



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

SEP 27 2005

THE ADMINISTRATOR

Governor Sonny Perdue  
Office of the Governor  
Georgia State Capitol  
Atlanta, GA 30334

Re: Fuel Waiver Concerning Atlanta, Georgia

Dear Governor:

On September 9, 2005, pursuant to Section 211(c)(4)(C) of the Clean Air Act (CAA), I waived the gasoline sulfur requirements of Georgia's federally-approved state implementation plan (SIP) that covers the 45-county Atlanta market. See 67 Fed. Reg. 8200. I issued this waiver, which expires on October 5, 2005, because of gasoline supply shortages caused by Hurricane Katrina.

As a result of Hurricanes Katrina and Rita, the Georgia Department of Natural Resources (GDNR) now expects the shortage of gasoline that meets the low sulfur requirements of Georgia's federally-approved SIP to continue until at least October 25, 2005. As a consequence, GDNR has extended its enforcement discretion to allow the importation, distribution, sale of gasoline that does not meet the low sulfur requirements of Georgia's federally-approved SIP, and has requested that the United States Environmental Protection Agency (EPA) likewise waive these gasoline standards until midnight on October 25, 2005.

EPA, in consultation with the Department of Energy, continues to evaluate the prospect of gasoline supply problems being experienced in the Atlanta area as a result of Hurricanes Katrina and Rita. Based on this evaluation, I have determined that an "extreme and unusual fuel supply circumstance" will continue to exist after October 5, 2005, that prevents the distribution of an adequate supply of gasoline that meets the low sulfur requirements of Georgia's federally-approved SIP. CAA § 211(c)(4)(C). This fuel circumstance is the result of Hurricanes Katrina and Rita, 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 the suppliers of gasoline to this affected area. *Id.* Furthermore, I have determined that it is in the public interest to grant this waiver.

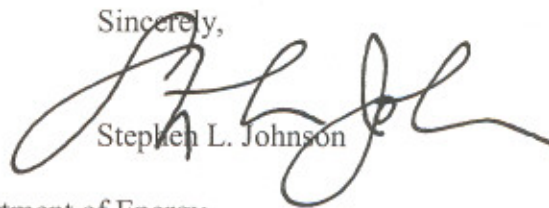
Therefore, to minimize or prevent problems with the supply of gasoline, I am today issuing this additional waiver of the low sulfur requirements for the Atlanta area, effective upon the expiration of the first waiver at midnight on October 5, 2005, and continuing through

midnight on October 25, 2005. This waiver does not change the requirement that gasoline used in the Atlanta area must meet the federal gasoline sulfur requirements under 40 C.F.R. Part 80, subpart H. We recognize the benefits of the Atlanta low sulfur fuel requirements. However, under current circumstances I believe that the sale and distribution of gasoline meeting federal sulfur requirements is in the public interest. Regulated parties, including pipelines, terminals, distributors, retailers and wholesale purchaser-consumers that receive fuel under the terms of this waiver prior to October 26<sup>th</sup> may continue selling or dispensing this fuel after October 25<sup>th</sup> until their supplies are depleted.

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

If you have 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. Johnson", written over the printed name.

Stephen L. Johnson

cc: Secretary Samuel W. Bodman, Department of Energy