



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

SEP 27 2005

THE ADMINISTRATOR

Gov. Mark Warner
Office of the Governor
State Capitol
Richmond, VA 23219

Re: Fourth Fuel Waiver Concerning Richmond, Virginia RFG Requirements

Dear Governor:

On September 22, 2005, pursuant to Section 211(c)(4)(C) of the Clean Air Act (CAA), I issued a third waiver of the reformulated gasoline (RFG) requirements in the Richmond, Virginia covered area. The Richmond covered area consists of the following Virginia counties: Charles City, Chesterfield, Hanover and Henrico; and the following Virginia cities: Hopewell, Colonial Heights and Richmond. 40 C.F.R. Part 80, subpart D. The September 22, 2005 waiver, which expires at midnight on September 30, 2005, was issued because of RFG shortages in Richmond that resulted from Hurricane Katrina. The Virginia Department of Mines, Minerals and Energy now expects the RFG shortages in the Richmond area resulting from Hurricanes Katrina and Rita to continue after September 30, 2005, and has requested that EPA issue an additional waiver of the RFG gasoline standards.

EPA, in consultation with the Department of Energy, continues to evaluate the prospect of gasoline supply problems being experienced in the Richmond 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 September 30, 2005, that prevents the distribution of an adequate supply of RFG to consumers in the Richmond covered area. 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 RFG to this affected area. Id. Furthermore, I have determined that it is in the public interest to grant this waiver.

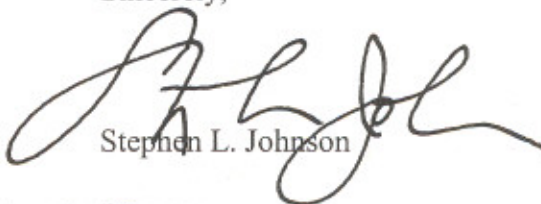
We recognize the environmental benefits of the RFG program. However, to minimize or prevent problems with the supply of gasoline, I am today issuing this fourth waiver of the RFG requirements for the Richmond covered area until midnight on October 20, 2005. Thus, EPA allow regulated parties to distribute and sell conventional gasoline (CG) in the Richmond covered area.

After October 20th, regulated parties may not introduce CG into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in the Richmond covered area. However, no later than November 19th, the gasoline dispensed from such terminal tanks for distribution in the Richmond covered area must meet all RFG standards. Retailers and wholesale purchaser-consumers may continue selling or dispensing CG in the Richmond covered area until their supplies are depleted.

Pursuant to this waiver regulated parties may commingle CG with RFG (e.g., in terminal storage tanks). However, to the extent practicable and consistent with supplying market demands for gasoline (e.g., where tankage is available), regulated parties should take steps to segregate and supply gasoline that meets the RFG regulations. In addition refiners and importers that provide CG to the Richmond covered area pursuant to this waiver should exclude the waiver gasoline from their annual average compliance calculations under 40 C.F.R. § 80.67.

If you have questions you may 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