

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

22-13

EXECUTIVE ORDER _____

FOR: SUSPENSION OF VAPOR PRESSURE REQUIREMENTS ON FUEL STANDARDS and WAIVER OF HOURS OF SERVICE REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING FUEL

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on August 24, 2022, the BP Whiting refinery located in Whiting, Indiana experienced a significant electrical fire which resulted in the refinery being shut down, and it remains shut down;

WHEREAS, because the BP Whiting refinery provides up to one quarter of refined fuel (gasoline, diesel and jet fuel) used in Indiana and three other states (Illinois, Michigan, and Wisconsin), fuel shortages and other disruptions in the fuel supply are likely;

WHEREAS, under Ind. Code §§ 10-14-3-11 & 12, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any of the provisions would in any way prevent, hinder, or delay necessary action in coping with an emergency, including manmade disasters and emergencies;

WHEREAS, to minimize or prevent disruption of an adequate supply of fuel to Hoosiers and to consumers in Illinois, Michigan and Wisconsin, on August 27, 2022, U.S. Environmental Protection Administration waived through September 15, 2022, certain federal regulations and other requirements regarding low volatility gasoline sold during the summer months;

WHEREAS, the Governor may waive any state-level inspection and enforcement requirements regarding gasoline and gasohol Reid Vapor Pressure (RVP) levels under subclauses (D)(iii) and (E)(iii) of Indiana Code § 16-44-2-8(b)(1) and 410 IAC 12.1 to ease potential fuel shortages while having only a negligible incremental environmental impact;

WHEREAS, drivers of commercial motor vehicles are statutorily limited in the number of hours they may operate in any given day pursuant to 49 C.F.R. § 395 of the Federal Motor Carrier Safety Regulations, incorporated by reference into Indiana statute under Ind. Code § 8-2.1-24-18;

WHEREAS, on August 26, 2022, the U.S. Federal Motor Carrier Safety Administration issued a regional emergency declaration effective through September 10, 2022, at 11:59 p.m. for Illinois, Indiana, Michigan, and Wisconsin and lifted the restrictions on the maximum number of operating hours on motor carriers and drivers who provide direct assistance and support in response to the shortages of gasoline, diesel, and jet fuel resulting from the fire at the BP Whiting refinery;

WHEREAS, in light of the above, and for the benefit of our State and its people, it is necessary and appropriate to assist with and expedite all efforts of refining fuel and transporting of refined fuels throughout the State of Indiana;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor of the State of Indiana, pursuant to Ind. Code § 10-14-3-12, do hereby declare that an emergency exists and order that:

1. The Commissioner of the Indiana Department of Health shall waive any inspection and enforcement requirements regarding RVP levels under subclauses (D)(iii) and (E)(iii) of Indiana Code 16-44-2-8(b)(1) and 410 IAC 12.1 through September 15, 2022.
2. The fuel volatility requirements contained in ASTM D4814 that require the distribution of ASTM Vapor Class A-3 at retail gasoline stations are waived through September 15, 2022.
3. The fuel volatility requirements contained in ASTM D4814 that require the distribution of ASTM Vapor Class AA-2 at retail gasoline stations are waived through September 15, 2022, in Clark and Floyd counties.
4. The reformulated gasoline (RFG) requirements included in ASTM D4814 specification are waived through September 15, 2022, in Lake and Porter counties.
5. Motor carriers and drivers transporting gasoline, diesel, jet fuel or other refined fuels or otherwise operating in direct response to the BP Whiting refinery shutdown in Indiana during this emergency shall be exempt from regulations restricting their hours of service under 49 C.F.R. § 395, incorporated by reference into Ind. Code § 8-2.1-24-18. This exemption shall be effective from the date of the issuance of this directive through September 10, 2022, at 11:59 p.m.
6. Nothing contained in this declaration shall be construed as an exemption for any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.



IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 29th day of August, 2022.



Eric J. Holcomb
Governor of Indiana


ATTEST: Holli Sullivan
Secretary of State