



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION
SECRETARY

November 2, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

On behalf of Governor Tom Corbett, I am writing to respectfully request that the U.S. Environmental Protection Agency (EPA) waive the federal requirements for the use of Ultra Low Sulfur Diesel (ULSD) fuel in mobile nonroad generators and pumps, and for diesel-powered highway and nonroad vehicles and equipment needed for emergency response and disaster recovery in Pennsylvania. These requirements, in 40 CFR §§ 80.510 and 80.520, require the use of ULSD fuel with no more than 15 parts per million sulfur and establish marker and red dye requirements. Pursuant to Section 211(c)(4)(C) of the Clean Air Act, (42 U.S.C. § 7545(c)(4)(C)), we ask that you grant a temporary waiver of the ULSD requirements following consultations with the U.S. Department of Energy.

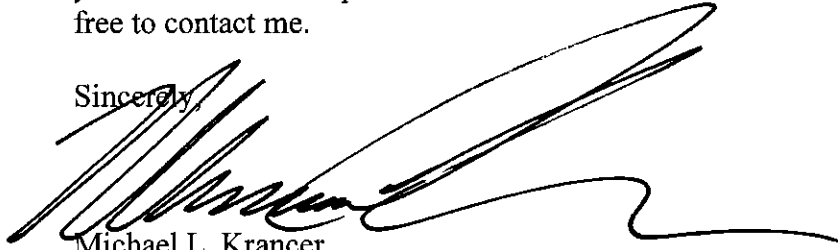
Because of the widespread effects of Hurricane Sandy in Pennsylvania, New Jersey and New York, there is an insufficient supply of ULSD in Pennsylvania. We believe that the waiver is necessary to curtail and/or avoid temporary supply disruptions, fuel shortages, and their concomitant impact on the Hurricane Sandy recovery efforts and the well-being of fuel users in the Commonwealth. There are a growing number of distributors in the state that are unable to procure ULSD for supply to businesses, manufacturing entities, municipal offices, hospitals, nursing homes, and residences. Additionally, there are a significant number of terminals temporarily shut down, without supplies, or open with reduced operations from which Pennsylvania suppliers procure their fuel. Because of the extreme circumstances and the continuing demand for generator supplies in the face of on-going electricity outages in this Commonwealth, the on-road ULSD supply is also now in either in a state of disruption or extreme tightening of the fuel supply.

There are heating oil supplies in Pennsylvania at present that can be quickly used for generators and for on-road uses if a waiver is granted that would allow corresponding gallons to be made available for critical on-road transportation needs.

We understand that EPA has granted waivers of ULSD for these purposes to the State of New Jersey, with restrictions necessary to guarantee that the fuel is not used to operate equipment that is incompatible with the higher sulfur levels in heating oil. We ask that similar waivers be given to Pennsylvania so that the region as a whole can address emergency and recovery situations requiring distillate fuel.

In light of the circumstances, the requested waiver is "clearly necessary to serve the public interest." My staff believes that the action would have no negative impact on the health of the residents of Pennsylvania. Thank you for your immediate attention to this pressing matter. If you have additional questions about the effects of the fuel situation on Pennsylvania, please feel free to contact me.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Michael L. Krancer', is written over the word 'Sincerely,'.

Michael L. Krancer
Secretary

cc: Shawn M. Garvin, Regional Director, EPA Region III
Diana Esher, Director, Air Protection Division, EPA Region III
Cynthia Giles, Assistant Administrator for Enforcement and Compliance Assurance
Jacqueline Werner, Mobile Source Enforcement Branch Chief, Air Enforcement
Division, Office of Civil Enforcement
Karl Simon, Director, Compliance and Innovative Strategies Division, Office of
Transportation and Air Quality
Gina McCarthy, Assistant Administrator for Office of Air and Radiation