

EPA Approves Request from Maine for the Removal of the Federal Reformulated Gasoline Program in the Southern Maine Area

The U.S. Environmental Protection Agency (EPA) is announcing its approval of a petition by Maine to opt-out of the federal reformulated gasoline (RFG) program and remove the requirement to sell RFG in York, Cumberland, Androscoggin, Sagadahoc, Kennebec, Knox and Lincoln counties (the Southern Maine Area). This action is effective on September 30, 2021.

Consistent with regulations issued under the Clean Air Act (CAA), EPA may approve a state's request to remove the federal RFG program in an area in certain situations. On August 20, 2020, Maine submitted its request to opt-out of RFG and the request included the required information. The request included a description of the area covered by the request, a description of how emissions reductions from RFG were relied on in approved maintenance plans for the 1997 ozone National Ambient Air Quality Standards (NAAQS) for the Portland and Midcoast Areas and a description of the State's plans for revising the approved maintenance plans.

Maine's State Implementation Plan (SIP) revision documented that the Portland and Midcoast maintenance areas for the 1997 ozone NAAQS would continue to attain that ozone NAAQS and that removal of the federal RFG requirement would not interfere with the ability of the areas to continue to attain all of the other NAAQS.¹ On March 25, 2021, Region 1 proposed to approve Maine's SIP revision,² and the Region did not receive any adverse comments. On June 2, 2021, Region 1 published in the *Federal Register* its final approval of Maine's SIP revision,³ with an effective date of July 2, 2021.

¹ See Clean Air Act section 110(l).

² See 86 FR 15844.

³ See 86 FR 29520.

EPA is approving the federal RFG opt-out request from Maine with an effective date of September 30, 2021. EPA is approving the action because Maine has demonstrated that the opt-out will not interfere with the ability of the affected counties to attain the NAAQS, and the fact that Region 1 sought comment through their rulemaking process and received no adverse comments.

Key Elements of the *Federal Register* Notice

- This action approves Maine’s petition to opt-out of the federal RFG program and removes the requirement to sell federal RFG for York, Cumberland, Androscoggin, Sagadahoc, Kennebec, Knox and Lincoln counties (the Southern Maine Area). The requirement to sell federal RFG in the Southern Maine Area will no longer apply as of September 30, 2021.
- EPA Region 1 recently conducted a rulemaking that approved Maine’s SIP revision. The SIP revision rulemaking evaluated whether the removal of the federal RFG program in the Southern Maine Area would not interfere with the maintenance plan for the 1997 ozone NAAQS or any other applicable NAAQS. Maine submitted the SIP revision with the CAA section 110(l) noninterference demonstration to EPA on August 20, 2020. EPA proposed the approval of the SIP revision on March 25, 2021 (86 FR 15844). EPA finalized its approval of the SIP revision on June 2, 2021 (86 FR 29520), with an effective date of July 2, 2021.
- Removing the federal RFG requirement for gasoline sold in the Southern Maine Area could be beneficial because this action could improve the fungibility of gasoline in the Area. With this approval the gasoline sold in the Southern Maine Area can be identical to the fuel sold now in the rest of Maine. For motorists, the change in the performance of their vehicle will be virtually unnoticed.

Background

The 1990 CAA amendments established specific requirements for the RFG program to reduce ozone levels in certain areas in the country experiencing ground-level ozone or smog problems by reducing vehicle emissions of compounds that form ozone, specifically volatile organic compounds (VOCs). The 1990 CAA amendments directed EPA to issue regulations that specify how gasoline can be “reformulated” so as to result in significant reductions in vehicle emissions of ozone-forming and toxic air pollutants relative to the 1990 baseline fuel, and to require the use of such reformulated gasoline in certain “covered areas.” The CAA defined certain nonattainment areas as “covered areas” which are required to use RFG and provided other areas with an ability to “opt-in” to the RFG program. The CAA provides an opportunity for an area classified as a Marginal, Moderate, Serious, or Severe ozone nonattainment area, or which is in the ozone transport region, to “opt-in” to the RFG program upon application by the governor of the state (or his authorized representative) and subsequent action by EPA.

RFG covered areas as well as RFG opt-in areas are subject to a prohibition on the sale or dispensing by any person of conventional gasoline (non-RFG) to ultimate consumers in the applicable area. The prohibition also includes the sale or dispensing by any refiner, blender, importer, or marketer of conventional gasoline for resale in any covered areas, without segregating the conventional gasoline from RFG and clearly marking conventional gasoline and marking the conventional gasoline as not for sale to ultimate consumers in a covered area.

Maine had voluntarily opted York, Cumberland, Androscoggin, Sagadahoc, Kennebec, Knox and Lincoln counties into the federal RFG program in 2015 and EPA approved the State's request on February 6, 2015, with an effective date of June 1, 2015, for retailers and wholesale purchaser-consumers (80 FR 6658).

Maine submitted a request to opt-out of the federal RFG program for the Southern Maine Area and additionally requested a revision to its maintenance plan that included a demonstration that the removal of the federal RFG program would not interfere with maintenance of the NAAQS. Region 1 conducted a rulemaking for Maine's state implementation plan revision request and issued an approval of the revised maintenance plan on June 2, 2021 (86 FR 29520), with an effective date of July 2, 2021. By separate action, EPA is approving the opt-out of the federal RFG program for the Southern Maine Area effective September 30, 2021.

For More Information

You can access the final action and related documents, as well as a current listing of the RFG covered areas and a summary of RFG requirements on EPA's Office of Transportation and Air Quality Web site at: www.epa.gov/gasoline-standards/reformulated-gasoline.

For further information on EPA's approval of the federal RFG opt-out for the Southern Maine Area, please contact:

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