



Midwest Regional Energy Emergency Planning Meeting

**Argonne Infrastructure Assurance Center
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Post-audit of Federal, State, and Industry Response to Hurricane-Related Supply Shortages



Observations:

1. Communication between federal and state agencies, together with industry, was most effective once key contacts in each category were identified.
2. Several states used the terms “waiver” and “enforcement discretion” interchangeably when issuing state fuels regulatory relief.
3. Some confusion occurred in a small number of instances with respect to state authority to issue a fuels waiver in the absence of an EPA waiver.

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Observations continued:

4. States used several communication channels to announce a state fuels waiver:
 - a. Clearly-stated waiver statement, including reference to specific regulatory language
 - b. Waiver letter sent only to the company that requested the fuels waiver
 - c. Press release

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Recommendations:

1. Identify the key state agency contact responsible for:
 - a. Issuing fuels waivers
 - b. Fuels regulatory compliance questions
2. Fuels regulatory relief should be clearly stated as follows:
 - a. Fuels waiver (preferably), or
 - b. Enforcement discretion
3. All states should ensure adequate legal protection for confidential business information.