



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

OCT 6 2005

THE ADMINISTRATOR

The Honorable Matt Blunt
Office of the Governor
Room 216, State Capitol Building
Jefferson City, Missouri 65101

Re: Second Fuel Waiver Concerning St. Louis Reformulated Gasoline Covered Area

Dear Governor:

On September 27, 2005, pursuant to Section 211(c)(4)(C) of the Clean Air Act (CAA), I waived the reformulated gasoline (RFG) requirements for the St. Louis, Missouri covered area. The St. Louis RFG covered area includes the City of St. Louis, St. Louis County, Franklin County, Jefferson County, and St. Charles County.¹ The September 27, 2005, waiver, which expires at midnight on October 7, 2005, was issued because of RFG shortages in St. Louis that resulted from Hurricane Rita. The Missouri Department of Natural Resources (MDNR) now expects the RFG shortages in the St. Louis covered area resulting from Hurricane Rita to continue after October 7, 2005, and has requested that the United States Environmental Protection Agency (EPA) issue an additional waiver of the RFG standards.

EPA, in consultation with the Department of Energy and MDNR, continues to evaluate the prospect of gasoline supply problems being experienced as a result of Hurricane Rita. Based on this evaluation, I have determined that an "extreme and unusual fuel supply circumstance" will continue to exist after October 7, 2005, that prevents the distribution of an adequate supply of RFG to the St. Louis RFG covered area. CAA §211(c)(4)(C). This fuel circumstance is the result of Hurricane Rita, 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 the fuel to this 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, in order to minimize or prevent problems with the supply of gasoline, I am today issuing this waiver of the

¹64 Fed. Reg. 10365 (March 3, 1999).

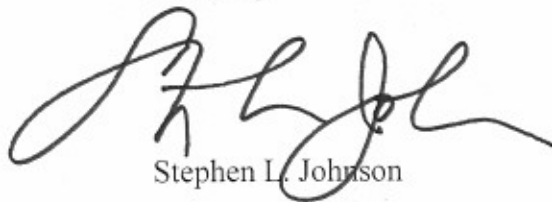
RFG requirements for the St. Louis RFG covered area until midnight on October 27, 2005. Thus, EPA will allow regulated parties to distribute and sell conventional gasoline (CG) in the St. Louis RFG covered area.

After October 27th, regulated parties may not introduce CG into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in the St. Louis RFG covered area. However, no later than November 26th, the gasoline dispensed from such terminal tanks for distribution and sale in the St. Louis RFG covered area must meet all RFG standards. Retailers and wholesale purchaser-consumers may continue selling or dispensing CG in the St. Louis RFG 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 St. Louis RFG 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,

A handwritten signature in black ink, appearing to read "S. Johnson", written over a horizontal line.

Stephen L. Johnson

cc: Secretary Samuel W. Bodman, Department of Energy