

DEMOCRATS
ON ENERGY:
1977-2008,
31 YEARS
OF DOING
WITHOUT



“Our decision about energy will test the character of the American people...”

- President Jimmy Carter
The White House, April 18, 1977

“It ought to be possible to establish a coordinated global program to accomplish the strategic goal of completely eliminating the internal combustion engine...”

- Vice President Al Gore, *Earth in the Balance*, pp. 325-326

“I’m trying to save the planet; I’m trying to save the planet.”

- House Speaker Nancy Pelosi, D-San Francisco
The Politico, July 29, 2008



“NO” IS THE ONLY ENERGY POLICY DEMOCRATS KNOW, AND THEY KNOW A DOZEN WAYS TO SAY IT

- 1. NO TO AFFORDABLE GASOLINE**
- 2. NO TO OIL FROM ALASKA**
- 3. NO TO OIL FROM OFFSHORE**
- 4. NO TO THE MOUNTAIN WEST**
- 5. NO TO THE ATLANTIC EAST**
- 6. NO TO CLEAN COAL**
- 7. NO TO NUCLEAR POWER**
- 8. NO TO PIPELINES**
- 9. NO TO OLD REFINERIES**
- 10. NO TO NEW REFINERIES**
- 11. NO TO LIQUIFIED NATURAL GAS**
- 12. NO TO WINDMILLS THAT SPOIL THE VIEW**

President Jimmy Carter laid the foundation for generations of Democratic Party energy policy when America encountered a crisis in the late 1970s. President Bill Clinton confirmed the no-energy policy when he vetoed exploration of ANWR in 1995, and House Speaker Nancy Pelosi consolidated it by refusing to permit debate on the issue, much less allow a vote on it. “I’m trying to save the planet, I’m trying to save the planet,” she explained to The Politico.

Profoundly affected by what he thought was the American people’s slow-motion slide into “malaise,” the Carter idea was this – put on your sweater, turn down the thermostat, shut off the Christmas lights, pray for sunny days, park your car and ride the bus. We’re all in it together, the president believed, so we better huddle up and try to stay warm.

President Carter famously concluded that America was out of energy and out of luck, and the best policy would be learning to do without.

“Our decision about energy will test the character of the American people and the ability of the President and the Congress to govern. This difficult effort will be the moral equivalent of war. ... The oil and natural gas we rely on for 75 percent of our energy are running out. Domestic production has been dropping steadily at about six percent a year. Imports have doubled in the last five years. Our nation’s independence of economic and political action is becoming increasingly constrained. Unless profound changes are made to lower oil consumption, we now believe that early in the 1980s the world will be demanding more oil than it can produce. ... Twice in the last several hundred years there has been a transition in the way people use energy. ... We must prepare



quickly for a third change, to strict conservation and to the use of coal and permanent renewable energy sources, like solar power.”

– President Jimmy Carter, April 18, 1977

“I will use my presidential authority to set import quotas. ...I will forbid the entry into this country of one drop of foreign oil more than these goals allow. ... These efforts will cost money, a lot of money, and that is why Congress must enact the windfall profits tax without delay. It will be money well spent. Unlike the billions of dollars that we ship to foreign countries to pay for foreign oil, these funds will be paid by Americans to Americans. ...I ask Congress to give me authority for mandatory conservation and for standby gasoline rationing. ...I’m asking you for your good and for your nation’s security to take no unnecessary trips, to use carpools or public transportation whenever you can, to park your car one extra day per week, to obey the speed limit, and to set your thermostats to save fuel.”

– President Carter, July 15, 1979

Democrats have been saying no, thanks, to gasoline ever since.



No to Oil from America

H.R. 2491 – The Balanced Budget Act of 1995 (104th Congress)



RESULT: President Clinton vetoed environmentally-responsible exploration for an estimated 10 billion barrels of oil in a tiny sliver of the Arctic National Wildlife Refuge (ANWR). Vetoed by President Clinton 12/6/95. Passed House 237-189 on 11/17/95. Republicans voting Yes: 232; Democrats voting No: 187, including Democrat leaders Pelosi, Hoyer and Clyburn.

The GOP legislation “would open the Arctic National Wildlife Refuge to oil and gas drilling, threatening a unique, pristine ecosystem, in hopes of generating \$1.3 billion in federal revenues – a revenue estimate based on wishful thinking and outdated analysis. I want to protect this biologically rich wilderness permanently,” Clinton said in vetoing the measure. “This budget would give oil companies the right to drill in the last unspoiled arctic wilderness in Alaska,” he added.

“The argument is that drilling in ANWR will lessen our reliance on foreign oil, but we do not really know whether there even is oil in ANWR,” said U.S. Sen. Paul Wellstone, D-Minn., on Oct. 19, 1995 (*Congressional Record*)

“Opening up the Arctic National Wildlife Refuge is not an energy policy, it is a non-energy policy. Even if – and this is a big ‘if’ – even if the big oil companies were able to tap the 3.2 billion barrels of oil the Department of Interior has estimated may lie under ANWR, the United States would be no more energy secure than it is now,” said Sen. Wellstone on May 24, 1995 (*Congressional Record*)

Republicans “want to turn back the progress we’ve made to protect our treasured lands by expanding drilling in our most precious natural areas, from the Arctic National Wildlife Refuge in Alaska to federal lands in the Rockies and along the California coast,” President Clinton said in the July 1, 2000 Saturday radio address. “That’s a short-sighted approach to a long-term problem.”

A White House press release added, “The Republican leadership wants to open the Arctic National Wildlife Refuge to oil drilling – despoiling one of America’s last wild places for a short-term supply of oil.”

H.R. 6 – The Energy Policy Act of 2003 (108th Congress)



RESULT: Senate Democrats blocked energy exploration in ANWR. Markey amendment to strike ANWR rejected on 4/10/03 in 197-228 House vote. Republicans voting to explore in ANWR: 194. Democrats voting against: 167, including Democrat leaders Pelosi, Hoyer and Emanuel.

On April 23, 2005 the Associated Press reported that, “The House voted 249-183 last week for White House-backed legislation that would give tax cuts and subsidies to energy companies and open a wildlife refuge in Alaska to oil exploration. . . . Similar legislation passed the House twice in Bush’s first term, only to bog down in the Senate under a Democratic filibuster that was waged, in part, to protest possible exploratory drilling in the Arctic National Wildlife Refuge in Alaska.”

H.R. 6 – The Energy Policy Act of 2005 (109th Congress)



RESULT: Senate Democrats again block energy exploration in ANWR. Markey amendment to strike ANWR rejected on 4/20/05 in 200-231 House vote. Republicans voting to explore in ANWR: 201. Democrats voting against: 170, including Democrat leaders Pelosi, Hoyer and Clyburn.

“Critics contend drilling would have devastating impacts to a wide array of wildlife and do little to reduce foreign oil imports – it would take a decade for oil to flow from the refuge once drilling is approved.” – 4/22/05, *Environment News Service*

“The Arctic National Wildlife Refuge is the last place that America should look for oil, not the next place,” Rep. Earl Blumenauer, D-Oregon, said on 4/21/05.

“The bill’s sponsors said oil from Alaska’s Arctic National Wildlife Refuge, as much as a million barrels a day, will be needed to help curtail the country’s growing dependence on oil imports. Opponents argued the

oil wouldn't be available for a decade and even then at levels that would not significantly affect oil prices or imports." – AP, 4/20/05

H.R. 6108 – the Deep Ocean Energy Resources Act of 2008 (110th Congress)



RESULT: Democratic leadership won't bring bill to a vote.

- ✓ Gives states the ability to determine whether or not they want to restrict oil production up to 100 miles off their shores.
- ✓ The federal government could lease beyond 100 miles, but no oil leasing would be permitted within 50 miles of the adjacent coastline within an area of the Outer Continental Shelf currently subjected to moratorium. The prohibition on oil leases within 50 miles of a state's coastline would not expire but states could opt in so the Department of Interior could lease within 50 miles of their coastline.
- ✓ States which agreed to new leases within 12 miles of a state's coastline would immediately receive a 75 percent share of revenues. Revenues of 37.5 percent from existing OCS leases beyond 12 miles would be shared with the states in a phased-in manner. States with new OCS leases beyond 12 miles of a state's coastline would immediately receive 37.5 percent of revenues. Shared receipts with states and coastal political subdivisions could be spent for a number of purposes including education, transportation, reducing taxes, environmental restoration, and any other purposes determined by state law.

H.R. 6107 – Accessing ANWR (110th Congress)



RESULT: Democratic leadership won't bring bill to a vote.

- ✓ Energy exploration will be limited to just 0.01% of ANWR's total acreage.
- ✓ The Energy Information Agency estimate of technically recoverable oil in ANWR is 10.4 billion barrels – all of which is now economically recoverable.
- ✓ EIA estimates ANWR would provide 1 million barrels per day for 30 years. This is equivalent to what the entire state of Texas produces daily or 30 years worth of imports from Hugo Chavez.
- ✓ CRS estimates that, at \$125 per barrel, ANWR would deliver \$191.1 billion in corporate income tax and royalty revenue to the federal government.
- ✓ ANWR's leasing plan will meet strict environmental standards. The Interior Department must administer the leasing program to result in *no significant adverse effect* on fish and wildlife, their habitat, subsistence resources, or the environment.

What Passes for Energy in the 110th Congress

H.R. 6 – Creating Long-Term Energy Alternatives for the Nation Act – (110th Congress)

RESULT: Passed 264-163 on 1/18/07.

Bill sought to make it more difficult and expensive for American energy producers to explore for American energy consumers, sought to displace thousands of American jobs in the process, and, as a final act, sought to expand and extend our nation's dangerous dependence on foreign, imported oil.

“We have not built a refinery in America since 1976, which further has added to our dependence on foreign oil by giving the Organization of Petroleum Exporting Countries, OPEC, massive control over us. Madam Speaker, if we want true energy reform, we must begin to build refineries, allow for responsible exploration of energy within our own borders, and invest in energy alternatives. Raising taxes, causing job losses and increasing fuel costs are not the answer. If we fail to act in a responsible manner, we are continuing to allow ourselves to be at the mercy of OPEC and the nations that control it.” – Rep. Virginia Foxx, R-N.C., 1/18/07.

H.R. 547 – Advanced Fuels Infrastructure Research and Development Act – (110th Congress)



RESULT: Motion to recommit offered by Republicans incorporated “coal-to-liquids” into the definition of “biofuel” in the bill by replacing it with “advanced fuels.” The motion to recommit failed 200-207 on 2/8/07.

H.R. 3221 – New Direction for Energy Independence, National Security, and Consumer Protection Act of 2008 – (110th Congress)



RESULT: The motion to recommit failed 169-244 on 8/4/07.

The bill included fuel economy standards, green jobs and green schools, but no actual energy production. Motion to recommit offered by Republicans included consensus energy efficiency provisions, domestic energy development in Alaska and 100 miles off-shore for natural gas and an alternative fuel standard for biofuels.

NOTE: (Gas prices were \$2.84 a gallon on average for regular gasoline when the bill passed the House of Representatives.)

“Mr. Chairman, this is a bad bill. There is no energy in this bill at all. We are faced with the ability not to have our ships float, our trains run, our cars drive and our trucks deliver because there is no energy in this bill. And I say shame on you.” – Rep. Don Young, R-Alaska, 8/4/07

“Mr. Chairman, I rise in strong opposition to H.R. 3221. I rise in strong opposition to the method and strategy promoted in this bill, which suggests that it is a new direction towards energy security. I don’t oppose the bill because it doesn’t include any new energy. I can tolerate a bill that doesn’t include any new energy, and this one doesn’t. But this bill is worse than that. It takes domestic energy supplies away. At this time of record energy prices, this bill limits our domestic production. This is a San Francisco energy policy that will force prices higher, will increase our dependence on oil from Venezuela and Iran, and it will send even more of our American jobs overseas.” – Rep. Steve Pearce, R-N.M., 8/4/07

H.R. 6578 – Consumer Energy Supply Act of 2008 – (110th Congress)



RESULT: Failed on a suspension vote on 7/24/08.

Would have drawn down 70 millions barrels of oil from the Strategic Petroleum Reserve over the next five to six months. While it's nice that the Democrats have finally realized that supply and demand do matter, releasing the equivalent of three days' supply will not do anything to reduce gasoline prices long-term.

“Let's don't have an 'Energy Gimmick of the Week.' That's what this is – it's the latest 'Energy Gimmick of the Week.' If it has a positive effect – and I say that has an 'if' – it will be temporary.” Joe Barton 7/24/08

H.R. 6346 – Anti-Price Gouging Bill – (110th Congress)



RESULT: Failed on a suspension vote on 6/24/08.

The federal government has investigated time and time again, finding no instances of price gouging. Yet again, Democrats have failed to put any energy in an energy bill.

“As much as Members of Congress might like to do it, in over 200 years I have yet to see the ability to repeal the laws of supply and demand. And so again, I am sure the gentleman from Michigan is very sincere, and I know that he has worked on similar legislation for quite some time, but when we talk about price gouging and an emergency situation, what are we doing to bring down the price of gas at the pump today. Instead, we have a piece of legislation that is going to allow Federal regulators, bureaucrats that according to the gentleman from Massachusetts, appear to be the savior of the Nation, to tell us what is, quote, 'unconscionably excessive,' and 'taking unfair advantage' related to 'an energy emergency to increase prices unreasonably.' So now we are going to have a Federal bureau come in and tell us what are reasonable prices and reasonable situations. The FTC, the Federal Trade Commission, after Katrina researched this issue. They could find very little evidence of it. We have unconscionably high gas prices in America, but it has everything to do with a Congress that wants to put its head in the sand and produce no energy.” – Rep. Jeb Hensarling, R-Texas, 6/24/08.

H.R. 6251 – Responsible Federal Oil and Gas Lease Act



RESULT: Failed on a suspension vote on 6/26/08.

This is the so-called “use-it-or-lose it” bill that seeks to kick production companies off federal oil and gas leases if the companies don't develop it within a certain amount of time. Here's the problem – “use-it-or-lose-it” is already law. The companies must begin developing the land within five to 10 years or the land goes back to the federal government. Geological surveys, permits, environmental impact statements and lawsuits by environmental groups slow down the process. Despite all that, if a company discovers oil or gas, especially now, you can bet that the companies are going to develop the oil.

“All this is is another excuse put up by the majority to not go after more American energy. That is all this is. And we have had more excuses. We going to blame it on speculators, we are going to blame it on the oil companies, we are going to blame it on OPEC, when there is only one group, only one group in this Chamber we ought to blame, and that is all the liberals in this House who have voted on for no energy each and every time over the last 18 years that I have been here. Forty-six votes. Forty-six votes have been brought to this floor over the last 18 years that I have been here to produce more American-made energy. I voted yes 46 times out of 46. Ms. Pelosi, as an example, voted yes twice. Just twice.” – House Republican Leader John Boehner, 6/26/08.

H.R. 6515 – Drill Responsibly in Leased Lands Act – (110th Congress)



RESULT: This bill failed on a suspension vote on 7/17/08.

This bill would accelerate the leasing process in the National Petroleum Reserve – Alaska, in which it has been doing so for 25 years. Democrats say that the land is good enough. However, according to the U.S. Geological Service, it would take 24.2 million acres of land to produce 10.6 billion barrels of oil, compared with just 1.9 million acres of land to produce 10.4 billion barrels in ANWR. To add insult to injury, only 440 barrels per acre are available in NPR-A, compared with 5,475 barrels per acre in ANWR.

NOTE: The Democratic leadership’s groovy new tool is to use the suspension calendar for bills that they’re worried could end up with a motion to recommit or amendment that would actually allow exploration in areas currently off-limits.

“If you only allow drilling where we have already been allowed to drill, for example, in the great State of Texas that I represent, we have drilled over 2 million oil wells since 1901. The probability of finding a major new oil field in Texas today is much closer to zero than it is to 100 percent, because we have already drilled so many wells. Eighty-five percent of the Outer Continental Shelf of the United States of America is off-limits. This bill does nothing about that. It says, let’s expedite leasing in the Alaska Naval Petroleum Reserve. Fine, but we can already drill for oil in the Alaska Naval Petroleum Reserve. What about ANWR? ANPR is to the west of Prudhoe Bay. ANWR is to the east. We think there are 10 billion barrels of oil in a 2,000-acre section of ANWR, 10 billion barrels. Drill 10 wells, and you get 1 billion barrels a well. If we drill on an expedited basis in ANPR, certainly there is oil to be found there, but we can already drill there, and it won’t get 1 billion barrels per well.” – Rep. Joe Barton, R-Texas, 7/17/08

No to New Refineries

H.R. 4517 – Refinery Revitalization Act (108th Congress)



RESULT: Most House Democrats opposed this effort to provide incentives to increase refinery capacity in the United States. Passed House 239-192 on 6/16/05. Republicans voting Yes: 206; Democrats voting No: 171, including Democrat leaders Pelosi, Hoyer, Clyburn and Emanuel.

“Refineries are significant emitters of volatile organic compounds which form tropospheric ozones,” Rep. Tom Allen, D-Maine, said during the floor debate. “The facilities pose a threat to human health.”

“This bill is a marketing gimmick and not a serious piece of legislation,” said Rep. Henry Waxman, D-Calif.

H.R. 3893 – The Gasoline for America’s Security Act (109th Congress)



RESULT: Senate Democrats block legislation to ease permit requirements to encourage new refineries, impose the first ban on gasoline price gouging and reduce the number of regional, “boutique” fuels that prop up prices for all consumers. The House approved the bill on 10/7/05 in a 212-210 vote.

No House Democrat voted for the Gasoline for America’s Security Act.

“Democrats in the chamber chanted ‘shame, shame, shame’ as the final tally was announced. House Democratic leader Nancy Pelosi also complained, saying the proceedings brought ‘dishonor to the House.’” – Reuters, 10/7/05

“I urge my colleagues to reject this special interest Republican giveaway act. It is anti-taxpayer, it is anti-consumer, and it is anti-environment,” said House Minority Leader Nancy Pelosi, D-Calif.

“I am here today ... in strong opposition to the Republican anti-public health, anti-consumer ‘GAS Act,’” said U.S. Rep. Hilda L. Solis, D-Calif. “This is not an energy bill and it is an attack, in my opinion, on the public health and welfare of our environment and our citizens.”

“This bill is really the Republican plan to leave no millionaire behind,” said U.S. Rep. Ed Markey, D-Mass.



H.R. 5254 – The Refinery Permit Process Scheduling Act (109th Congress)



RESULT: Democrats block a proposal to increase the domestic supply of gasoline by encouraging the construction of the first new refinery in 30 years. H.R. 5254 which would establish a coordinator to navigate the myriad of federal, state and local required permits. House Democrats defeated the bill on 5/3/06 in a 237-188 vote (two-thirds vote required). Republicans voting Yes: 224. Democrats voting No: 185, including leaders Pelosi, Hoyer, Clyburn and Emanuel.

Charged U.S. Rep. Bill Pascrell, D-N.J.: “You want to streamline the permitting because you want to produce more gasoline from fossil fuel.”

“This bill is a complete sham, and will do absolutely nothing to mitigate the high gas prices that our constituents are being forced to pay at the pump,” said U.S. Rep. Barbara Lee, D-Calif.

H.R. 6139 – Refineries (110th Congress)



RESULT: Democratic leadership won’t bring bill to a vote.

- ✓ Eliminate needless delay caused by agency foot-dragging or simply acting in sequence when parallel action makes more sense.
- ✓ The bill directs the president to appoint a federal coordinator to manage the multi-agency permitting process.
- ✓ The Environmental Protection Agency is given priority in the scheduling coordination to ensure that environmental processes (Clean Air Act, Clean Water Act, RCRA, and others) are given deference.

Notice to Automobilists!

Notice is hereby given that under the Town By-laws no automobile shall be driven through the streets of the Town of Digby at a speed exceeding six miles an hour and the drivers of automobiles shall keep the horn sounding while approaching toward and passing any person driving, walking or standing upon the streets. The penalty for a violation of this By-law is \$30.00 or sixty days in jail.

By order,
HARRY L. DENNISON,
Town Clerk.

No to the Energy Policy Act

H.R. 6 – The Energy Policy Act (109th Congress)



RESULT: For more than four years, Democrats blocked passage of the Energy Policy Act, the most comprehensive federal energy policy in decades. H.R. 6

allows for increased domestic oil and gas production, calls for unprecedented federal investments in alternative and renewable fuels, and incentives for consumers to adopt efficient new technologies, such as tax credits for buyers of hybrid cars. The final House approval vote of 275-156 came on 7/28/05. Republicans voting Yes: 200. Democrats voting No: 124, including Democrat leaders Pelosi and Emanuel.

U.S. Senator Ron Wyden, D-Ore., denounced the energy bill as a collection of giveaways to cash-rich energy companies that would fail to curb the nation's thirst for imported oil. – AP, 7/29/05

“This bill is socialism at its worst,” U.S. Rep. Ed Markey, D-Mass., told NBC on 7/28/05. Separately, he claimed that, “This bill is a historic failure. This bill is a political, moral, and technological failure.”

U.S. Rep Ed Case, D-Hawaii, told the AP that the Energy Policy Act of 2005 was

“a disgrace epitomizing everything that's wrong with our national political process today.” When asked about the bill's impact on Hawaii, Case said, “I simply don't know because I got the bill 13 hours ago.” – AP, 11/18/05



In 2003, Rep. Markey said that energy bill “is the single-worst public health, environmental, and energy security public policy disaster in a generation. This bill does nothing about the ever-increasing percentage of oil that goes into our gasoline tanks – nearly 70 percent of our oil consumption in the United States is for cars, trucks and SUVs.” – AFX, 11/19/03

No to Exploring the Oceans



RESULT: Senate Democrats blocked a proposal to allow states to voluntarily opt out of the federal ban on oil exploration in the Outer Continental Shelf (OCS) – even as Cuba moves to produce oil 50 miles from Florida.

“Californians have spoken loud and clear that they do not want drilling on the Outer California Continental Shelf,” said U.S. Sen. Dianne Feinstein, D-Calif. (AFX, 4/20/05)

“The Senate Energy and Natural Resources Committee will begin consideration of the comprehensive legislation today. Washington Sen. Maria Cantwell (D-Edmonds) said she’ll join with Sens. Bob Graham (D-Fla.) and Dianne Feinstein (D-Calif.) in offering an amendment this week to remove the offshore oil provision. ‘The Pacific Ocean and Washington state’s scenic coastline are among our most treasured resources,’ said Cantwell, who called the provision an attempt by the oil industry ‘to litter the Pacific coast with oil rigs.’” (04/08/2003, *The News Tribune* of Tacoma, Wash.)

H.R. 6108 – the Deep Ocean Energy Resources Act of 2008 (110th Congress)



RESULT: Democratic leadership won’t bring bill to a vote.

- ✓ Gives states the ability to determine whether or not they want to restrict oil production up to 100 miles off their shores.
- ✓ The federal government could lease beyond 100 miles, but no oil leasing would be permitted within 50 miles of the adjacent coastline within an area of the Outer Continental Shelf currently subjected to moratorium. The prohibition on oil leases within 50 miles of a state’s coastline would not expire but states could opt in so the Department of Interior could lease within 50 miles of their coastline.
- ✓ States which agreed to new leases within 12 miles of a state’s coastline would immediately receive a 75 percent share of revenues. Revenues of 37.5 percent from existing OCS leases beyond 12 miles would be shared with the states in a phased-in manner. States with new OCS leases beyond 12 miles of a state’s coastline would immediately receive 37.5 percent of revenues. Shared receipts with states and coastal political subdivisions could be spent for a number of purposes including education, transportation, reducing taxes, environmental restoration, and any other purposes determined by state law.

No to Gasoline

H.R. 4545 – The Gasoline Price Reduction Act – (108th Congress)



RESULT: House Democrats blocked this legislation to cap the number of regional or “boutique” fuels that drive up costs for consumers and to allow the EPA to make more gasoline available to a state or region during times of significant supply disruption. The bill was defeated on 6/16/04 on a 236-194 vote 6/16/04 (two-third vote required). Republicans voting Yes: 207; Democrats voting No: 174, including Democrat leaders Pelosi, Hoyer, Clyburn and Emanuel.

“This bill is absolutely atrocious,” Rep. Ed Markey, D-Mass., argued before the House vote. “This bill is nothing more than something that will result in more and more children in our country needing inhalers.”

“This process is a sham, and it is a shame that the American public will have to suffer once again,” added Rep. Hilda L. Solis, D-Calif.

H.R. 2493 – Boutique Fuels (110th Congress)



RESULT: Democratic leadership won't bring bill to a vote.

- ✓ Ratchets down on the existing number of fuels by requiring the EPA to remove a boutique fuel from the list published pursuant to the EPA Act of 2005 if that fuel ceases to be included in any State implementation plan or if the fuel is functionally identical to a federal fuel control promulgated and implemented by EPA.
- ✓ Provides the EPA with additional waiver authority to include: unexpected problems with distribution or delivery equipment that is necessary for transportation and delivery of fuel or fuel additives.