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November 19, 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 The San Antonio Refinery, LLC (“TSAR”), 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 TSAR’s petition for small refinery hardship relief from the Renewable Fuel Standard (“RFS”) for the 2024 compliance year 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 TSAR’s 2024 hardship petition by October 31, 2024—90 days after TSAR submitted the 2024 petition on August 2, 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). TSAR gives notice of its intent to sue to compel that action. *Id.*

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

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

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

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex B', with a stylized flourish extending to the right.

Alexandra Bromer