



October 13, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: Request to Delay Implementation of Midwestern Governors' Notice to Opt Out of E10 RVP Waiver

Dear Administrator Regan:

Superior Refining Company LLC ("SRC" or "the Company") respectfully submits this petition to delay implementation of the U.S. Environmental Protection Agency's Proposed Rulemaking, "Request From States for Removal of Gasoline Volatility Waiver"¹ ("Proposed Rule").

The Company's refinery in Superior, Wisconsin began operations in 1950. Although it is one of the smallest refineries in the United States, it is the only refinery in Wisconsin and is uniquely positioned to serve a key role as supplier of gasoline, diesel, asphalt and other products to the Great Lakes region. SRC employs approximately 350 full-time personnel, and supports hundreds more jobs in Wisconsin, Minnesota, and the entire region through more than \$200 million in annual contractor and vendor expenditures.

As you are aware, numerous stakeholders have submitted comments to EPA to articulate their concerns with the Proposed Rule. Those concerns largely center around the potential for gasoline supply shortages – and the associated cost impacts on consumers – in the Midwest due to what would effectively be the creation of regional "boutique fuel" markets resulting from the Proposed Rule's implementation. While SRC does not in any way predict, determine, or otherwise directly influence consumer fuel prices, we share the concerns others have expressed regarding the potential negative supply and consumer impacts of the Proposed Rule.

SRC has undertaken extensive internal analysis regarding the consequences to our own operations should the summertime one-pound Reid Vapor Pressure (RVP) waivers for E10 be eliminated in the eight petitioning states, in particular Minnesota and Wisconsin. We have concluded that our refinery will likely require significant capital investment to produce the summer gasoline specification that would be required in those states. While a capital project has been identified, it will take time to complete. We therefore hereby request that EPA delay implementation of the rulemaking to ensure we can complete this capital project. If EPA finalizes this rulemaking with an effective date in summer 2024, **SRC may not have sufficient time for the needed capital project to be completed before fuel production for the summer**

¹ 88 Federal Register 13758, March 6, 2023.

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2024 driving season begins. This would, in turn, have the potential to impact the production of gasoline and other products at SRC.

In light of these considerations, we respectfully request that – should EPA finalize the Proposed Rule to eliminate the E10 RVP waiver in the petitioning states – the Agency delay implementation of the rule until after the summer 2024 driving season.

Thank you for your consideration of this petition. We would be glad meet with you or your staff to discuss our concerns and the details of the capital project we must complete to comply with the rulemaking, and to address any questions you may have.

Sincerely,



Matt Gunn
General Manager, Refining
Superior Refining Company

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