

To: Pruitt, Scott[Pruitt.Scott@epa.gov]
Cc: Gunasekara, Mandy[Gunasekara.Mandy@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Grundler, Christopher[grundler.christopher@epa.gov]
From: Samantha Slater
Sent: Thur 8/31/2017 1:41:10 PM
Subject: RFA Letter Requesting Additional Regulatory Relief to Address the Hurricane Harvey Fuel Emergency
RFA Letter to Pruitt re Fuel Waiver 4824-3248-8014.pdf

Administrator Pruitt:

Attached please find a letter from the Renewable Fuels Association requesting additional regulatory relief to address the Hurricane Harvey fuel emergency.

Please let us know if you need additional information, or if we can be of further assistance.

Thank you for your consideration!

Samantha M. Slater

Vice President, Government Affairs

Renewable Fuels Association

425 Third Street, SW, Suite 1150

Washington, D.C. 20024

Telephone: 202-289-3835

Direct: 202-315-2451

Fax: 202-289-7519

Cell: 202-302-5165

E-mail: sslater@ethanolrfa.org

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August 31, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Request for Additional Regulatory Relief to Address Hurricane Harvey Fuel Emergency

Dear Administrator Pruitt:

The Renewable Fuels Association (RFA) applauds the U.S. Environmental Protection Agency's (EPA's) decision to waive certain fuel regulations for 12 states and the District of Columbia (D.C.) due to the fuel supply emergency caused by Hurricane Harvey.¹ We believe the waiver has the potential to provide much-needed relief to consumers in these areas facing gasoline supply shortages and price spikes.

Since EPA's waiver allows the sale of winter gasoline with Reid Vapor Pressure (RVP) of up to 11.5 pounds per square inch (psi) in conventional gasoline areas within the 12 states and D.C, it should also allow the immediate sale of gasoline blends containing 15 percent ethanol (E15) as long as the RVP does not exceed 11.5 psi. However, the full potential of the waiver to provide emergency relief can only be realized if EPA relaxes certain additional regulatory requirements related to the sale of E15.

Retailers' ability to utilize E15 immediately will require confirmation from EPA that certain regulatory requirements will not become obstacles to the sale of E15 blends during this period. Specifically, RFA requests that EPA clarify that its waiver includes the requirements in 40 C.F.R. Part 80, Subpart N. These requirements include obligations such as EPA pre-approval of Misfueling Mitigation Plans (MMPs) prior to selling the fuel.² Compliance with such requirements would make it virtually impossible for E15 blends to help alleviate the current supply shortages.

Alternatively, RFA asks that EPA exercise its discretion to provide assurance to retailers that it will agree to not take enforcement action against retailers that fail to obtain a pre-approved MMP or comply with the other regulatory requirements in Subpart N in the subject states and D.C. through September 15, 2017. As of this morning, ethanol is priced 50 cents per gallon (roughly 25 percent) below gasoline blendstock, and ethanol stocks are ample in both the Gulf Coast and East Coast regions, this exercise of EPA's enforcement discretion would enable blenders and retailers in the 12 states and

¹ Letter from Administrator Scott Pruitt entitled "August 30, 2017 Fuel Waiver Concerning Conventional and Reformulated Gasoline in Alabama, Georgia, Kentucky, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Florida, and the District of Columbia."

² See 75 Fed. Reg. 68150 (Nov. 4, 2010), 76 Fed. Reg. 4682 (Jan. 26, 2011), 76 Fed. Reg. 44440 (July 25, 2011).

Washington D.C. to maximize E15 blending, delivering further relief to tens of millions of American consumers in these areas.

Thank you for considering this urgent request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Dinneen". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Bob Dinneen
President and CEO