



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

AIR QUALITY, ENERGY AND SUSTAINABILITY

OFFICE OF THE ASSISTANT COMMISSIONER

401 East State Street

P.O. Box 420, Mail Code 401-02

Trenton, New Jersey 08625-0420

Tel. (609) 292-2795 • Fax (609) 633-8236

www.nj.gov/dep

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

April 8, 2020

To whom it may concern:

This is a follow-up to the letter I signed on March 30, 2020 which indicated that the New Jersey Department of Environmental Protection (NJDEP) will utilize enforcement discretion with respect to certain provisions of N.J.A.C. 7:27-25.

Specifically, on March 27, 2020, the United States Environmental Protection Agency (USEPA) issued a temporary waiver of federal requirements for RVP for gasoline. In order to ensure an adequate supply of gasoline, and consistent with USEPA's actions, NJDEP indicated it would exercise its enforcement discretion regarding the RVP limits in N.J.A.C. 7:27-25.3 until May 20, 2020. Since that time, numerous stakeholders have requested clarification regarding the "sell through" provisions referenced in USEPA's letter (excerpted below) but not referenced in NJDEP's letter.

"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."

Thus, NJDEP is hereby clarifying that the "sell through" provisions authorized by EPA's letter will be authorized in New Jersey as well.

Please be advised that all other statutory and regulatory requirements remain in effect unless otherwise specifically exempted. If you have any questions, please contact Peg Hanna at 609-292-7953.

Sincerely,

Paul Baldauf, P.E., Assistant Commissioner
Air Quality, Energy and Sustainability