



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Rick Scott
Governor
Carlos Lopez-Cantera
Lt. Governor
Noah Valenstein
Secretary

Via Electronic Mail

October 12, 2018

Hon. Andrew Wheeler, Acting Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Ms. Susan Bodine, Assistant Administrator
Office of Enforcement & Compliance Assurance (OECA)
U.S. Environmental Protection Agency
Mail Code 2201A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: State of Florida Request for Red-Dyed Diesel Fuel Waiver

Dear Mr. Wheeler and Ms. Bodine:

On behalf of the Honorable Rick Scott, Governor of the State of Florida, this letter shall serve as the State of Florida and Florida Department of Environmental Protection's (Department) written request for a red-dyed diesel fuel waiver from the U.S. Environmental Protection Agency (EPA) to assure an adequate supply of fuel for emergency response vehicles in areas affected by Hurricane Michael.

Hurricane Michael made landfall in the State of Florida on October 10, 2018, as a Category 4 hurricane. Given the magnitude of this storm, and the devastating impacts to multiple population centers in the Florida Panhandle, the ongoing missions and transportation sector impacts are being managed to avoid fuel supply interruptions. Many of the emergency response vehicles require resupply with highway diesel fuel.

On October 12, 2018, the Emergency Operation Center in Tallahassee received a request for a waiver under the Clean Air Act (CAA) to allow the use of red dyed 15 parts per million (ppm) non-road locomotive and marine (NRLM) diesel fuel in diesel-powered highway vehicles in the State of Florida, which remains impacted due to landfall of Hurricane Michael. Ongoing impacts from Hurricane Michael on fuel supply and fuel

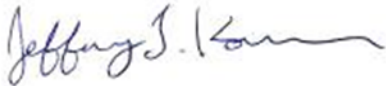
supply lines have affected diesel fuel availability in north Florida. A time and geographically limited waiver is needed because there continues to be highway diesel fuel interruptions as a result of the damage from Hurricane Michael. In addition, fuel availability has been limited due to the fact a significant number of fuel stations remain non-operational since Hurricane Michael's landfall.

As you know, regulations promulgated under the CAA require the use of Ultra Low Sulfur Diesel (ULSD) fuel meeting 15 ppm sulfur specifications in diesel-powered highway vehicles. The regulations also require diesel fuel used in highway vehicles to be free of visible evidence of dye solvent red 164 (which has a characteristic red color in diesel fuel), except for motor vehicle diesel fuel that is used in a manner that is tax exempt under section 4082 of the Internal Revenue Code.

To ensure the adequate availability of emergency response vehicles and equipment in areas impacted by Hurricane Michael, the State of Florida requests that EPA immediately issue a waiver of the highway diesel fuel red dye requirements for a period of two weeks. This will allow for full availability of fuel for emergency response equipment and vehicles in areas impacted by Hurricane Michael.

If you have any questions about this request, please contact me at (850) 717-9000 or by email at Jeff.Koerner@dep.state.fl.us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffery F. Koerner".

Jeffery F. Koerner, Director
Division of Air Resource Management

Cc:

Beverly Bannister, EPA Region 4: Banister.Beverly@epa.gov

Jason Dressler, EPA Region 4: Dressler.Jason@epa.gov