

**UPDATED WAIVER OF REID VAPOR PRESSURE (RVP) REGULATIONS OF
CONNECTICUT STATE AGENCIES § 22a-174-20(a)(11), § 14-327d-2
AND THE ASTM DESIGNATION D-4814-19a FOR GASOLINE
DURING THE COVID-19 EMERGENCY**

4/30/2020

In accordance with Executive Order No. 7M, dated March 25, 2020, issued by Governor Ned Lamont in furtherance of his declaration of a public health emergency and a civil preparedness emergency resulting from the global pandemic COVID-19 coronavirus, the Commissioner of the Department of Energy and Environmental Protection (DEEP) and the Commissioner of the Department of Consumer Protection (DCP) direct the following update to the Joint Waiver issued by their agencies on March 27, 2020, pertaining to regulatory requirements of Reid Vapor Pressure or “RVP.”

As we continue to monitor the fuel situation, we find additional flexibility is warranted. We note that on the same day the State of Connecticut issued its waiver of state regulations related to fuel RVP, so did the federal government. Specifically, on March 27, 2020, the United States Environmental Protection Agency (U.S. EPA) issued a temporary waiver of federal requirements for RVP for gasoline. The U.S. EPA’s waiver letter (excerpted in part below) stated:

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 these areas after May 20, 2020, may be distributed and sold until the supply is depleted. Likewise, retailers and wholesale purchaser-consumers 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.

As described in our original [Waiver of the RVP and ASTM](#) regulations, there continues to exist an unexpected oversupply of higher volatility winter-blend gasoline, as a result of changed behavior in response to COVID-19, which cannot be sold as of May 1, 2020. Therefore, DEEP and DCP concur to employ their respective enforcement discretion to continue to temporarily extend the period of time during which the winter-blend gasoline can be sold. This will enable distributors to safely shift to a lower volatility gasoline supply with as little in-person work and travel as possible, while also ensuring that this state maintains a reliable supply of gasoline adequate to meet its critical needs during this emergency. This action will also align with the federal authority expressed by the U. S. EPA in its *May 1, 2020 Fuel Waiver Concerning Summer Gasoline*. Nothing in this waiver shall supersede the March 27, 2020 waiver issued by U.S. EPA.

To adjust for the oversupply of higher RVP gasoline in tanks and so that it can be depleted, we are issuing an extended waiver from the fuel volatility requirements and ASTM Designation D-4814-19a requirements as follows:

1. RCSA § 22a-174-20(a)(11) (formerly § 22a-174-20(a)(5)) and § 14-327d-2 are extended until the gasoline supply that is stored in terminal storage tanks for distribution to retail outlets and wholesale purchaser-consumers, and meets the conditions of the U.S. EPA's March 27, 2020 waiver, is depleted. In addition, Connecticut gasoline retailers and wholesale purchaser-consumers may continue selling or dispensing gasoline that meets the conditions of U.S. EPA's March 27, 2020 waiver until their supplies are depleted.
2. This waiver does not supersede any other statute or regulation in effect or under the purview of DEEP or DCP related to the regulation of fuel, ASTM procedures and RVP.
3. DEEP and DCP will continue to monitor the current gasoline oversupply condition and its impact on the small business community in the state and therefore require the Connecticut Energy Marketers Association to conduct a monthly survey of its members on the remaining volumes of wintertime fuel in Connecticut and provide an update to the commissioners of DEEP and DCP by the 30th day of each month until the supply of wintertime fuel is depleted.
4. This order is effective immediately.

Executed this 30th day of April, 2020.



Katherine S. Dykes
Commissioner of the Connecticut Department of Energy and Environmental Protection



Michelle H. Seagull
Commissioner of the Department of Consumer Protection