



**RHODE ISLAND**  
**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**  
**OFFICE OF THE DIRECTOR**  
235 Promenade Street, Room 425  
Providence, Rhode Island 02908

**ORDER OF DIRECTOR**

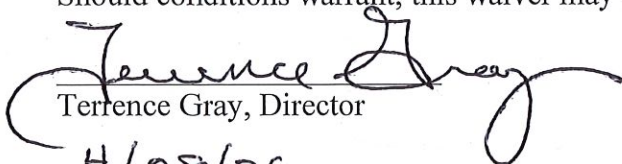
**Regarding RIGL § 31-37-7.1 and 250-RICR-120-05-11**

On 25 March 2026 and 13 April 2026, the United States Environmental Protection Agency (USEPA) issued temporary waivers under Section 211(c)(4)(C)(ii)(I) of the Clean Air Act (CAA) of the requirements contained in 40 C.F.R. §1090.215 from 1 May 2026 through 20 May 2026. These regulations promulgated under the CAA require the use of low volatility gasoline during the summer months to limit the formation of ozone pollution beginning on 1 May of each year. This temporary waiver “reinstates the 1 psi allowance for ethanol blends in states where it was previously removed and waives Federal low volatility gasoline standards”. Specifically, the temporary waiver allows the production and distribution of gasoline with at least nine (9) percent ethanol content at a single Reid Vapor Pressure (RVP) standard of 10 pounds per square inch (psi). The temporary federal waiver also allows state discretion to waive or maintain state fuel requirements and enforcement given the specific circumstances in each state.

In the temporary waiver, EPA’s Administrator concludes that it is in the public interest to grant the waiver to address “extreme and unusual fuel supply circumstances caused by, among other things, global issues in the Middle East”. The Administrator also cites a decrease in U.S. refining capacity over the past several years caused by the permanent closure of refineries due to the impacts of the Covid-19 pandemic, damage from hurricanes and accidents, as well as economic closures. Also noted in the waiver is an increase in “refinery utilization” of 4.3 percent in comparison to the same time last year.

The RI Department of Environmental Management (the Department) has evaluated the impact of the reported reduced refinery capacity and the impacts caused by the conflict with Iran on the fuel supply in Rhode Island and nationally. While the Department’s evaluation did not result in any evidence indicating a domestic fuel supply shortage at this time, we recognize that the conflict in the Middle East has created an emergency situation resulting in impacts on the global fuel supply. These impacts, combined with EPA’s waivers, and other regional responses thereto, present a risk of supply shortages for Rhode Island or other states. Further considering the public’s interest in potentially lowering fuel prices, the Department is waiving the ASTM D-4814 Class D-4 compliance requirements set out in Section 31-37-7.1(b) of the Rhode Island General Laws and extending the ASTM D-4814 Class-E-5 Reid Vapor Pressure (RVP) compliance requirement for E10 gasoline through mid-May.

This waiver shall take effect as of the date of this letter and continue through May 20, 2026. Should conditions warrant, this waiver may be modified, terminated or extended as appropriate.

  
Terrence Gray, Director

4/28/26  
Date