



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

October 12, 2018

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Jeffery F. Koerner, Director
Division of Air Resource Management
Florida Department of Environmental Protection
2600 Blair Stone Rd.
Tallahassee, Florida 32399-2400

RE: No Action Assurance for the Loading of Tank Fuel Trucks at Petroleum Distribution Terminals in Florida For Operations That Are Serving Areas Affected By Hurricane Michael

Dear Director Koerner:

This letter is in response to your request for a No Action Assurance (NAA) to facilitate the distribution of fuel to the areas of Florida impacted by Hurricane Michael. Specifically, because the shipment to some areas of critically needed fuel supplies has been dramatically impeded by the evacuation process, damage to infrastructure, and flooding, it is necessary to rely on tanker trucks to distribute fuel to these areas. I understand that some of the fleet being used for post-hurricane fuel distribution, including out of state tank trucks, have been relocated from their normal distribution areas to help mitigate any fuel distribution problems following Hurricane Michael. Thus, these trucks may not be registered with distribution terminals as having completed all the requisite testing for tank tightness and/or have the documentation to prove it as required by the Clean Air Act's New Source Performance Standards (NSPS), the National Emissions Standards for Hazardous Air Pollutants (NESHAP), and any counterpart in the Florida State Implementation Plan (SIP).

The need for this NAA is to address severe fuel shortages in some areas that have resulted from Hurricane Michael and its impact on fuel distribution systems in Florida. In light of this emergency situation, EPA will exercise its discretion not to pursue enforcement for violations of the tank tightness and documentation requirements of 40 C.F.R. Part 60 Subpart XX, 40 C.F.R. Part 63 Subpart R, and any counterpart in the Florida SIP. This exercise of enforcement discretion is only for operations that are serving the areas affected by Hurricane Michael. This NAA is in effect commencing today, and terminates on October 25, 2018, at 11:59 PM CDT. EPA reserves the right to revoke or modify the NAA if the EPA believes that such action is necessary to protect public health and the environment. This NAA does not apply to any other federal requirements that may apply to regulated activities other than those listed above.

As a condition of this no action assurance, tank truck owners and operators shall ensure that all trucks meet all other relevant Federal and state safety standards. Nothing in this NAA is intended to override state or local authorities.

The issuance of an NAA for this period of time is in the public interest. Through today's NAA, the EPA is continuing its commitment to address the very difficult circumstances caused by Hurricane Michael.

If you have any questions about this NAA, please contact Phillip A. Brooks, at (202) 564-0652 or brooks.phillip@epa.gov.

Sincerely,



Susan Parker Bodine

cc: Onis "Trey" Glenn III, Regional Administrator, EPA Region 4