



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

SEP 13 2005

THE ADMINISTRATOR

Governor Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711

Re: Fuel Waiver for Texas RVP season

Dear Governor:

I am writing in response to the September 12, 2005 letter of Mr. Glenn Shankle, Director of the Texas Commission on Environmental Quality (TCEQ), in which he requests that the United States Environmental Protection Agency (EPA) waive the summertime gasoline Reid vapor pressure (RVP) requirements in the Texas State Implementation Plan (SIP) until the end of Texas' summer gasoline RVP season. As you know, on August 31, 2005, I issued a nationwide waiver from the requirement to sell summer gasoline, until September 15, 2005. However, Texas' SIP requires low RVP summer gasoline to be sold until October 1, 2005 in parts of eastern Texas. 66 Fed. Reg. 20927 (April 26, 2001). Thus, under the current waiver, supplies of gasoline must revert back to the low RVP required under the SIP after September 15, 2005, unless EPA issues a waiver.

EPA, in consultation with the Department of Energy, has continued to evaluate the prospect of fuel supply problems as a result of Hurricane Katrina. Based on this evaluation, I have determined that an "extreme and unusual fuel supply circumstance" will continue to exist after September 15, 2005, that prevents the distribution of an adequate supply of compliant gasoline to consumers in eastern Texas. CAA § 211 (c)(4)(C). This fuel circumstance is the result of Hurricane Katrina, a natural disaster that could not reasonably have been foreseen or prevented and is not attributable to a lack of prudent planning on the part of the suppliers of gasoline. Id. Furthermore, I have determined that it is in the public interest to grant this waiver.

Accordingly, to minimize or prevent problems with the supply of gasoline, I am issuing this waiver of the Texas SIP requirements for summertime RVP gasoline for eastern Texas.¹

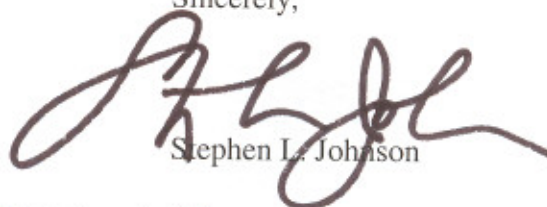
¹ This waiver applies to the following Texas counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burlison, Caldwell,

This waiver is effective beginning on September 16, 2005, and will remain in effect through 11:59 PM on October 1, 2005.

To the extent practicable, regulated parties must take all reasonable steps to distribute and sell on-hand inventories of gasoline that meets the low RVP requirements of Texas' SIP. Thus, regulated parties that distribute and sell gasoline must use fuel that would otherwise meet the federal SIP standards and that is available, before using any fuel covered under this waiver.

If you have questions please call me, or your staff may call Adam M. Kushner at 202-564-2260.

Sincerely,



Stephen L. Johnson

cc: Secretary Samuel W. Bodman, Department of Energy

Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood Counties.