

Message

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Sent: 5/1/2018 4:43:17 PM
To: Wehrum, Bill [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=33d96ae800cf43a3911d94a7130b6c41-Wehrum, Wil]
CC: Lewis, Josh [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b22d1d3bb3f84436a524f76ab6c79d7e-JOLEWIS]; Loving, Shanita [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=439ce9c2d2104080a1b5908d3402bf20-Loving, Shanita]; Grundler, Christopher [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d3be58c2cc8545d88cf74f3896d4460f-Grundler, Christopher]
Subject: small refiner exemptions law suit
Attachments: ABFA Wehrum Letter 5-1-18.pdf

Dear Assistant Administrator Wehrum:

I write today on behalf of the Advanced Biofuels Association (ABFA) to briefly address two issues.

First, thank you for your recent letter concerning the U.S. Environmental Protection Agency's (EPA) review bureaucratic hurdles preventing the use of biointermediates to produce renewable fuel compliant with the Renewable Fuel Standard (RFS). At this point, we have been working with EPA on this issue for more than five years and are eager to see resolution as quickly as possible. We believe further enabling the use of biointermediates will lead to additional U.S. production of cellulosic gallons while allowing more refiners to produce their own Renewable Identification Numbers (RINs) for compliance with the RFS.

Second, as you may know, ABFA represents over 35 member companies in America and around the world who develop, produce, and distribute advanced biofuels. Our members collectively produce over 4 billion gallons of biofuels annually including a variety of drop-in fuels such as isobutanol, DME, renewable jet fuel, and renewable diesel, as well as cellulosic heating oil, cellulosic ethanol, and biodiesel. We also represent several large U.S. diesel and heating oil marketers who are among the U.S.'s largest generators of D4 RINs.

Recent RFS compliance exemptions granted to small refineries have had a significant negative impact on ABFA's members and the RIN market in general. As such, ABFA has voted to file a lawsuit challenging EPA's authority to lower the threshold criteria for granting these exemptions insofar as it appears that EPA has suddenly granted significantly more exemptions than in the past. These recent exemptions lack transparency in terms of who, how, why, and when they were granted.

Since its inception, ABFA has always enjoyed a positive and constructive relationship with EPA. At this point, however, ABFA is left with few options to better understand to whom and on what grounds EPA granted these exemptions, potentially for the first time under the RFS program. As such, we would thank you for your understanding in this matter and look forward to continuing to work with you.

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