Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367

Kansas
Department of Health
and Environment

Phone: 785-296-0461
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

May 18, 2020

Mr. James B. Gulliford
Regional Administrator
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Re: Waiver Extension of Fuel Standards due to COVID-19

Dear Mr. Gulliford:

KDHE has determined that an extreme and unusual fuel supply circumstance continues to exist that will prevent the distribution of an adequate supply of gasoline to consumers due to the impact of the COVID-19 pandemic.

The State of Kansas has exercised its authority, as granted by the EPA under Section 211(c)(4)(C) of the Federal Clean Air Act, to regulate fuel volatility in the Kansas City area to aid in reducing air pollution in the metropolitan area. This regulation, Kansas Administrative Regulation 28-19-719, requires the use of low volatility gasoline in the Johnson and Wyandotte Counties from June 1 to September 15 of each year.

The Kansas Department of Health and Environment will exercise its enforcement discretion and continue to suspend the requirements of K.A.R. 28-19-719 through June 15, 2020 as described on the original enclosed letter dated April 7th.

KDHE 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 questions, please contact Douglas Watson at (785) 296-0910.

Sincerely,

Lee A. Norman MD

Lee A. Norman, MD, MHS, MBA
Agency Secretary and Chief Health Officer

Encl:

Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367

Kansas
Department of Health
and Environment

Phone: 785-296-0461
www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

April 7, 2020

Mr. James B. Gulliford
Regional Administrator
U.S. Environmental Protection Agency, Region VII
11201 Renner Boulevard
Lenexa, KS 66219

Re: EPA Waiver of Fuel Standards due to COVID-19

Dear Mr. Gulliford:

The U.S. Environmental Protection Agency (EPA) has determined that an extreme and unusual fuel supply circumstance exists that will prevent the distribution of an adequate supply of gasoline to consumers due to the impact of the COVID-19 pandemic. On March 27, 2020, the EPA granted a waiver of the Clean Air Act related to the sale, distribution and use of reformulated gasoline and low volatility conventional gasoline during the summer months in several states, including Kansas. This waiver applies to the relevant sections of 40 C.F.R. § 80 from May 1, 2020, to May 20, 2020.

The State of Kansas has exercised its authority, as granted by the EPA under Section 211(c)(4)(C) of the Federal Clean Air Act, to regulate fuel volatility in the Kansas City area to aid in reducing air pollution in the metropolitan area. This regulation, Kansas Administrative Regulation 28-19-719, requires the use of low volatility gasoline in the Johnson and Wyandotte Counties from June 1 to September 15 of each year.

The Kansas Department of Health and Environment will exercise its enforcement discretion and concurrently suspend the requirements of K.A.R. 28-19-719 through May 20, 2020. This action is consistent with and implements the action taken by the EPA.

Since this waiver is designed to facilitate the turnover of storage tanks from winter to summer gasoline, the waiver does not permit refiners to produce gasoline after May 1, 2020, that exceeds the applicable summer gasoline volatility standards, and does not permit any party to add butane to previously certified conventional gasoline if the butane would cause the gasoline to exceed the applicable summer gasoline volatility standards. This waiver is effective May 1, 2020, and will continue through May 20, 2020. Gasoline that does not meet the low volatility requirements may not be introduced into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets after May 20, 2020. Any gasoline meeting the conditions of this waiver that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers in these areas after

May 20, 2020, may be distributed and sold until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers in these areas may continue selling or dispensing gasoline that meets the conditions of this waiver after May 20, 2020, until their supplies are depleted.

KDHE 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 questions, please contact Douglas Watson at (785) 296-0910.

Sincerely,

Lee A. Norman MD

Lee A. Norman, MD, MHS, MBA
Agency Secretary and Chief Health Officer