



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

AUG 26 2005

ASSISTANT ADMINISTRATOR
FOR ENFORCEMENT AND
COMPLIANCE ASSURANCE

Mr. Allan F. Bedwell
Deputy Secretary for Regulatory Programs
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Supplemental Enforcement Discretion Concerning Diesel Fuel and Gasoline for the State of Florida, August, 2005

Dear Mr. Bedwell:

The United States Environmental Protection Agency (EPA) has been working with the Florida Department of Environmental Protection (Florida DEP) to further evaluate the prospect of gasoline and diesel fuel supply problems being experienced in the southern and Panhandle parts of the State of Florida as a result of the path of Tropical Storm Katrina. Yesterday, EPA issued a letter granting enforcement discretion for gasoline and diesel fuel in Hillsborough, Pinellas, Broward, Dade, Duval and Palm Beach counties to run through midnight August 30, 2005.

Today, based on current and expected diesel fuel supply problems, as well as the uncertainty of storm track, EPA will allow the use of motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye in Collier and Monroe counties through midnight August 30, 2005. EPA will further allow use of motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye in all counties north and west of the Suwannee River and the north central counties of Levy, Gilchrist, Suwannee, Hamilton, and Columbia through midnight September 2, 2005. This applies to all distributors, carriers and retail outlets operating in these counties.

Retail outlets or wholesale purchaser-consumers that receive motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye, under the terms of this waiver may continue selling or dispensing this fuel in Collier and Monroe counties after August 30, 2005 and in the Panhandle counties after September 2, 2005, until their supplies are depleted.

To the extent practicable, regulated parties must take all reasonable steps to provide compliant gasoline and diesel fuel for use within the State of Florida. Thus, regulated parties

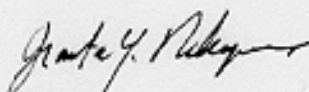
must use compliant fuel that is available before using any non-compliant fuel, and regulated parties who transport fuel into the State of Florida must take reasonable steps to transport enough compliant fuel to meet expected demand.

If a regulated party elects to supply motor vehicle diesel fuel having a sulfur content greater than 500 ppm in the above-named counties to retail outlets or wholesale facilities under this exercise of enforcement discretion, the party must submit a written report to EPA no later than November 15, 2005, which indicates the total volume of motor vehicle diesel fuel with a sulfur content greater than 500 ppm supplied to these retailers and wholesale facilities, on a per day basis. These reports must be sent to the following address:

Adam M. Kushner, Director
Air Enforcement Division
Mail Code 2242A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

If you have questions, please call Ms. Angela Fitzgerald, Acting Branch Chief, Mobile Source Enforcement Branch, at (202) 564-1018.

Sincerely,



Granta Y. Nakayama