TCEQ Interoffice Memorandum

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From: Kristi Mills-Jurach, P.E., Director
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Date: August 25, 2026

Subject: Extension of Enforcement Discretion Addressing Temporary Waiver of Low Reid Vapor Pressure (RVP) Fuel Requirements to Concur with and Support the National Fuel Waiver to Create a Single National Gasoline Pool

The purpose of this memorandum is to extend and expand coverage of the Texas Commission on Environmental Quality's (TCEQ) April 1, 2026, enforcement discretion memorandum.[1] That enforcement discretion memorandum was issued to support the U. S. Environmental Protection Agency's (EPA) Federal Fuel Rule and Enforcement Waiver issued March 25, 2026.[2] The federal waiver allowed the distribution and sale of gasoline with a RVP of up to 9.0 pounds per square inch (psi), or 10.0 psi when blended with 9 to 15 percent ethanol, in the counties subject to the Texas Regional Low RVP Gasoline Program and the El Paso Low RVP Program.

On August 20, 2026, EPA, in consultation with the U.S. Department of Energy and in accordance with the federal Clean Air Act (FCAA), issued an updated renewal waiver.[3] To support the effectiveness of the Federal Fuel Rule and updated Enforcement Waiver, TCEQ will continue to use the enforcement discretion authorized by EPA.

This enforcement discretion applies when the Federal Fuel Rule and Enforcement Waiver,

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[1] *See* https://www.tceq.texas.gov/downloads/rules/tceq-fuel-waiver-enforcement-discretion.pdf.
[2] *See* https://www.epa.gov/system/files/documents/2026-03/national-fuel-waiver-governors-3-25-26.pdf.
[3] *See* https://www.epa.gov/system/files/documents/2026-08/national-fuel-waiver-governors-8-20-2026.pdf.

including any new waivers effectively extending the waiver, remains effective. To provide the regulated community with sufficient time to return to normal operating procedures, TCEQ will continue exercising enforcement discretion for a period of 45 days following the expiration of the Federal Fuel Rule and Enforcement Waiver. No reporting or record keeping requirements are waived by this memorandum, nor is TCEQ prevented from requesting additional information, consistent with applicable law.