



ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE

WASHINGTON, D.C. 20460

Via E-Mail

Mr. Shawn Hamilton
Secretary
Florida Department of Environmental Protection
3900 Commonwealth Blvd.
Tallahassee, Florida 32399
shawn.hamilton@floridadep.gov

RE: No Action Assurance for the Loading of Tank Fuel Trucks at Petroleum Distribution Terminals in Florida for Operations That Are Serving Areas Affected by Hurricane Milton

Dear Secretary Hamilton:

Subject to certain limitations described below, I am granting the State of Florida and the Florida Department of Environmental Protection's October 8, 2024 written request for a No Action Assurance (NAA) for Loading of Tank Fuel Trucks to facilitate the distribution of fuel to the areas of Florida impacted by Hurricane Milton.¹ This NAA is clearly necessary to serve the public interest and help assure adequate fuel supply.

As referenced in your letter, Hurricane Milton threatens to have devastating impacts to multiple population centers in Florida, and planning is underway to address evacuation logistics, flooding, seaport and other transportation sector impacts and associated fuel supply interruptions. To minimize of the hurricane's impact on fuel supply, some of the fleet used for post-hurricane fuel distribution may be relocated from their normal distribution areas, including from out of state. These trucks may not be registered with distribution terminals as having completed all the requisite testing for tank tightness and/or have requisite documentation of same as required by the Clean Air Act's New Source Performance Standards (NSPS), 40 C.F.R. Part 60 Subpart XX, the National Emissions Standards for Hazardous Air Pollutants (NESHAP), 40 C.F.R. Part 63 Subpart R, and any counterpart in the Florida State Implementation Plan (SIP).

¹ By separate letter, I am simultaneously granting the State of Florida and the Florida Department of Environmental Protection's request for an NAA for the Use of Vapor Recovery Systems. I am also continuing to closely monitor the situation in Florida and stand ready to grant an NAA for Roof Landings at Gasoline Storage Vessels should one be clearly necessary to serve the public interest.

In light of the emergency situation, the EPA will exercise its discretion not to pursue enforcement for violations of the tank tightness and documentation requirements of the above referenced NSPS, NESHAP, and SIP provisions. As a condition of this no action assurance, tank truck owners and operators shall ensure that all trucks meet all other relevant Federal and state safety standards. Nothing in this NAA is intended to override state or local authorities.

This exercise of enforcement discretion is only for operations that are serving the areas affected by Hurricane Milton. This NAA is in effect commencing October 10, and terminates on October 23, 2024, at 11:59 PM EDT. EPA reserves the right to revoke or modify the NAA if the EPA believes that such action is necessary to protect public health and the environment. This NAA does not apply to any other federal requirements that may apply to regulated activities other than those listed above.

The issuance of this NAA for this period of time is in the public interest and demonstrates the EPA's continuing commitment to address the very difficult circumstances caused by Hurricane Milton.

If you have any questions about this NAA, please contact please contact Mary E. Greene, Director, Air Enforcement Division at (202) 564-0254 or greene.mary.e@epa.gov.

Sincerely,

David M. Uhlmann

cc: Jeanneanne Gettle, Acting EPA Region 4 Administrator
Jeff Koerner, Florida Department of Environmental Protection
Hastings Read, Florida Department of Environmental Protection