems with the supply of gasoline. Under this temporary waiver, regulated parties may produce, sell or distribute winter gasoline (including gasoline blendstocks for oxygenate blending) with an RVP of 11.5 pounds per square inch (psi) before the addition of any ethanol in the State of Florida. This waiver of the RVP requirements is effective immediately and will continue through September 15, 2019, which is the end of the high ozone season.

Additionally, I am waiving the provisions at 40 C.F.R. § 80.78(a)(7) that prohibit any person from combining any RBOB 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 the State of Florida.<sup>1</sup> This waiver of the comingling prohibition is effective immediately and will continue through September 15, 2019.

This waiver only applies to the applicable federal requirements cited above for the State of Florida. 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.

Sincerely,



Andrew R. Wheeler

cc: The Honorable Rick Perry, Secretary of Energy  
Jeffery F. Koerner, Director, Florida Division of Air Resource Management

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<sup>1</sup> Since I have waived the RVP requirements in 40 C.F.R. § 80.27 in the designated areas, 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).