

Message

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**From:** Block, Molly [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=60D0C681A16441A0B4FA16AA2DD4B9C5-BLOCK, MOLL]  
**Sent:** 4/5/2018 5:12:41 PM  
**To:** dmacy@opisnet.com  
**CC:** Daguillard, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bbe9682b940c4f2c90732e4d37355dd4-Daguillard,]; Press [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b293283291dc44e0b5d1c36be9281d8a-Press]  
**Subject:** RE: Question re hardship exemptions under RFS

Dan –

Here's the same information I sent to your colleagues Jeffrey Barber and Edgar Ang:

"The criteria used to grant waivers has not changed since previous administrations. EPA follows a long-standing, established process where the Agency uses a DOE analysis to inform decisions about refiner exemptions/waivers. These waivers are only considered for refineries that submit applications and that are below the blending threshold," **EPA spokesperson, Liz Bowman**

**On background** (not for attribution): DOE's analysis is developed based on information submitted to EPA, and DOE provides a recommendation with regard to the waiver. While the applications continue to come in, EPA has granted roughly 25 so far. We do not have specifics on overall refining capacity.

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**From:** Daguillard, Robert  
**Sent:** Thursday, April 5, 2018 1:01 PM  
**To:** Press <Press@epa.gov>  
**Subject:** FW: Question re hardship exemptions under RFS

Cheers, R.

Robert Daguillard  
Office of Media Relations  
U.S. Environmental Protection Agency  
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Ex. 6

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**From:** Macy, Daniel [mailto:dmacy@opisnet.com]  
**Sent:** Thursday, April 05, 2018 12:47 PM  
**To:** Daguillard, Robert <Daguillard.Robert@epa.gov>  
**Subject:** Question re hardship exemptions under RFS

Hi Robert,

I am writing about recent exemptions granted by EPA to refineries. This morning the Renewable Fuels Association announced that it filed a FOIA request with EPA (and DOE) seeking information about the criteria EPA is using to evaluate petitions for economic hardship exemptions for their 2017 volume obligations under the RFS.

In its press release, the RFA said:

<<“EPA’s unbelievable issuance of secret compliance bailouts to refining giants like Andeavor goes far beyond the pale and stomps all over President Trump’s commitment to protect the RFS...” and that “combined with the free pass EPA handed out this week to [PES] and the Agency’s refusal to enforce the 2016 RFS requirements as remanded by the courts, these subversive actions are literally destroying demand for both ethanol and corn.”>>

(See below for full text of release)

Can you comment on the above statement in general? Specifically, is it true that the exemptions were “secret”? Did Andeavor provide evidence that its volume meets the criteria for the exemption, that is, it comes in under the 75,000 b/d threshold?

I am working on a 3:00 deadline today. Please feel free to call me at **Ex. 6** with any questions.

Best regards,  
Dan Macy



Dan Macy  
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**Ex. 6**  
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Press Release

FOR IMMEDIATE RELEASE  
April 5, 2018

## **RFA FOIA Request Demands Answers on EPA Small Refiner Bailout**

WASHINGTON — The Renewable Fuels Association (RFA) today submitted Freedom of Information Act (FOIA) requests to both the U.S. Environmental Protection Agency (EPA) and Department of Energy in pursuit of more information

and transparency regarding the recent issuance of Renewable Fuel Standard (RFS) compliance exemptions to dozens of oil refineries.

The FOIA request follows a January [letter](#) to EPA in which RFA asked for data and documents regarding small refiner exemptions and called for more openness and transparency in the Agency's process to consider exemption requests. EPA never responded to the January letter.

“Several media reports over the past week have confirmed the fears we voiced in January about EPA's expansive and abusive administration of the small refiner exemption provision,” said RFA President and CEO Bob Dinneen. “One [article](#) even quoted a refining executive as saying EPA is ‘...handing out those exemptions is like trick or treat candy.’ EPA's unbelievable issuance of secret compliance bailouts to refining giants like [Andeavor](#) goes far beyond the pale and stomps all over President Trump's commitment to protect the RFS and support America's family farmers, whom he called ‘the backbone of our nation.’ Combined with the free pass EPA handed out this week to Philadelphia Energy Solutions and the Agency's refusal to enforce the 2016 RFS requirements as remanded by the courts, these subversive actions are literally destroying demand for both ethanol and corn.”

“EPA's secretive actions are having real impacts on the marketplace. Every new revelation about EPA's latest handout or kickback to refiners serves as yet another gut punch to markets that are already reeling from the impacts of new Chinese tariffs. Make no mistake, EPA's underhanded refinery waivers are negatively affecting the welfare of our nation's ethanol producers and the very livelihood of America's family farms. At the very least, they deserve some answers about EPA's cloak-and-dagger decision-making process on small refiner exemption petitions.”

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#### **About the Renewable Fuels Association**

The Renewable Fuels Association is the leading trade association for America's ethanol industry. Its mission is to advance the development, production, and use of ethanol fuel by strengthening America's ethanol industry and raising awareness about the benefits of renewable fuels. RFA's members are working to help America become cleaner, safer, more energy independent and economically secure. For more information, visit [EthanolRFA.org](http://EthanolRFA.org).

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#### **Contact:**

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