

July 10, 2024

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**VIA ELECTRONIC AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

**Re: Notice of Intent to Sue Pursuant to 42 U.S.C. § 7604(b)(2) for Failure to Issue Decision
on Small Refinery Hardship Petition Pursuant to § 7545(o)(9)(B)(iii)**

Dear Administrator Regan:

On behalf of American Refining Group, Inc. (“ARG”), we submit this notice of intent to sue the Administrator of the United States Environmental Protection Agency (“EPA” or the “Administrator”) for the Administrator’s failure to perform a non-discretionary duty under the Clean Air Act (“CAA”) and to seek a court order requiring the Administrator to perform that nondiscretionary duty. 42 U.S.C. § 7604(a)(2); *id.* § 7604(b)(2). Specifically, EPA has not acted on ARG’s petition for small refinery hardship relief from the Renewable Fuel Standard (“RFS”) for the 2023 and 2024 compliance years by the statutory deadline. EPA has a non-discretionary duty to act on any petition for small refinery hardship relief within ninety (90) days of receipt of the petition. 42 U.S.C. § 7545(o)(9)(B)(iii). EPA failed to perform that non-discretionary duty when it failed to act on ARG’s 2023–2024 hardship petition by June 26, 2024—90 days after ARG submitted the petition on March 28, 2024. EPA’s failure to act by the statutory deadline also constitutes “agency action unlawfully withheld” and “unreasonably delayed.” 5 U.S.C. § 706(1). ARG gives notice of its intent to sue to compel that action. *Id.*

ARG urges the Administrator to decide ARG’s 2023–2024 hardship petition immediately, in order to avoid the need for litigation.

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Pursuant to 40 C.F.R. § 54.3(a), the full name and address of the person providing this notice on behalf of ARG is:

Alexandra Magill Bromer
Perkins Coie LLP
700 13th Street N.W., Suite 800
Washington, DC 20005

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Magill Bromer', is written over a light gray rectangular background.

Alexandra Magill Bromer

cc: Mr. Brian Zolkos