



THE ADMINISTRATOR
WASHINGTON, D.C. 20460

August 13, 2024

The Honorable JB Pritzker
Governor of Illinois
State Capitol
207 Statehouse
Springfield, Illinois 62706

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

The Honorable Gretchen Whitmer
Governor of Michigan
P.O. Box 30013
Lansing, Michigan 48909

The Honorable Tony Evers
Governor of Wisconsin
115 East State Capitol
Madison, Wisconsin 53707

Re: Fuel Waiver for gasoline volatility requirements in Illinois, Indiana, Michigan, and Wisconsin

Dear Governors:

This letter extends an emergency fuel waiver that EPA issued on August 1, 2024, in response to requests made by you or on your behalf for waivers under the Clean Air Act (CAA) to address a fuel supply emergency caused by a power outage and resulting emergency shutdown of the ExxonMobil Joliet refinery when tornadoes touched down in and around the Chicago, Illinois area on July 15, 2024. You requested that the U.S. Environmental Protection Agency grant a waiver of the federal fuels regulations and federally enforceable State Implementation Plans (SIPs) that require certain low Reid Vapor Pressure (RVP) standards in both conventional gasoline (CG), and reformulated gasoline (RFG) to be sold during the summer months in Illinois,

Indiana, Michigan, and Wisconsin (“waiver area”). See 40 C.F.R. § 1090.215, see also <https://www.epa.gov/gasoline-standards/gasoline-reid-vapor-pressure>. These regulations are designed to limit the formation of ozone pollution.

The EPA and the U.S. Department of Energy (DOE) have been actively monitoring the supply of gasoline to the waiver area including the impact of the initial waiver action. The EPA has concluded, with DOE’s concurrence, that it is necessary and appropriate to take action to minimize or prevent disruption of an adequate supply of gasoline to consumers by extending the waiver through September 1, 2024. I have determined that an “extreme and unusual fuel [] supply circumstance” exists that will prevent the distribution of an adequate supply of compliant gasoline to consumers in the waiver area. 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 an extreme weather event which caused the power outage at ExxonMobil’s Joliet refinery, an event that could not reasonably have been foreseen and is not attributable to a lack of prudent planning on the part of suppliers of fuel to the waiver area. 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)(iii)(I), 42 U.S.C. § 7545(c)(4)(C)(iii)(I).

Therefore, to minimize or prevent disruptions of the supply of gasoline in waiver area, I am issuing this waiver of the federal Reid vapor pressure requirements for reformulated gasoline at 40 C.F.R. § 1090.215(a)(3), and of the Michigan federally-approved low volatility gasoline SIPs and the requirements at 40 C.F.R. § 1090.215(a)(5), that apply in the waiver area.¹ Under this temporary waiver, regulated parties may produce, sell, and distribute gasoline in the waiver area with a Reid vapor pressure of no more than 9.0 psi (10.0 psi if the gasoline contains from 9% to 15% ethanol). This waiver is effective August 13, 2024, and will continue for 20 days through September 1, 2024. I have concluded that this is the shortest practicable time necessary to permit the correction of the extreme and unusual circumstances preventing distribution of an adequate supply of compliant gasoline.

Gasoline that does not meet the applicable RVP requirements may not be introduced into terminal storage tanks or truck tank racks from which gasoline is dispensed for distribution to retail outlets in the designated states after September 1, 2024, unless the EPA renews the waiver. Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers may be distributed and sold in subject areas in the designated states until the supply is depleted. Likewise, retailers

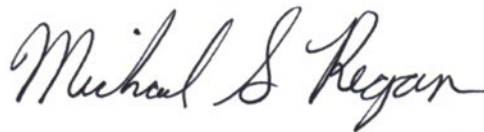
¹ The waiver area is limited to the following counties. In Illinois - Cook, Du Page, Kane, Lake, McHenry, Will, Grundy (only Aux Sable Township and Goose Lake Township), and Kendall (only Oswego Township) counties. In Indiana – Lake and Porter counties. In Wisconsin - Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha counties. In Michigan - Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties.

and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after September 1, 2024, until supplies in their storage tanks are depleted.

This waiver applies only to the applicable federal requirements cited above. Regulated parties who produce, sell, and distribute gasoline in the waiver area must continue to comply with all applicable requirements and conditions that do not relate to RVP requirements in 40 C.F.R. Part 1090. Other state or local requirements or restrictions related to this matter may need to be addressed by the appropriate authorities. The EPA recognizes that this is an evolving situation that is causing rapid changes to fuel supply dynamics. Should conditions warrant, this waiver may be modified, terminated, or renewed as appropriate. The effective date of this decision is August 13, 2024, and, pursuant to 40 C.F.R. § 23.3, on that date, it will be deemed issued for purposes of judicial review.

If you have questions, you are welcome to contact me, or your staff may contact Michelle Marchello, EPA's Senior Advisor for State and Local Governments, at Marchello.Michelle@epa.gov or 771-474-5377.

Sincerely yours,

A handwritten signature in black ink that reads "Michael S. Regan". The signature is written in a cursive, flowing style.

Michael S. Regan

cc: Jennifer M. Granholm
Secretary of Energy