



E. SCOTT PRUITT
ADMINISTRATOR

February 21, 2018

The Honorable John C. Carney
Governor of Delaware
Tatnall Building
150 Martin Luther King, Jr. Boulevard South
Dover, Delaware 19901

Dear Governor Carney:

Thank you for your January 30, 2018, letter requesting that the U.S. Environmental Protection Agency exercise the waiver authority under Clean Air Act Section 211(o)(7)(A)(i) to reduce the nationwide renewable fuel volume mandates in order to provide relief to refiners in Delaware and elsewhere.

We appreciate that Delaware's refineries, like those elsewhere, are important engines of employment for the state and for the regions immediately around the refineries. We further understand that you, like many other stakeholders, are concerned about the impacts that the renewable fuel standard (RFS) program might have on those refineries. EPA will continue to implement the RFS program, as the law requires. At the same time, we firmly believe that maintaining a diverse U.S. energy supply and a strong economy are both core national policy imperatives, and that refining jobs are important and valuable.

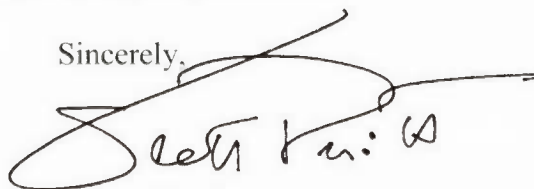
As EPA has indicated in its response to past requests for waivers under this provision, we believe it is critical to have sufficient analysis and information to make informed decisions on such requests. We recognize that identifying severe economic harm caused by the implementation of RFS requirements is a difficult and complex issue and one of intense interest to a number of stakeholders. We discussed in past notices, and in the most recent annual rulemaking for 2018, the type of information we generally think would be relevant to identifying severe economic harm. For example, in 2008, we examined modeling showing expected levels of production and price for both corn and ethanol with and without a waiver. We also provided quantitative estimates of the impact of a waiver on: food expenditures for average and lowest quintile households; feeds costs for cattle, pigs, poultry and dairy; and gasoline prices and gasoline expenditures for average and lowest quintile households.

As your petition relies on broad assertions of the high costs of compliance associated with the RFS and the associated impacts on the viability of the oil refining sector, EPA believes additional information is required in order to properly evaluate your petition. Examples of such information include, but should not be limited to: explanation of how the EPA should implement the waiver provision consistent with the statutory requirements (e.g., identifying what constitutes "severe harm," and the extent to which harm may be attributable to RFS requirements, particularly when there may be multiple causes contributing to economic difficulties of a refinery); studies or quantitative information demonstrating the economic impact of the 2017 or 2018 RFS standards on specific refineries;¹ evidence regarding the minimum reduction in applicable volumes necessary to achieve the desired outcome (i.e., avoid refinery closure and protect associated jobs), and an assessment of the impacts of such a waiver on other participants and affected parties in the RFS program, including other refiners and biofuel producers.

EPA shares your concern that the RFS should be implemented with the welfare of communities, States, and regions in mind. We are seeking this information in order to be able to fully and fairly evaluate the issue and determine if further relief is warranted. However, until we receive the necessary supporting information, we are unable to adequately evaluate and provide a final response to your request. We respectfully suggest re-submitting your petition with such information, at which point we will treat the petition as complete for purposes of responding within our statutory timeline.

Again, thank you for your letter. If you have further questions or concerns, please contact me or your staff may contact Troy Lyons, Associate Administrator for Congressional and Intergovernmental Relations, at lyons.troy@epa.gov or at (202) 564-5200.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal flourish extending to the right.

E. Scott Pruitt

¹ We note that the question of whether refineries fully recoup the costs of RFS compliance in the price of their petroleum products has been a topic of intense debate, so any further information you could provide on the relation between RIN costs and economic hardship would be relevant as well.