



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
1445 Ross Avenue, Suite 1200
Dallas Texas 75202 - 2733

Office of the Regional Administrator

May 3, 2004

Dr. Mike D. McDaniel
Secretary
Louisiana Department of Environmental Quality
P.O. Box 4301
Baton Rouge, LA 70821-4301

Dear Secretary McDaniel:

Thank you for your letters of March 18, and April 19, 2004, in which you request a waiver or an extension of the deadline for implementation of reformulated gasoline (RFG) in the Baton Rouge ozone nonattainment area. Since receipt of your letters (including a submission made by the law firm of Kean, Miller, Hawthorne, D'Armond, McCowan & Jarman, L.L.P, representing the City of Baton Rouge), EPA Region 6 and our Headquarters' Offices of Transportation and Air Quality and Enforcement and Compliance Assurance have evaluated the situation in Baton Rouge to determine whether granting a waiver or delay in implementing RFG in Baton Rouge is warranted and lawful under the circumstances.

Your request and the supporting documentation have been reviewed and considerable consultation has taken place among EPA policymakers and legal counsel. Following that evaluation, we have concluded that there is insufficient legal or factual basis to waive or delay implementation of the Clean Air Act requirement for RFG in the Baton Rouge area.

We understand your concerns regarding implementation of the RFG program in the Baton Rouge area. However, the Clean Air Act explicitly requires the use of RFG in ozone nonattainment areas classified as "severe" or "extreme." The performance standards and other parameters that define the composition of RFG are also very specific in the statute. Therefore, EPA is limited in its ability to address certain RFG-related matters. Without additional legislative authority, we have limited ability to grant waivers that would alter the existing RFG program in any way.

We also evaluated your request for a delay based on issues concerning the supply of RFG. Our research indicates that all suppliers will be able to provide RFG to the Baton Rouge area by the June 23 deadline. We understand that refiners plan to provide only an RFG ethanol blend, thus avoiding the introduction of MTBE into the area. Our information also indicates that potential retail storage tank incompatibility with ethanol should not be an issue as the tanks in question will be prepared in time to meet the deadline.

Nationally, the RFG program has produced substantial environmental benefits. EPA has estimated that the emissions reductions from the cleaner burning gasoline program are equivalent to eliminating the smog pollution from 16 million cars. We expect that there will also be some limited air quality benefits in Baton Rouge from the RFG program.

If we may be of further assistance to you, please do not hesitate to contact me or Tom Diggs of my staff at (214) 665-7214.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard E. Greene". The signature is written in a cursive style with a large initial "R".

Richard E. Greene
Regional Administrator