

STATE OF KANSAS
BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE
1320 Research Park Drive
Manhattan, Kansas 66502

ORDER GRANTING A TEMPORARY WAIVER OF THE ENFORCEMENT
OF STATE FUEL STANDARDS

COMES NOW, the Secretary of the Kansas Department of Agriculture, Jackie McClaskey (“Secretary”), and hereby issues the following findings and order:

That the United States Environmental Protection Agency (“EPA”), in consultation with the United States Department of Energy has determined that an extreme and unusual fuel supply circumstance exists that will prevent the distribution of an adequate supply of gasoline to consumers due to the impact of Hurricane Harvey.

That on August 31, 2017 the EPA granted a waiver of the Clean Air Act related to the sale, distribution, and use of reformulated gasoline and low volatility conventional gasoline during the summer month in several states, including Kansas. Such waiver applied to the relevant sections of 40 C.F.R. § 80 through September 15, 2017.


That pursuant to K.S.A. 55-436 and K.S.A. 55-437, the Secretary is responsible for the enforcement of the Petroleum Products Inspection Law within the state of Kansas. K.S.A. 55-422, *et seq.*

Pursuant to K.A.R. 99-25-9 the Secretary enforces the ASTM Gasoline Standards and in particular from September 16 through September 30 annually, the Secretary enforces the gasoline standards set forth in ASTM D 4814. This standard requires that a Volatility Class B-2 Gasoline be used during the above dates.

That allowing the use of a Volatility Class C-3 Gasoline, as identified in ASTM D 4814, from September 16, 2017 to September 30, 2017 would help to alleviate the anticipated shortage in fuel supplies created due to Hurricane Harvey.

THEREFORE, on this 1st day of September 2017, for all these reasons, the Secretary hereby orders that gasoline and gasoline oxygenate blends meeting the limits of ASTM D 4814 Volatility Class C-3 shall be permitted for immediate distribution throughout the state of Kansas through September 30, 2017.

IT IS SO ORDERED.



Jackie McClaskey, Secretary
Kansas Department of Agriculture