



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

THE ADMINISTRATOR

SEP 12 2008

The Honorable Ted Strickland  
Governor  
State of Ohio  
Riffe Center, 30th Floor  
77 South High Street  
Columbus, OH 43215-6108

Re: September 2008 Fuel Waiver Concerning the State of Ohio

Dear Governor Strickland:

This is in response to the September 12, 2008 request made on your behalf by Chris Korleski, Director of the Ohio Environmental Protection Agency, that the U.S. Environmental Protection Agency waive the low volatility requirements for certain counties in Ohio, as the result of the disruption in the supply of fuel caused by Hurricanes Gustav and Ike. As you know, the counties of Butler, Clark, Clermont, Clinton, Greene, Hamilton, Miami, Montgomery, and Warren counties (the "Covered Areas") are required to have maximum Reid Vapor Pressure (RVP) of 7.8 pounds per square inch (psi) during the "high ozone" season, through September 15, 2008. *See* 72 FR 29269. EPA has determined, and the Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent disruption of Ohio's fuel supply. By this letter, I am granting a waiver of the low RVP fuel requirements in Ohio, as provided below.

EPA, in consultation with DOE, has been evaluating the impact of fuel supplies to Ohio as the result of disruptions caused by Hurricanes Gustav and Ike. Widespread power outages and refinery disruptions in the Gulf area following Hurricane Gustav have resulted in the slowdown of deliveries of fuel supplies to the Covered Areas, and supplies of low RVP gasoline have not yet returned to pre-hurricane levels in Ohio. In addition, several Gulf area refineries have since shut down or curtailed operations in advance of the landfall of Hurricane Ike, which has caused some of the pipelines serving Ohio to be disrupted or temporarily shut down. As a result of the curtailment in the delivery of gasoline supplies through these pipelines to Ohio, EPA has determined that there is not a sufficient supply gasoline meeting low RVP requirements in the Covered Areas for the remainder of the "high ozone" period, through September 15, 2008.

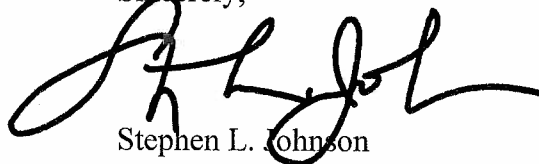
I have determined that an "extreme and unusual fuel supply circumstance" exists that will prevent the distribution of an adequate supply of low RVP gasoline to

consumers in the Covered Areas. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricanes Gustav and Ike, natural disasters that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to this area. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

Therefore, to minimize or prevent problems with the supply of gasoline, I am today issuing this waiver of the low RVP fuel requirements in the Covered Areas. Under this waiver, EPA will allow regulated parties to sell gasoline with a 9.0 psi RVP. This waiver is effective immediately and will continue through the remainder of the "high ozone" season, through September 15, 2008.

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

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Johnson", written in a cursive style.

Stephen L. Johnson

cc: The Honorable Samuel W. Bodman  
Secretary of Energy