

Message

From: Geoff Cooper [GCooper@ethanolrfa.org]
Sent: 5/22/2020 8:00:43 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: FW: Letter from RFA re: "gap year" small refinery exemption petitions
Attachments: RFA Letter to EPA re Past Year SRE Petitions.pdf

Hi Mandy,

FYI. Wanted to make sure you saw this. We are greatly concerned about the "gap year" SRE petition filings referenced by both Administrator Wheeler and DOE Under Secretary Menezes Wednesday.

Candidly, it was also a bit frustrating to hear the Administrator say "I have talked personally with a number of small refiners all over the country," because we have had trouble getting on his calendar for a meeting to discuss these issues from the ethanol industry's perspective. On that score, has there been any further discussion about Mr. Wheeler meeting with us?

Thanks and have a good holiday weekend.

Regards,
Geoff

From: Geoff Cooper
Sent: Friday, May 22, 2020 2:25 PM
To: Wheeler.andrew@Epa.gov
Cc: idsal.anne@epa.gov; Dunham.Sarah@epa.gov; Ex. 6 Personal Privacy (PP) mark.menezes@hq.doe.gov
Subject: Letter from RFA re: "gap year" small refinery exemption petitions

Administrator Wheeler,

We were alarmed to recently learn that small refiners are submitting so-called "gap year" RFS exemption petitions to EPA. The petitions are an obvious attempt to circumvent the recent Tenth Circuit Court decision and the requirement that petitions may only be approved if they are continuous "extensions" of previously existing exemptions. If granted by EPA, these prior-year SREs would be wholly inconsistent with Congressional intent, judicial precedent, EPA's own policies and regulations, and any sense of fairness to America's farmers and ethanol producers.

Please find attached a letter outlining our concerns with the "gap filings." We would appreciate the opportunity to further discuss this issue and others with you at your earliest convenience. Thank you.

Regards,

Geoff

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