



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

SEP 7 2004

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

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

Re: Enforcement Discretion Concerning Gasoline and Diesel Fuel for the State of Florida

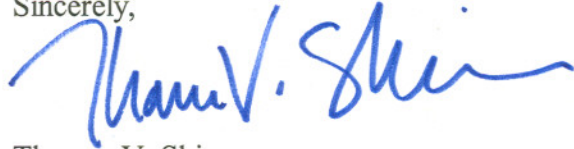
Dear Mr. Bedwell:

I am writing in response your September 7, 2004 request that the United States Environmental Protection Agency (EPA) extend the exercise of enforcement discretion under my letter of September 2, 2004. As you know, due to Hurricane Frances there has been a shortage of gasoline that meets the 7.8 pounds per square inch (psi) volatility standard that is required for use in Hillsborough, Pinellas, Broward, Dade, Duval and Palm Beach counties, Florida. In addition, there has been a shortage of undyed, low sulfur diesel fuel throughout Florida. Because of these shortages, on September 2, 2004, EPA exercised enforcement discretion to allow temporary use of gasoline meeting the 9.0 psi volatility standard in these six counties, and to allow temporary use of motor vehicle diesel fuel having a visible evidence of red dye and a sulfur content exceeding 500 parts per million (ppm), until midnight, September 7th.

It now appears that the shortages of 7.8 psi gasoline and low sulfur diesel fuel will not be resolved until additional supplies of these fuels are received in Florida. For this reason, EPA will extend the enforcement discretion granted on September 2nd until midnight on Wednesday, September 15, 2004. In addition, I am exercising enforcement discretion to allow the use of gasoline with a volatility greater than 9.0 psi (winter grade gasoline) throughout the State of Florida, effective immediately, and continuing through September 15, 2004. The terms and conditions included in the September 2nd enforcement discretion letter also apply to this extension period.

If you have questions, please call Mr. George Lawrence, Chief, Mobile Source Enforcement Branch, at (202) 564-1307.

Sincerely,

A handwritten signature in blue ink, appearing to read "Thomas V. Skinner". The signature is fluid and cursive, with the first name "Thomas" and last name "Skinner" clearly distinguishable.

Thomas V. Skinner
Acting Assistant Administrator