

Dear Toby Baker, Executive Director,
Texas Commission on Environmental Quality:

The Office of the Governor has received the Texas Commission on Environmental Quality's (TCEQ) request to temporarily waive state low Reid Vapor Pressure (RVP) fuel requirements found at 30 Texas Administrative Code (TAC) Subchapter H, Division 1, § 114.301 and 30 TAC Subchapter C, Division 5 § 115.252. The TCEQ asserts that strict compliance with these laws could prevent, hinder, or delay entities regulated by the TCEQ in relation to efforts to respond to COVID-19.

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 counties¹ subject to Texas's low RVP fuel requirements after May 20, 2020 may be distributed and sold until the supply is depleted. Likewise, retailers and wholesale purchasers 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. Further, any requirements included in New Source Review permits that reference or otherwise incorporate the low RVP requirements in 30 TAC Subchapter H, Division 1, § 114.301 and 30 TAC Subchapter C, Division 5 § 115.252, the federal low RVP requirements at 40 Code of Federal Regulations § 80.27, or low RVP requirements in ASTM D4814, will not apply during the waiver period.

In accordance with section 418.016 of the Texas Government Code, the Office of the Governor grants the TCEQ's request to suspend 30 TAC Subchapter H, Division 1, § 114.301 and 30 TAC Subchapter C, Division 5 § 115.252. This waiver is effective as of April 1, 2020, and then will run concurrently with the U.S. Environmental Protection Agency's waiver of low RVP fuel requirements, which is currently expected to end on May 20, 2020, unless otherwise terminated by the Office of the Governor.

Thank you,

Jordan A. Rodriguez, Budget and Policy Advisor
Office of Governor Greg Abbott
March 31, 2020

¹ Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood.