

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

August 25, 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 for Temporary Fuel Waivers for Federal Reformulated Gasoline (RFG), Low Reid Vapor Pressure (RVP), and Texas Low-Emission Diesel (TxLED) Fuel Requirements in Specifically Listed Counties

Dear Mr. Pruitt and Mr. Starfield:

Due to the mandatory and voluntary evacuations and impacts of Hurricane Harvey on the Texas Gulf Coast, the Texas Commission on Environmental Quality (TCEQ), on behalf of Governor Greg Abbott, requests the U.S. Environmental Protection Agency (EPA) exercise its authority under the Clean Air Act to temporarily waive federal fuel requirements for RFG fuels and low RVP and TxLED fuel requirements for the counties specified below for a period of seven days following EPA approval of this request.

On August 23, 2017, Governor Greg Abbott issued a proclamation (enclosed) for counties in the Texas coastal area due to a threat of imminent disaster, including severe flooding, storm surge and damaging winds. Hurricane Harvey is forecast to be a Category 3 hurricane upon landfall and is further expected to linger near the Texas Coast as a tropical storm for the majority of the week of August 27, 2017, resulting in unprecedented rainfall and causing catastrophic flooding. In addition, refineries and distribution terminals have been shut down in the Corpus Christi area. Further suspensions of operations may be necessary along the upper Gulf Coast as the impacts of Hurricane Harvey affect that area. In addition, the refineries in the Corpus Christi and Houston/Texas City/Baytown areas represent more than 18% of the total United States refining capacity.

Based upon the above information, the State of Texas requests a waiver from the federal clean fuel requirements for RFG fuels for the following eight-county area in the Houston-Galveston-Brazoria ozone nonattainment area: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. The TCEQ further requests a waiver from Low RVP fuel requirements for the following counties: Aransas, Austin, Bee, Calhoun, Colorado, DeWitt, Fayette, Goliad, Gonzales, Jackson, Jefferson, Karnes, Lavaca, Live Oak, Matagorda, Nueces, Refugio, San

Mr. Scott Pruitt & Mr. Lawrence Starfield

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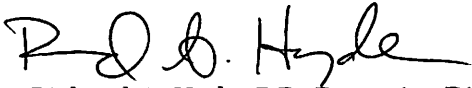
Re: Request for Temporary Fuel Waivers for Federal Reformulated Gasoline (RFG), Low Reid Vapor Pressure (RVP), and Texas Low-Emission Diesel (TxLED) Fuel Requirements in Specifically Listed Counties

Patricio, Victoria, Wharton, and Wilson, and a waiver from TxLED fuel requirements in the counties of Aransas, Austin, Bee, Brazoria, Calhoun, Chambers, Colorado, DeWitt, Fayette, Fort Bend, Galveston, Goliad, Gonzales, Harris, Jackson, Jefferson, Karnes, Lavaca, Liberty, Live Oak, Matagorda, Montgomery, Nueces, Refugio, San Patricio, Victoria, Waller, Wharton, and Wilson.

In addition, please be advised that we are continuing to monitor fuel availability conditions in conjunction with your staff in other areas of the state that are supplied by fuel infrastructure in the Houston and Corpus Christi areas and that it may be necessary to add additional areas to our request.

If you have any questions, please feel free to contact Mr. Minor Hibbs, P.E., or Keith Sheedy, P.E. of my staff at (512) 239-6590 or (512) 239-1556, respectively.

Sincerely,



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

Enclosures

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