



State of Wisconsin
Governor Tony Evers

Department of Agriculture, Trade and Consumer Protection
Secretary Randy Romanski

GUIDANCE DOCUMENT

Date: August 1, 2024

Re: EPA Fuel Waiver for Gasoline Volatility Requirements in Wisconsin

Analysis:

On August 1, 2024, the U.S. Environmental Protection Agency (EPA) [issued a waiver](#) related to gasoline volatility requirements in Wisconsin. This waiver was requested on behalf of Governor Tony Evers and other Midwestern State Governors to address a fuel supply emergency caused by a power outage and resulting emergency shutdown of the ExxonMobil Joliet refinery on July 15, 2024.

Per the EPA waiver, starting on August 1, 2024, regulated parties may produce, sell, and distribute gasoline with a Reid vapor pressure (RVP) of no more than 9.0 psi (10.0 psi if the gasoline contains from 9% to 15% ethanol). This waiver applies to the Clean Air Act (CAA) non-attainment zone in Wisconsin, including parts of Kenosha, Milwaukee, Ozaukee, Racine, Washington, and Waukesha counties.

The EPA states an effective date of August 1, 2024, and the waiver will continue for 20 days through August 20, 2024.

Code Sections:

Wis. Admin. Code § ATCP 94.210 and ASTM D4814-21c

Conditions of temporary enforcement suspension:

- The Department will not take enforcement actions for the sale of covered finished fuels with an RVP within the limits listed above during the periods in which an EPA waiver is in effect if that finished fuel meets all conditions of this guidance document and all other required specifications.
- This temporary and conditional suspension of enforcement is being provided in conjunction with the RVP waiver issued by the EPA.
- This guidance document will remain in effect for as long as the EPA has a waiver in place.
- This guidance document will be automatically rescinded with the expiration or termination of any EPA waiver.

Additional information regarding fuel waivers issued by the EPA can be found on the EPA website here:

<https://www.epa.gov/enforcement/fuel-waivers>

For questions, please contact the department at (608) 224-4942 or email datcpwmcompliance@wi.gov.

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