

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____ **26-10** _____

FOR: WAIVER OF ENHANCED FUEL REQUIREMENTS IN CLARK AND FLOYD COUNTIES TO PREVENT MOTOR FUEL SUPPLY DISRUPTION

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, on February 26, 2026, U.S. EPA approved the petition by the Commonwealth of Kentucky to opt out of the reformulated gas (“RFG”) program and remove the requirement to sell RFG in the Louisville Moderate nonattainment area;

WHEREAS, the RFG program required fuel with lower Reid vapor pressure in the Louisville Moderate nonattainment area, which includes Clark and Floyd Counties in Indiana, but the EPA’s opt out for Kentucky did not apply to Clark and Floyd Counties in Indiana;

WHEREAS, lower Reid vapor pressure fuel with a maximum rating of 7.8 psi remains required in Clark and Floyd Counties but not for any other nearby counties in either Indiana or Kentucky, which creates production and distribution challenges for the effective delivery of fuel to Clark and Floyd Counties;

WHEREAS, when removed from the Louisville Metro area distribution networks, a projected shortfall of at least eight percent (8%) for motor fuel exists for the summer months in Clark and Floyd Counties;

WHEREAS, the State of Indiana is requesting that U.S. EPA issue an emergency waiver regarding lower Reid Vapor Pressure motor fuel requirements specific to Clark and Floyd Counties to prevent supply disruptions and unacceptable adverse economic consequences for Hoosiers;

WHEREAS, under Ind. Code § 10-14-3-13, the governor may suspend and modify transportation related requirements, including state pollution control standards and requirements affecting or affected by the use of energy, standards or requirements relating to air or water quality control, and the provisions of any state statute regulating transportation or the orders or rules of any state agency if strict compliance with any of the provisions would prevent, hinder, or delay necessary action in coping with the energy emergency; and

WHEREAS, removing requirements for lower Reid vapor pressure fuel in Clark and Floyd counties will have no negative impact on air quality in Indiana or surrounding areas.

NOW, THEREFORE, I, MIKE BRAUN, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order the following:

1. An energy emergency is declared for Clark and Floyd Counties pursuant to Ind. Code § 10-14-3-13(b). This exemption shall be effective from the date of this order through June 12, 2026, unless it is terminated or further extended by order of the Governor.
2. During the duration of the energy emergency, the Commissioners of the Indiana Department of Environmental Management and the Indiana Department of Health shall waive any inspection and enforcement requirements regarding Reid vapor pressure levels

under Ind. Code §§ 16-44-2-8(b)(1)(D)(iii) and E(iii), 410 IAC 12.1, and 326 IAC 13-3-1 *et. seq.*.

3. The Indiana Department of Environmental Management and Indiana Department of Health shall take all necessary actions to permanently rescind state requirements for lower Reid vapor pressure fuel in Clark and Floyd Counties by summer 2027, and shall consider the implementation of interim rules pursuant to Ind. Code § 4-22-2-37.2.
4. The Indiana Department of Environmental Management and Indiana Department of Health shall exercise administrative discretion and regulatory prioritization in carrying out the directions of this order.



IN TESTIMONY WHEREOF,

I, Mike Braun, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 13th day of April, 2026.

Mike Braun

Mike Braun
Governor of Indiana

DIEGO MORALES

ATTEST: Diego Morales
Secretary of State