

Message

---

**From:** Walther, Robert [Robert.Walther@POET.COM]  
**Sent:** 6/26/2018 8:04:47 PM  
**To:** Wheeler, Andrew [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=17a1669ef5b54fba8cb457845308787e-Wheeler, An]  
**Subject:** Follow Up from NPRM

#zealousadvocacy

Thanks for the time today and for allowing me to channel my execs.

Here are two sections that trouble is from the nprm on srw's.

EPA has granted exemptions pursuant to this process in the past. However, at this time no exemptions have been approved for 2019, and therefore we have calculated the percentage standards for 2019 without any adjustment for exempted volumes. EPA is maintaining its approach that any exemptions for 2019 that are granted after the final rule is released will not be reflected in the percentage standards that apply to all gasoline and diesel produced or imported in 2019. EPA is not soliciting comments on how small refinery exemptions are accounted for in the percentage standards formulas in 40 CFR 80.1405, and any such comments will be deemed beyond the scope of this rulemaking.

Also p 73:

**B. Small Refineries and Small Refiners**

In CAA section 211(o)(9), enacted as part of the Energy Policy Act of 2005, and amended by the Energy Independence and Security Act of 2007, Congress provided a temporary exemption to small refineries through December 31, 2010. Congress provided that small refineries could receive a temporary extension of the exemption beyond 2010 based either on the results of a required DOE study, or based on an EPA determination of "disproportionate economic hardship" on a case-by-case basis in response to small refinery petitions. In reviewing petitions, EPA, in consultation with the Department of Energy, evaluates whether the small refinery has demonstrated disproportionate economic hardship, and may grant refineries exemptions upon such demonstration.

EPA has granted exemptions pursuant to this process in the past. However, at this time no exemptions have been approved for 2019, and therefore we have calculated the percentage standards for 2019 without any adjustment for exempted volumes. EPA is maintaining its approach that any exemptions for 2019 that are granted after the final rule is released will not be reflected in the percentage standards that apply to all gasoline and diesel produced or imported in 2019. EPA is not soliciting comments on how small refinery exemptions are accounted for in the percentage standards formulas in 40 CFR 80.1405, and any such comments will be deemed beyond the scope of this rulemaking.

Robert Walther  
Vice President of Federal Advocacy

POET  
900 7th Street NW, suite 820  
Washington, DC 20001

P/ +1 [Ex. 6 Personal]  
F/ +1 (202) 735-5430  
C/ +1 [Personal]  
poet.com

Confidentiality Notice: The information contained in this e-mail message, including any attachments, is for use by the intended recipient(s) only and contains information that may be legally privileged, confidential, trade secret, proprietary in nature or copyrighted under applicable law. If you are not the intended recipient(s), you are hereby formally notified that any use, disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail transmission, in whole or in part, is strictly prohibited. This e-mail transmission does not constitute a consent to the use of sender's contact information for direct marketing purposes or for transfers of data to third parties. If you are not the intended recipient(s), please promptly notify the sender by reply e-mail and destroy all copies of the original message.

