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State of Vermont
Agency of Natural Resources

Julia S. Moore, P.E.
Agency Secretary

May 5, 2020

To whom it may concern:

Vermont Air Pollution Control Regulation (APCR) §5-253.6(a) limits the Reid vapor pressure (RVP) of gasoline sold or supplied in Vermont to 9.0 psi May 1 through September 15 of each year. The purpose of this regulation is to require low volatility gasoline during the summer months in order to limit the formation of ozone pollution beginning on May 1 of each year. On April 28, 2020, I issued a waiver of the requirements of §5-253.6(a) until May 20, 2020.

Supply issues related to the public health crisis caused by COVID-19 have caused gasoline suppliers to have an unexpected over-supply of winter gasoline, which has an RVP of greater than 9.0 psi, remaining in the distribution system. This over-supply will cause gasoline to remain in the supply chain that has an RVP of greater than 9.0 psi beyond May 20, 2020. This information is sufficient to support my finding that quantities of gasoline sufficient to meet the demand in the state of Vermont cannot be distributed to meet all of the requirements of §5-253.6.

Pursuant to §5-253.6(e) and to further minimize and prevent disruption of an adequate supply of gasoline to consumers, I have decided to waive the requirements of §5-253.6(a) and allow bulk gasoline terminals and bulk gasoline plants in Vermont to sell or supply gasoline with an RVP above 9.0 psi being stored at such locations on May 20, 2020 until those supplies are depleted, as follows:

The Agency will continue to monitor the current gasoline oversupply condition and impacts, and requires a monthly update on the remaining volumes of gasoline with an RVP of greater than 9.0 psi in Vermont, and therefore requires that bulk gasoline terminals and bulk tank gasoline plants in Vermont subject to §5-253.6(a) provide an update to the ANR by the 30th of each month until the supply of winter gasoline is depleted. The first update is due by June 30, 2020. The Agency may request additional information from entities subject to §5-253.6 to determine the impact market conditions have on an entity's ability to comply with the requirements of the rule.

The Agency recognizes that this is an evolving situation that is causing rapid changes to market dynamics. Should conditions warrant, this waiver may be modified, terminated or extended as

appropriate. If you have any questions regarding my decision, please contact Heidi Hales of the Vermont Air Quality and Climate Division at (802) 498-7338 or Heidi.hales@vermont.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Julia S. Moore". The signature is fluid and cursive, with the first name "Julia" being the most prominent.

Julia S. Moore, P.E.
Secretary

cc via email: Heidi Hales, Director, Air Quality and Climate Division
John Wakefield, Compliance Section Chief, Air Quality and Climate Division
Megan O'Toole, Attorney, Air Quality and Climate Division