

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Jon Niermann, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 12, 2017

Mr. Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

AND

Mr. Lawrence Starfield  
Acting Assistant Administrator  
Office of Enforcement & Compliance Assurance (OECA)  
Mail Code 2201A, Room AR 3204  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Re: Request of an Extension of the Temporary Fuel Waiver for Federal Reformulated Gasoline (RFG), Low Reid Vapor Pressure (RVP), Texas Low-Emission Diesel (TxLED) Fuel Requirements

Dear Mr. Pruitt and Starfield:

Due to the impacts of Hurricane Harvey on the Texas Gulf Coast, the Texas Commission on Environmental Quality (TCEQ), on behalf of Governor Greg Abbott, requests the United States Environmental Protection Agency (EPA) exercise its authority under the Clean Air Act to extend the temporarily waiver for the Federal Reformulated Gasoline (RFG), the Low Reid Vapor Pressure (RVP) and Texas Low-Emission Diesel (TxLED) Fuel Requirements through October 1, 2017.

With regard to the extension of EPA's September 7, 2017 multistate waiver for Low RVP and RFG fuel requirements, the TCEQ had originally requested an extension through October 1, 2017, in our letter of September 7, 2017. We understand that EPA can only issue fuel waivers for a maximum of 20 days under the authority of the Clean Air Act. As such, we are now reiterating our request that the September 7, 2017 fuel waiver, as it pertains to Texas, be extended through October 1, 2017.

Diesel fuel blends or additive blends approved by the TCEQ as alternative diesel fuel formulations for TxLED used by producers to comply with the TxLED regulations are added to ultra-low sulfur diesel (ULSD) at the terminal/truck rack. The majority of producers of TxLED use approved additives to produce TxLED compliant diesel from ULSD. Supplies of additives are extremely limited due to delays in transporting additive stock into Texas and to terminals due to infrastructure damage and transportation limitations imposed by companies' disaster planning procedures.

Mr. Scott Pruitt, Administrator, U.S. EPA

Mr. Lawrence Starfield, Acting Assistant Administrator, OECA, U.S. EPA

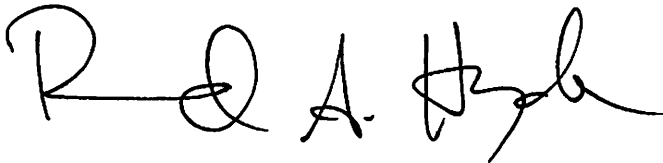
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TCEQ Executive Director's Regulatory Guidance on activities related to disaster response requires that regulated entities must at all times apply best engineering and pollution control practices as required by applicable standards. Producers should continue to produce TxLED if supplies of approved additives are available. However, any disruptions in additive supplies could force producers who are currently producing TxLED compliant diesel to cease operation and create an artificial fuel shortage. TCEQ staff continues to monitor in conjunction with your staff the status of additive supplies for the 110 central and eastern Texas counties required to use TxLED.

Thank you for your consideration of this request. We sincerely appreciate the efforts of your staff and that of the Department of Energy in addressing this on-going emergency. If you have any questions, please feel free to contact Mr. Minor Hibbs, P.E., or Mr. Keith Sheedy, P.E., of my staff at (512) 239-6590 or (512) 239-1556, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "R. A. Hyde". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Richard A. Hyde, P.E., Executive Director  
Texas Commission on Environmental Quality

cc: Mr. Sam Coleman, Acting Regional Administrator, U.S. Environmental Protection Agency, Region 6

Mr. Guy Donaldson, U.S. Environmental Protection Agency, Region 6

Mr. John Walser, U.S. Environmental Protection Agency, Region 6