September 4, 2025

Via Electronic Mail

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Petition for Reconsideration Regarding Renewable Fuel Standard (RFS) Program: Partial Waiver of the 2024 Cellulosic Biofuel Volume Requirement, 90 Fed. Reg. 29751 (July 7, 2025), and for Rulemaking

Dear Administrator Zeldin:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act, 42 U.S.C. § 7607(d)(7)(B), and the Administrative Procedure Act ("APA"), RNG COALITION respectfully submits this Petition for Reconsideration of the U.S. Environmental Protection Agency's ("EPA") final rule entitled "Renewable Fuel Standard (RFS) Program: Partial Waiver of the 2024 Cellulosic Biofuel Volume Requirement," published at 90 Fed. Reg. 29751 (July 7, 2025). Reconsideration is warranted because EPA provides its legal interpretation in support of its retroactive use of the cellulosic waiver authority for compliance year 2024 for the first time in the final rule. Had EPA provided such interpretation, the public could have responded and shown how that interpretation is inconsistent with the statutory language and purposes of the Renewable Fuel Standard ("RFS") program. In addition, rather than take actions that undermine the program, such as this impermissible retroactive waiver, RNG COALITION urges EPA to streamline the Biogas Regulatory Reform Rule to facilitate RIN generation and again petitions EPA to undertake rulemaking to facilitate compliance under the program.

RNG COALITION is a non-profit association of companies and organizations dedicated to the advancement of renewable natural gas ("RNG") as a clean, green, alternative, and domestic energy and fuel resource. Our membership includes companies throughout the value chain of waste feedstock conversion to transportation fuel under the RFS. Members of RNG COALITION include, but are not limited to: owners and operators of landfills, agricultural digesters, and other waste digesters; owners and operators of RNG projects; RNG marketers;

CNG/LNG producers, fleets, and retail dispensers; and even obligated parties. These entities are all impacted by the final rule, which impermissibly retroactively uses the cellulosic waiver authority to partially reduce the cellulosic biofuel volume requirement for compliance year 2024 and, further, calls into question the binding nature of any cellulosic biofuel volume EPA ever sets under the RFS program. 90 Fed. Reg. at 29751.

RNG projects clean and condition biogas produced from various sources of organic wastes (e.g., landfills, agricultural wastes, wastewater treatment plants, and separated food waste) to pipeline or transportation fuel quality, making it interchangeable with geologic natural gas. Since 2014, when EPA approved cellulosic biofuel pathways for RNG, RNG has comprised the vast majority of cellulosic biofuels under the RFS program. RNG COALITION's members invested and made business decisions based on the volume requirements EPA finalized in the Set Rule for compliance years 2024-2025. In December 2024, EPA proposed to partially waive the cellulosic biofuel volume requirement for 2024 based on its general waiver authority. While requesting comment on the use of its cellulosic waiver authority, EPA's final rule is a substantial departure from the proposed rule, providing EPA's new interpretation of the statute and rationale to support use of its cellulosic biofuel waiver authority to revise previously established standards for the first time in the final rule. Had EPA provided its interpretation and rationale with the proposed rule, the public would have had a meaningful opportunity to respond and explain how its interpretation is fundamentally flawed. EPA says it based this change in policy "[a]fter further consideration and in response to comments received," essentially confirming that its new interpretation and rationale were not provided in the proposed rule. Thus, EPA's final rule raised new grounds for objections and, because they were made after the close of the comment period, it was impracticable for RNG COALITION to raise these objections. Since these objections directly address EPA's flawed interpretation of the cellulosic waiver authority used in the final rule, they are of central relevance to the regulations finalized, and reconsideration is warranted.

Starting in 2023, the RFS program entered a "new phase." Unfortunately, RNG COALITION believes EPA has misinterpreted and, thus, misapplied the cellulosic biofuel waiver authority due to its delays in finalizing the volume requirements under the statute and in its apparent effort to reduce its administrative burdens or reduce the compliance obligations of refiners and importers of petroleum-based fuels. However, we believe unsupported concerns with regulatory burdens do not give EPA authority to act in a way that is inconsistent with the statute, particularly when the agency's purported "best" reading of the statute undermines the statute's market-forcing policy. The RFS program was carefully structured in a manner to push the market forward with respect to production and use of renewable fuels, particularly cellulosic biofuels. EPA's obligation is to implement the statute as Congress directed.

Further, while EPA has provided some revisions to the Biogas Regulatory Reform Rule, EPA continues to ignore the impacts of its biogas reforms on RIN generation and has not finalized all the revisions that EPA has already recognized are necessary or appropriate to make with respect to that rule. Rather than impermissibly waive the volume requirements, EPA should work with the industry to streamline these overly burdensome and restrictive regulations that we believe has resulted in reduced RIN generation despite ample RNG production being available to meet the volume requirement for 2024 (and 2025). RNG COALITION has previously petitioned EPA in a timely manner to reconsider this rule and, despite ongoing concerns and problems with its implementation, EPA has yet to act on its petition. As such, RNG COALITION also petitions

EPA for a rulemaking under the APA, 5 U.S.C. § 553(e), and again urges EPA to revise the Biogas Regulatory Reform Rule.

RNG is a success story under the RFS program, catalyzing fuel production increases of nearly 600% from 2015–2024. However, EPA's interpretation of the statute in its 2024 partial waiver decision will undermine the very success that the program has enabled.. RNG COALITION has consistently provided EPA with various ways to implement the program that is consistent with the statutory language, supports increased RNG production and use, *and* provides obligated parties with flexibility and reduced compliance costs. We are deeply concerned that EPA has chosen a path that diverges from statute and Congressional intent. RNG COALITION remains ready to work with EPA to resolve these important issues to allow the RFS to continue to grow and support RNG in the transportation fuel market.

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

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BACKGROUND

I. The History of RNG in the RFS Program

The RFS program was intended to increase the production of renewable fuels. *See* Energy Independence and Security Act of 2007 ("EISA"), Pub. L. No. 110-140, 121 Stat. 1492 (2007). As EPA has stated, Congress sought to focus this growth, in particular, on cellulosic biofuels:

> In EISA, Congress established escalating targets for cellulosic biofuel, reaching 16 billion gallons in 2022. After 2015, all of the growth in the statutory volume of total renewable fuel was advanced biofuel, and of the advanced biofuel growth, the vast majority was cellulosic biofuel. This indicates that Congress intended the RFS program to provide a significant incentive for cellulosic biofuels and that the focus for years after 2015 was to be on cellulosic.

88 Fed. Reg. 44468, 44512 (July 12, 2023); *see also* 90 Fed. Reg. 25784, 25819 (June 17, 2025) ("After 2015, all growth in the mandated total renewable fuel volume was designated for advanced biofuels, with the majority of that growth focused on cellulosic biofuels. This indicates that Congress intended the RFS program to strongly incentivize cellulosic biofuels, placing a particular emphasis on their development after 2015.").

Since 2010, EPA has recognized biogas that has been cleaned and conditioned to be injected into the commercial natural gas pipeline system (i.e., renewable natural gas or RNG) is eligible for the generation of RINs under the RFS. *See* 75 Fed. Reg. 14670, 14876 (Mar. 26, 2010). In 2014, EPA revised the RNG pathways to allow for generation of D3 RINs as cellulosic biofuels for biogas from landfills, municipal wastewater treatment facility digesters, agricultural digesters, and separated MSW digesters and biogas from the cellulosic components of biomass processed in other waste digesters. 79 Fed. Reg. 42128, 42128, 42160 (July 18, 2014). At that time, EPA also revised the regulations to better track RNG in the commercial pipeline system. *Id.* at 42143-42145. Despite the growth of RNG under the RFS program, we are not aware of any significant incidences of fraud or double counting with respect to RNG. In fact, more than any other biofuel under the RFS program, there is substantial oversight with respect to the RNG supply chain, much of which is done by unrelated third parties, such as regulated pipelines and utilities. EPA has not seriously called into question the integrity of current market participants nor of the ability of this oversight to safeguard against bad actors from entering into the market.

Yet, almost a decade later as part of the "Set" rule, EPA proposed a substantial overhaul of the RFS regulations with respect to biogas-derived fuels under the guise of providing for greater oversight. EPA's proposal, however, went well beyond tracking volumes of RNG through the EMTS, which RNG COALITION did not oppose, proposing to impose, among other things, requirements on hundreds of new parties and costly and unnecessary testing and measurement requirements, all the while placing limitations on the industry that may further disincentivize participation in the RFS program. Importantly, this included changes that would *reduce RIN generation* compared to the prior regulations.

In the final Set rule, EPA largely finalized the biogas regulatory reforms as proposed with some changes in response to public comments and some changes that had not been noticed at all. The final rule asserted the same general statements that the reforms would "allow for the use of biogas as a biointermediate and RNG as a feedstock to produce biogas-derived renewable fuels other than renewable CNG/LNG" and would "also substantially help improve oversight of the program and mitigate against the potential for parties to double-count biogas and RNG given the program's expansion." 88 Fed. Reg. at 44522. EPA also, in the final rule and in its response to comments, raised new concerns with the prior regulatory requirements for RNG RIN generation not identified in the proposal. In addition, EPA provided new explanations to support the final rule in response to comments, which were not included in its notice or in the docket for the proposal. None of this information was provided to the public with the proposal, undermining the public's ability to meaningfully comment, including on issues that the public could have demonstrated that EPA's speculative concerns were simply not present in the real world.

Because of the lack of information provided to the public to support the biogas reforms until the final rule, including changes made in the final rule for which EPA (knowingly) provided no notice at all, RNG COALITION submitted a petition for reconsideration on September 11, 2023. Despite urging EPA to rule on the petition promptly due to the implementation dates for the reforms, EPA has, to date, still not responded. EPA also knew that this limited RNG COALITION's ability to seek judicial review on the provisions it challenged in the U.S. Court of Appeals for the D.C. Circuit ("D.C. Circuit"). This petition for reconsideration is attached.[1]

RNG COALITION recognizes and appreciates that EPA has proposed some revisions to the biogas reforms that address some of the concerns raised since the petition for reconsideration was submitted. But, EPA has declined to reference the petition for reconsideration, and, in some cases, has not finalized certain of those proposed changes. In particular, despite making representations to the D.C. Circuit as to its intent with respect to the annual testing requirements that RNG COALITION challenged, EPA has not yet finalized its proposal to make clear that this testing is only needed once every three years and need only be completed with respect to those parameters that are specific to the applicable pipeline that the RNG producer is injecting into. The failure to finalize these proposed revisions has caused confusion in the industry and will likely result in the industry expending significant resources to conduct testing that EPA itself acknowledged was unnecessary.

Since the petition for reconsideration, there, indeed, have been numerous "growing pains" with respect to the implementation of the biogas reforms. EPA was late in issuing any guidance and continues to propose revisions to address some of the gaps and issues with the rule as finalized. This can result in an increase in "potentially invalid RINs" ("PIRs") due to the overly prescriptive and unnecessary new regulatory requirements. PIRs can cause confusion and potential slowdowns in production until the PIRs can get resolved. For the most part, PIRs can properly be resolved in the RNG producer's favor by the Quality Assurance Plan ("QAP") provider, but EPA does not typically confirm that it will not take action. This places companies in limbo, despite the fact that they are engaged in the same production process as before the biogas reforms and the fuel itself is fully compliant with the RFS program's requirements.

[1] A supplement to this petition was submitted to EPA on April 30, 2024.

EPA's final rule on the 2024 partial waiver makes no mention of these ongoing issues that we believe results in reduced *RIN generation*, which was largely based on *use* in 2024, compared to cellulosic biofuel *production.* 90 Fed. Reg. 29751 (July 7, 2025). Indeed, EPA has claimed it could simply ignore these concerns as "unnecessary to support this final action." EPA, *Renewable Fuel Standard (RFS) Program – Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement: Response to Comments*, at 2 (2025), https://www.epa.gov/system/files/documents/2025-06/420r25008.pdf (hereinafter referred to as "2024 Partial Waiver RTC"). As these issues likely directly impacted RIN generation, this is simply incorrect. EPA has impermissibly switched the trigger for determining if a cellulosic biofuel waiver is appropriate, and even mandated, with actual RIN generation versus cellulosic biofuel *production*. As such, these issues are of vital importance as EPA arbitrarily penalizes the RNG industry for its own regulatory determinations and inaction.

II. The Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement

As EPA explained, the years after 2022 represent "a new phase of the RFS program." 88 Fed. Reg. at 44469, 44474, 44513. For these years, EPA is required to set the minimum applicable volume requirements under 42 U.S.C. §7545(o)(2)(B)(ii), which are to be finalized at least 14 months in advance of the start of the compliance year, and EPA has determined that it would continue to utilize the annual percentage standards to implement those volume requirements, which are to be published by November 30 of the prior year under 42 U.S.C. §7545(o)(3)(B)(i). 88 Fed. Reg. at 44478.

In December of 2022, EPA issued its "Set" proposal for setting the applicable volumes for compliance years 2023, 2024, and 2025, which was after the deadline for setting the volumes for 2023 and 2024 under 42 U.S.C. §7545(o)(2)(B)(ii), after the time when the standards were to be set for 2023 under §7545(o)(3)(B)(i), and after the time EPA was to determine whether the cellulosic waiver was triggered for 2023 under §7545(o)(7)(D)(i). *See* 87 Fed. Reg. 80582 (proposed Dec. 30, 2022). In that proposal, EPA explained it was using its authority under 42 U.S.C. §7545(o)(2)(B)(ii), which was referred to as its "set authority" to set the volume requirements, and, while not expressly provided in the statute, EPA determined that it "does not appear" that EPA could use both its set authority and the cellulosic waiver authority to establish volumes at the same time because EPA is required to "assume" the cellulosic waiver will not be triggered by the minimum applicable volume requirements it sets. *See* 87 Fed. Reg. at 80590. EPA also indicated in the Set proposal that it could not issue cellulosic waiver credits without a corresponding waiver of the cellulosic biofuel volume under 42 U.S.C. §7545(o)(7)(D). 87 Fed. Reg. at 80590. For 2023-2025, EPA proposed to project production of RNG using the growth rate methodology it had used since 2018 under its cellulosic waiver authority. *Id*. at 80593. Based on this methodology, EPA would have based its volume requirements on an arbitrarily low growth rate that reflected the impact of the COVID-19 pandemic versus RNG production capabilities.

In July 2023, EPA published the final Set rule, which included the final 2024 cellulosic biofuel volume requirement. 88 Fed Reg. at 44468. Although it adjusted the growth rate used for projecting RNG production, EPA projected production and set the cellulosic biofuel volume requirement for 2024 based on "projections" of volume available "consistent with [its] past actions." *Id*. at 44477. This involved projecting production of RNG during 2024 to be 1.039

million ethanol-equivalent gallons and corn kernel fiber ethanol at 51 million ethanol-equivalent gallons. *Id*. at 44482-44483. EPA indicated that its "methodology for projecting cellulosic biofuel production and use in this final rule are consistent with 'a neutral aim at accuracy'" that was found to be required when using the cellulosic biofuel waiver authority. EPA, *Renewable Fuel Standard (RFS) Program: Standards for 2023–2025 and Other Changes - Response to Comments,* at 20 (2023), https://www.regulations.gov/document/EPA-HQ-OAR-2021-0427-1114 ("EPA 2023-2025 RFS RTC"). In addition to determining the minimum applicable volumes for 2023-2025, EPA also chose to, but was not required to, set the percentage standards for all three years in the same action rather than annually for each year by November 30 in the prior calendar year.[2] 88 Fed. Reg. at 44481. For the cellulosic biofuel volume requirement for 2024, this represented only 0.63 percent of the transportation fuel market under the RFS (194,000 million ethanol-equivalent gallons of gasoline and diesel fuel). *Id*. at 44521. EPA continued to decline to use its cellulosic waiver authority for 2023-2025 and thus, did not make cellulosic biofuel waiver credits available. *Id.* at 44479.

Pursuant to 42 U.S.C. §7607(b), American Fuel & Petrochemical Manufacturers ("AFPM") filed a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on EPA's final rule setting the 2024 cellulosic biofuel volume requirement on September 11, 2023 (Case No. 23-1247, consolidated with Case No. 23-1177). AFPM did challenge the cellulosic biofuel volume requirements that EPA set for all three years based on its projections of production, but AFPM did not challenge EPA's decision not to use its cellulosic waiver authority or its decision not to provide cellulosic waiver credits. AFPM et al. Br. at 21-23, *Ctr. for Biological Diversity v. EPA*, No. 23-1177 (D.C. Cir. filed Sept. 6, 2024). As EPA argued with respect to the 2023 volume requirement in the U.S. District Court for the District of Columbia, the time to challenge EPA's failure to use the cellulosic waiver has long since passed. Def'ts' Mem. of Points and Authorities in Support of its Cross-Mot. to Dismiss or, in the Alternative for S.J. on Remedy, at 12-14, *AFPM v. Zeldin*, Case No. 1:24-cv-02361-RBW (D.D.C. filed Aug. 4, 2025). The finality of these volume requirements is vitally important, as parties along the entire supply chain make investments and business decisions to meet those "market-forcing" volume requirements.

Yet, in December of 2024, EPA proposed to partially waive the 2024 cellulosic biofuel volume requirement based on its "general waiver" authority under 42 U.S.C. §7545(o)(7)(A). 89 Fed. Reg. 100442 (proposed Dec. 12, 2024). EPA claimed that it could use this authority to address a shortfall in RINs to meet the volume requirement and deficits being carried from 2023 based on "inadequate domestic supply." *Id.* at 100443, 100446-100447. At most, EPA indicated that it is "requesting comment on the magnitude of the partial waiver and the use of the cellulosic waiver authority as an alternative to the general waiver authority." *Id.* at 100443. EPA asked if the authority "is available." *Id.*; *see also id.* at 100445. While EPA provided a reference to "certain stakeholders" having "requested" EPA use the cellulosic waiver authority in lieu of its

[2] Since the final rule was issued in July of 2023, EPA was not required to set the standards for 2024 or 2025, which would have been due by November 30, 2023 and November 30, 2024, respectively. EPA chose to set the standards despite acknowledging that the projections would be less reliable and required an adjustment to better reflect the gasoline and diesel fuel volumes ultimately used by obligated parties in determining their volume obligations. 88 Fed. Reg. at 44520. While RNG COALITION opposed this approach, which we believed undermined the ability to provide more accurate standards and address the cellulosic waiver in a way that was consistent with the statute, EPA did not address whether this also impacted its ability to issue a cellulosic waiver. EPA 2023-2025 RFS RTC at 134-136.

general waiver authority, *id.* at 100445, these authorities are distinct and the distinctions matter. For these reasons, in its comments on the proposed waiver, RNG COALITION explained EPA's lack of authority to use the cellulosic waiver authority but also noted that EPA could not "simply change its mind in a final rule without ensuring it has followed proper notice and comment procedures." EPA-HQ-OAR-2024-0411-0030 at 19. As with the biogas reforms, EPA has again ignored proper procedures, providing its legal interpretation for its actions in the final rule *after the close of the comment period*.

While EPA attempts to claim that it provided sufficient notice in its response to comments, EPA merely states it made clear that "a reduction of the 2024 cellulosic biofuel volume was necessary." 2024 Partial Waiver RTC at 13. But, this merely identified EPA's policy objective (not Congress's). In the proposal, EPA provided no analysis of its own as to whether it could use the cellulosic waiver authority for 2024 (i.e., retroactively) or how it would do so (i.e., how to determine if the authority had been "triggered"). The data provided by "certain stakeholders" (i.e., AFPM) were simply their own speculation as to the amount of RIN shortfall, which was not based on the statutory requirements for a cellulosic waiver but reflected their own choices to claim a deficit and estimates of volumes *above* the minimum volume obligation. There was no indication by EPA as to what it means to project production after it had already done so when it set the volume requirements in the first instance. EPA further did not explain how it would determine the volumes available if the cellulosic biofuel waiver authority was available and had been triggered. Importantly, there was no mention of any interpretation of the statute *by EPA* that a shortfall in RIN generation at any time could trigger a "mandatory" waiver.

Indeed, EPA completely reversed course from the proposed rule, claiming, for the first time, that it had a mandatory duty to reduce the cellulosic biofuel volume requirements based on a shortfall in RIN generation *after the compliance year was over.* 90 Fed. Reg. at 29754. In the final rule, for the first time, EPA claimed it was "now project[ing] that only 1.01 billion cellulosic RINs were generated in 2024, a shortfall of 0.08 billion RINs from the 1.09 billion RINs projected in the Set 1 Rule." *Id.* at 29752. This indicates, for the first time, that EPA was using actual RIN generation to "project" production under the cellulosic waiver authority, which was nowhere stated in the proposed rule. In the final rule, EPA also, for the first time, explained why it could ignore the clear time frames in the statute and the limits Congress placed on the cellulosic waiver authority. *Id.* at 29753. In the final rule, EPA also, for the first time, tried to compare its use of the cellulosic waiver authority in the "new phase" of the program to prior years that involved minimum applicable volumes specified in the statute. *Id.* at 29754. Contrary to EPA's implications, EPA *has not* retroactively reduced the cellulosic biofuel volume requirement that was already set based on projected volumes available because of a shortfall in actual RIN generation. Indeed, EPA goes further to say that "*whenever* the projected production is less than the minimum applicable volume," EPA is required to reduce the volume requirements. *Id.* (emphasis added). This wholly new determination, however, is contrary to the statute, undermines the purposes and goals of the statute, and is simply arbitrary. It further provides no guidance to RNG producers with respect to the obligations under the RFS except to say that EPA will not enforce the volumes it sets. As such, this petition for reconsideration is being submitted, and RNG COALITION urges EPA to reconsider its approach to the cellulosic waiver to be consistent with the statute and fulfill the goals of Congress.

RNG COALITION also urged EPA to consider any small refinery exemptions that might be granted and the impact of those exemptions on the RFS volume requirements. EPA-HQ-OAR-2024-0411-0030 at 11-12. While EPA claims it cannot consider small refinery exemptions in determining the projected volume available, it has chosen to consider RIN shortfalls to determine if the waiver is triggered, making these exemptions directly relevant to EPA's own basis for its decision here. 2024 Partial Waiver RTC at 18. For compliance year 2024, EPA has now granted full or partial exemptions to small refineries that would reduce the volume requirement for 2024 by a significant amount. *See* EPA, *August 2025 Decisions on Petitions for RFS Small Refinery Exemptions* (2025), https://www.epa.gov/system/files/documents/2025-08/420r25010.pdf; *see also* EPA, *RFS Small Refinery Exemptions*, https://www.epa.gov/fuels-registration-reporting-and-compliance-help/rfs-small-refinery-exemptions (last updated Aug. 22, 2025). Although EPA does not provide the exempted obligations by category, based on the estimates of exempted volumes of gasoline and diesel and obligations that EPA has provided, these exemptions could reduce the cellulosic biofuel volume requirements by 3.4% or 37 million ethanol-equivalent gallons.[3] EPA's estimates also may be low where, based on refinery capacity information provided by AFPM, the amount that the cellulosic biofuel volumes may be reduced as a result of these retroactively granted small refinery exemptions could be over 55 million ethanol-equivalent gallons (accounting for those facilities that were only granted partial exemptions). *See* AFPM, *AFPM United States Refining Capacity Report – January 1, 2024* (2024), https://afpm.org/system/files/attachments/AFPM_CapacityReport2024_FINAL.pdf.[4] Where EPA has declined to adjust previously set volume requirements based on retroactively granted small refinery exemptions and with available 2023 D3 RINs of over 30 million, this makes up the claimed shortfall in RINs. These exemptions provides new information that calls into question EPA's claimed concerns of potential noncompliance by obligated parties that underly EPA's change in policy here. Rather than ensure a functioning RFS program (that meets the goals of Congress), EPA is rewarding obligated parties that chose to wait to act, rather than take action to comply with the volume requirements throughout the year. This is not the purpose of the waiver authority and, at a minimum, illustrates why EPA's new interpretation does not fit with the overall structure of the program.[5]

III. The Clean Air Act Requirements

It cannot be disputed that a notice of proposed rulemaking must come with a statement of basis and purpose. The Clean Air Act requires EPA to include with that statement (1) the factual data on which the proposed rule is based, (2) the methodology used in obtaining the data and in analyzing the data, and (3) ***the major legal interpretations and policy considerations underlying the proposed rule***. 42 U.S.C. § 7607(d)(3). "The agency's rationale for the rule must be made clear and subjected to public comment." *Tex. Ass'n of Mfrs. v. U.S. Consumer Prod. Safety Comm'n*, 989 F.3d 368, 382 (5th Cir. 2021); *see also id.* at 383 ("Accordingly, the Commission violated the APA's notice-and-comment procedures by not adequately allowing for comment

[3] This does not include any potential implications of exemptions EPA has granted for compliance year 2023 with respect to potential increases in the number of 2023 carryover RINs that become available for compliance with the 2024 volume requirement.

[4] The U.S. Energy Information Administration ("EIA") has reported that U.S. refining capacity was largely unchanged as of January 2025. EIA, U.S. refining capacity largely unchanged as of January 2025, In-Brief Analysis, June 30, 2025, https://www.eia.gov/todayinenergy/detail.php?id=65624.

[5] EPA has indicated that it will "reallocate" the exempted volumes for 2024 and 2025 in separate rulemaking.

after it changed its primary justification for the rule but before adopting a final rule."). "Such notice must provide both adequate time for comments and rationale for the rule to allow interested parties the opportunity to comment meaningfully." *Marine Transp. Servs. Sea-Barge Grp., Inc. v. Busey*, 786 F. Supp. 21, 36 (D.D.C. 1992) (citing *Florida Power & Light Co. v. United States*, 846 F.2d 765, 771 (D.C. Cir. 1988)). The notice "requirement is a critical one because it supports the assumption [the court makes] with regard to EPA's substantive decisions that those decisions are in fact the product of informed, expert reasoning tested by exposure to diverse public comment." *BASF Wyandotte Corp. v. Costle*, 598 F.2d 637, 641 (1st Cir. 1979); *see also U.S. Telecomms. Ass'n v. FCC*, 825 F.3d 674, 700 (D.C. Cir. 2016) ("Under the APA, an NPRM must 'provide sufficient factual detail and rationale for the rule to permit interested parties to comment meaningfully.'" (quoting *Honeywell Int'l, Inc. v. EPA*, 372 F.3d 441, 445 (D.C. Cir. 2004) (internal quotation marks omitted)); *Envtl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005) ("[N]otice requirements are designed (1) to ensure that agency regulations are tested via exposure to diverse public comment, (2) to ensure fairness to affected parties, and (3) to give affected parties an opportunity to develop evidence in the record to support their objections to the rule and thereby enhance the quality of judicial review.") (quoting *Int'l Union, United Mine Workers of Am. v. Mine Safety & Health Admin.*, 407 F.3d 1250, 1259 (D.C. Cir. 2005)).

The D.C. Circuit has stated that it will defer to an agency "so long as we are assured that its promulgation process as a whole and in each of its major aspects provides a degree of public awareness, understanding, and participation commensurate with the complexity and intrusiveness of the resulting regulations." *Weyerhaeuser Co. v. Costle*, 590 F.2d 1011, 1028 (D.C. Cir. 1978) (citation omitted). "More to the point, however, [the D.C. Circuit] has made it clear that an agency may not turn the provision of notice into a bureaucratic game of hide and seek." *MCI Telecomms. Corp. v. FCC*, 57 F.3d 1136, 1142 (D.C. Cir. 1995) (citations omitted). It follows that EPA must provide sufficient explanation for its proposed regulatory requirements in order for the public to be able to meaningfully comment, including its legal interpretations.

Under Section 307(d)(7)(B) of the Clean Air Act, the Administrator is required to grant a petition for reconsideration if the grounds for objection arose after the period for public comment or it was impracticable to raise a particular objection during the period for public comment, and the objection is of central relevance to the outcome of the rule. 42 U.S.C. § 7607(d)(7)(B). Reconsideration petitions may be the appropriate forum to raise procedural violations. *Id.* § 7607(d)(9). EPA also has routinely initiated reconsideration of an action even if the standards of Section 307(d)(7)(B) are not met, including where there are questions as to whether the action is consistent with the Clean Air Act. *See, e.g.,* 88 Fed. Reg. 28918, 28925 (May 4, 2023) (undertaking reconsideration where EPA "recognized that aspects of this action warrant careful review, and potential modification, to ensure our actions are fully consistent with the requirements of the Clean Air Act and the Regional Haze Rule"); 86 Fed. Reg. 35795, 35795 (July 7, 2021) ("EPA has the authority to review and reconsider, on its own initiative, previous decisions and actions."); 74 Fed. Reg. 66470, 66471 (Dec. 15, 2009) (granting reconsideration to clarify ambiguous definitions in regulation); 71 Fed. Reg. 14665, 14668 (Mar. 23, 2006) (granting petition for reconsideration due to confusion over EPA's methodology). Finally, EPA must allow for petitions to amend or withdraw agency action under the APA, 5 U.S.C. § 553(e).

GROUNDS FOR RECONSIDERATION

I. EPA's New Interpretation of the Cellulosic Biofuel Waiver Authority is Contrary to the Plain Terms of the Statute and Undermines the Purposes of the Program.

EPA's interpretation of the cellulosic waiver provision is flawed, and the partial waiver of the 2024 cellulosic biofuel volume requirement cannot stand. EPA must reconsider its waiver and enforce the volume requirement as finalized.

A. The Clean Air Act does not create a mandatory duty to waive the cellulosic biofuel volume requirement "whenever" RINs fall short.

EPA's final rule states that "the statutory language indicates that the use of the cellulosic waiver authority is mandatory. That is, whenever the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under CAA section (o)(2)(B), EPA 'shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year.'" 90 Fed. Reg. at 29754 (quoting 42 U.S.C. §7545(o)(7)(D)(i)). Taking EPA's new interpretation of its cellulosic waiver authority to its logical conclusion, this would mean that EPA has an ongoing duty to monitor cellulosic biofuel production and issue waivers anytime it believes there may be a shortfall. This is incorrect. The plain text of §7545(o)(7)(D) gives EPA *one* opportunity to reduce the minimum applicable volumes for any one year. *See, e.g., Valero Energy Corp. v. EPA*, Civil Action No. 7:17-cv-00004-O, 2017 U.S. Dist. LEXIS 223059, at *12, 2017 WL 8780888 (N.D. Tex. Nov. 28, 2017) ("But contrary to Plaintiff's legal assertion in the Complaint, [the statute] does not require the EPA to annually evaluate and adjust what entities are 'appropriate[ly]' subject to the implementing regulations and the annual percentage obligation."). There is no ongoing duty, especially, as is the case here, to reduce the volume requirement retroactively after the compliance year is over.

In the final rule, EPA does not explain how the statutory language provides any ongoing obligation to reduce the volume requirements based on actual RIN generation. That is because it does not. The plain terms of the statute reference the projected volume of cellulosic biofuel production "as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the preceding calendar year." 42 U.S.C. §7545(o)(7)(D)(i). Paragraph (3)(A) requires estimates of biofuel production (i.e., volumes "projected to be sold or introduced into commerce") be provided by the EIA "[n]ot later than October 31 of each of calendar years 2005 through 2021." *Id.* §§7545(o)(3)(A). While the D.C. Circuit has found that the term "based on" did not mean "slavish adherence" to the estimate provided by EIA in making its projection, the D.C. Circuit did not address the timing of the determination or if it was an ongoing obligation. *Am. Petroleum Inst. v. EPA*, 706 F.3d 474, 478 (D.C. Cir. 2013). The statute further requires that this determination be made "not later than November 30 of the preceding calendar year." 42 U.S.C. §7545(o)(7)(D)(i). This creates a one-time determination of projected production of cellulosic biofuels for each calendar year, which coincides with when EPA was required to set the standards. While this determination is made "[f]or any calendar year," the use of the term "any" here simply references the applicable calendar year at issue compared to a specific year. *Id. Cf.* 42 U.S.C. §7545(o)(8) (requiring one time waiver of volume requirements for 2006 "[n]ot later than 270 days after August 8, 2005" based on a study to be done "[n]ot later

than 180 days after August 8, 2005"). Nothing in the statute creates any ongoing obligation to reduce the cellulosic biofuel volume requirements at any time based on any projection.

The term "projected" (used twice by Congress) inserts a forward-looking test based on the information before EPA at the time of the projection. *Hamilton v. Lanning*, 560 U.S. 505, 517 (2010) (finding Congress's use of the term "projected disposable income 'to be received in the applicable commitment period' strongly favors the forward-looking approach") (citation omitted). The time elements in 42 U.S.C. §7545(o)(7)(D)(i) confirm that Congress only provided for a one-time determination of projected production to determine if the applicable volumes could be met. For 2024, EPA projected production and set the volumes accordingly. In other words, it took the required action. *See Waterkeepers Chesapeake v. FERC*, 56 F.4th 45, 49 (D.C. Cir. 2022) (finding state could not waive authority to issue state certification under Clean Air Act 401 when it already "acted" on certification request). That EPA determined it could not trigger the cellulosic waiver authority in the circumstances at issue does not mean that it had an ongoing obligation to project production *again.*

This one time determination is actually consistent with EPA's past practice, not the resetting of the standards as EPA claims it is now required to do based on a shortfall in RIN generation. For years 2010-2022, Congress set the applicable volume requirements, and EPA made the required one-time projection of the volume of cellulosic biofuel production for the next year as part of the standard setting process. 75 Fed. Reg. at 14726. Since 2010, EPA has "examine[d] EIA's projected volumes and other available data including the required production outlook reports ... to decide the appropriate standard for the following year." *Id.* Since 2018, EPA has projected production of RNG, which makes up the vast majority of cellulosic biofuels, based on a "growth rate" methodology. 82 Fed. Reg. 58486, 58501-58502 (Dec. 12, 2017). While EPA adjusted the growth rate used to project production for RNG for 2024, it did, in fact, make a determination as to "the projected volume of cellulosic biofuel production." Nothing in the statute required anything more from EPA.

Indeed, the only process Congress provided for invoking the cellulosic biofuel waiver is the standard-setting process. *See* 2024 Partial Waiver RTC at 12 (recognizing that "[t]he statute does not specify that it authorizes petitions to waive cellulosic biofuel volumes under CAA section 211(o)(7)(D)") (citation omitted). This is unlike other provisions that provide for petitions or EPA's own motion to trigger similar reviews. *See* 42 U.S.C. §7545(o)(7)(A, B); *see also* §7545(h)(5) (requiring notification or petition to trigger timing of EPA action), §7545(k)(4) (requiring process to petition EPA for certification of reformulated gasoline formulation), §7545(m)(3)(C) (providing for petitions for waiver of oxygenated gasoline requirements). The language used by Congress in the cellulosic waiver provision also is distinctly different from language Congress used to impose recurring or ongoing obligations or to allow such action "at any time." *See, e.g.,* 42 U.S.C. §7545(c)(1) (EPA may, "from time to time" issue controls on fuels); §7545(c)(4)(B) (EPA may "at any time prescribe and enforce" fuel controls for any State that received a waiver "at any time" under 42 U.S.C. §7543(a)); §7545(o)(2)(A)(ii)(I) (EPA may allow volume requirements to apply to any petitioning noncontiguous State or territory "at the same time or any time after" EPA promulgates regulations under §7545(o)(2)(A)); §7545(o)(9)(B) (small refinery may "at any time" petition EPA for extension of small refinery exemption under the RFS).

While EPA acknowledges these deadlines are in the statute, EPA appears to contend that these deadlines are immaterial because the D.C. Circuit has previously found that it can set the volume requirements and standards after the statutory deadline. 90 Fed. Reg. at 29754. This is a false comparison, as they involved EPA being late in setting the *initial* standards with respect to volumes for years that Congress provided *statutory* volume requirements that were substantially higher than actual production capacity. *See* 80 Fed. Reg. 77420 (Dec. 14, 2015) (final rule reducing the 2014 and 2015 *statutory* cellulosic biofuel volume requirements when EPA *initially* set the standards); 87 Fed. Reg. 39600 (July 1, 2022) (final rule reducing 2021 *statutory* cellulosic biofuel volume requirement when EPA *initially* set the standards).[6] Until now, EPA had always determined whether to use the waiver authority at the same time it set the standards.[7] In light of Congress's clear directives to implement the volume requirements, the D.C. Circuit properly determined EPA did not lose the authority to set the volumes and standards even if it misses the statutory deadlines. This implements Congress's directives that EPA "ensure" the minimum applicable volume requirements, and furthers the goals of the program. *Nat'l Petrochemical & Refiners Ass'n v. EPA*, 630 F.3d 145, 156, 158-162 (D.C. Cir. 2010) ("Under the circumstances, Congress' purpose in expanding the renewable fuel program under the EISA is better served by EPA's approach in the Final Rule than it would be by forgoing the 2009 applicable volume requirement as petitioners propose.")*; see also Monroe Energy, LLC v. EPA*, 750 F.3d 909, 920 (D.C. Cir. 2014) (finding obligated parties have "no legally settled expectation that EPA would exercise its waiver authority to reduce that obligation") (citation omitted). Once the standards are set, however, there are legally settled expectations that EPA will, as it is obligated to do, "ensure" those volume requirements. 42 U.S.C. §§7545(o)(2)(A), (o)(3)(B). Indeed, EPA has provided for automatic extensions of the compliance deadlines until obligated parties are aware of the *next year's* standards. It makes no sense that Congress expected these standards to be ever changing in the event of a RIN shortfall.

Attempting to downplay the importance of *forward looking* cellulosic biofuel waivers, EPA merely states that the use of the term "projected," which occurs twice in 42 U.S.C. §7545(o)(7)(D)(i), indicates that the "statute does contemplate the need for forward-looking estimates." 90 Fed. Reg. at 29754. EPA then claims that this does not mean that "the statutory language prohibits EPA from acting after November 30." *Id.* But, under EPA's new

[6] Other examples provided by EPA are simply immaterial to EPA's action here. With respect to the 2013 cellulosic biofuel volume requirement, 79 Fed. Reg. 25025, 25027-25028 (May 2, 2014), cited in 90 Fed. Reg. at 29754 n.17, EPA granted a petition for reconsideration after the compliance year was over based on new information that one of the two companies on which it based its projection of cellulosic liquid biofuel announced two days after the rule was finalized that its projected production was significantly lower than what EPA used in its projections. Further, EPA stated that "EPA does not anticipate that future modifications to company cellulosic biofuel production estimates that are received after the close of the comment period but within the period for parties to seek judicial review, will necessarily be grounds for the reconsideration of the cellulosic biofuel standard in future years." *Id.* at 25027. This serves as no precedent to support EPA's action here. The revision to the 2020 volume requirement, also based (properly or improperly) on EPA's discretionary reconsideration authority, was due to "significant and unanticipated events." 87 Fed. Reg. at 39602. EPA's projections being slightly off are not "significant and unanticipated events."

[7] The only times EPA set the volume requirements prior to setting the standards were with respect to the biomass-based diesel volume requirements for compliance years 2013-2021 where the statute only listed volumes through 2012. 42 U.S.C. §7545(o)(2)(B)(i)(IV). EPA has now determined to set the standards at the same time as the volume requirements when it uses its set authority under §7545(o)(2)(B)(ii). This is not required by statute and creates the situation where EPA now must revise a standard that has already been set and relied on by the industry, rather than follow the orderly timing as provided in the statute.

interpretation, this is not a case where EPA simply missed the deadline for setting the standards. EPA has already set the standard and is claiming authority to look backwards and revise the standard after the time required by the statute based on a new "projection." Finding a mandatory duty to retroactively reduce the cellulosic biofuel volume requirement that it already set based on hindsight would require EPA to intentionally violate the deadlines in the statute and *after* the industry has already relied on the volume requirements *set by EPA*. This is not a proper reading of the statute much less the "best" reading.

The inclusion of a date by when EPA must make its one determination is intentional. "Retroactivity is not favored in the law. Thus, congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result." *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204, 208 (1988) (citations omitted); *see also Bd. of Cnty. Comm'rs of Weld Cnty. v. EPA*, 72 F.4th 284, 292 (D.C. Cir. 2023) ("[N]othing in the Clean Air Act gives EPA 'the unusual ability to implement rules retroactively.'") (quoting *Sierra Club v. Whitman*, 285 F.3d 63, 68 (D.C. Cir. 2002)). The plain terms of the statute indicate that Congress intended the cellulosic waiver to be forward looking—i.e., applied prospectively. *See Quantum Ent., Ltd. v. U.S. DOI*, 597 F. Supp. 2d 146, 153 (D.D.C. 2009) ("First, the court must 'determine whether Congress has expressly prescribed the statute's proper reach[,]' which controls its application as prospective or retroactive.") (citation omitted); *United Bhd. of Carpenters & Joiners v. Lewis*, 699 F.2d 547, 549-50 (D.C. Cir. 1983) (rejecting claim to apply rule retroactively where Congress's intent was to have prospective effect only).

B. In addition to being inconsistent with the plain text of the statute, EPA's new interpretation of the cellulosic waiver provision cannot be the "best" reading of the statute when it undermines its market-forcing purpose.

EPA further ignores that its interpretation undermines the purposes of the statute. Because EPA claims its duty is "mandatory," it indicates it cannot consider the "potential impacts on the cellulosic biofuel market and cellulosic RIN prices." 2024 Partial Waiver RTC at 7. This makes little sense where the RFS is intended to be market forcing. *Ams. for Clean Energy v. EPA*, 864 F.3d 691, 705, 710, 712 (D.C. Cir. 2017) (citations omitted). Congress sought to give renewable fuel producers a certain market to make investments to increase the production of renewable fuels. The RFS is also structured to incentivize the rest of the market to take action to ensure the volumes are distributed and used. 42 U.S.C. §7545(o)(2); *see also* S. Rep. No. 110-65, at 2-3 (2007); *Alon Refin. Krotz Springs, Inc. v. EPA*, 936 F.3d 628, 652 (D.C. Cir. 2019) ("higher RIN prices are not indicative of a dysfunctional RIN market," but rather "a completely understandable effect of the program's ever-increasing pressure to expand renewable volumes" (cleaned up)); *Monroe Energy, LLC*, 750 F.3d at 919 ("[H]igh RIN prices should, in theory, incentivize precisely the sorts of technology and infrastructure investments and fuel supply diversification that the RFS program was intended to promote."). EPA does not, however, explain how the purposes of the program supports EPA's claimed "best" reading of the statute to create a mandatory duty to reduce the cellulosic biofuel volume requirements whenever there may be a shortfall in RINs.

EPA recognizes that it has routinely found that retroactive waivers (e.g., after standards have been established) undermine the market-forcing policy of the RFS program. 2024 Partial Waiver RTC at 7; *see also* EPA, Denial of AFPM Petition for Waiver of 2016 Cellulosic Biofuel

Standard, at 3-5 (2017), https://www.epa.gov/sites/default/files/2017-01/documents/afpm-rfs-petition-decision-ltr-2017-01-17.pdf; EPA, Denial of AFPM Petition for Partial Waiver of 2023 Cellulosic Biofuel Standard, at 7 (2024), https://www.epa.gov/system/files/documents/2024-03/afpm-part-waiver-denial-cellulosic-biofuel-stndrd-2024-03.pdf (referred to herein as "EPA Denial of 2023 Waiver Request").

> We have also considered the possible impact on the RFS program of issuing waivers under CAA section 211(o)(7)(A) where projections used during standard-setting fall short of actual production. We recognize the importance of market certainty for obligated parties, biofuel producers, and other RIN market participants, and we understand that revising applicable standards after they have been established increases market uncertainty and can disrupt market expectations. Further, issuing a waiver when market production falls short after a single compliance year could result in shortfalls in cellulosic biofuel in future years if obligated parties alter future behavior through delaying acquisition of cellulosic biofuel or cellulosic RINs based on the prospective expectation of subsequent waivers. This potential scenario would harm the prospects of cellulosic biofuel producers that rely on ongoing sales of their product to remain economically viable and undermine the articulated goals of Congress in establishing the RFS program. If a significant number of obligated parties delayed purchasing cellulosic biofuel and/or cellulosic RINs, cellulosic biofuel producers could reduce their production of cellulosic biofuel or cease production altogether. It could also depress investment in the production of cellulosic biofuel, reducing the production potential for cellulosic biofuel in future years.

EPA Denial of 2023 Waiver request at 7. A mere shortfall in RINs, on the other hand, was found not to cause disruptions in the relevant markets, nor were obligated parties "forced into noncompliance." *Id.* at 6. For a market-forcing program, it simply makes no sense that Congress would have intended a "safety-valve" to undermine the entire program. The "best" reading of the statute cannot be that Congress would seek to focus its market-forcing policy on increasing production in cellulosic biofuels and, then, turnaround and require EPA act in a way to disincentivize the market to act and render the volume requirements non-binding. Indeed, EPA acknowledges that, under its approach here, there is little "precedential value of the implementation of the CWA in any given year." 2024 Partial Waiver RTC at 20. This is directly counter to the long-term certainty Congress sought to provide renewable fuel producers to make investments to increase production of cellulosic biofuels.

At most, EPA says that its previously stated concerns are "diminished" here because "the cellulosic biofuel industry has developed significantly in recent years. The relatively mature status of the RNG industry, along with the relatively large number of potential buyers for RNG and other cellulosic biofuels, reduce the risk that obligated parties would be able to directly influence cellulosic biofuel production by delaying RIN purchases." 2024 Partial Waiver RTC at 7. This makes little sense. As an initial matter, EPA found these same concerns applied in *2023*,

making no distinction between 2023 and 2024. Further, this ignores the evidence in the record that obligated parties have declined to purchase RINs as a result of the proposed waiver. *See* EPA-HQ-OAR-2024-0411-0059 at 2-3; EPA-HQ-OAR-2024-0411-0055 at 46, 52-54, 68-69.

While EPA attempts to distinguish the earlier determinations in its response to comments, EPA's distinction ignores the purposes of the cellulosic waiver credit, which was not to provide flexibility to obligated parties in complying with the volume requirements at the end of the year. Indeed, EPA's regulations on use of cellulosic waivers are similarly written in prospective terms. 40 C.F.R. §80.1456(a). For example, EPA's regulations provide that cellulosic waiver credits are "only valid for use in the compliance year that they are made available." *Id.*§80.1456(b)(1). The credits may only be used for "an obligated party's current year cellulosic biofuel RVO." *Id.* §80.1456(b)(4).The price of those credits are also based on data available "as of September 30 of the year preceding the compliance period" and the inflation index "for June of the year preceding the compliance period." *Id.* §80.1456(d)(2), (3).[8] This makes sense because the cellulosic waiver credit was intended to serve as a price stabilizer during the compliance year to avoid potential, substantial increases in RIN prices while cellulosic biofuel production ramped up. This is further supported by the fact that Congress gave EPA authority to issue regulations to ensure that the cellulosic waiver credits do not undermine the goals of the statute. 42 U.S.C. §7545(o)(7)(D)(iii). Granting a cellulosic waiver at the end of the year to indicate only then that cellulosic waiver credits will be made available does not meet these purposes, but would only serve to give obligated parties an out at the end of the year if they purchased *no RINs* in the hopes of a waiver would undermine the goals of the statute. This is contrary to the statutory directives.

C. The structure and context of the statute further confirms that there is no ongoing duty to reduce the cellulosic biofuel volume requirement even if EPA's projections of cellulosic biofuel availability fell short.

The "words of a statute must be read in their context and with a view to their place in the overall statutory scheme." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 666 (2007) (citation omitted). Other provisions in the statute indicate that Congress did not intend to create an ongoing duty to reduce the cellulosic biofuel volume requirement even if EPA's projections are found to fall short.

While the cellulosic biofuel waiver provision is a more specific provision, there is no indication that Congress sought to allow EPA to circumvent the requirements for a general waiver based on inadequate domestic supply under 42 U.S.C. §7545(o)(7)(A)(ii). The vast majority of RINs generated for RNG in 2024 reflected *use* (i.e., demand) *not production* (i.e., supply), and allowing the cellulosic waiver authority to be used based on a claim of shortfalls in RIN generation would allow EPA to avoid the general waiver requirements, including, but not limited to, the requirement to consult with the U.S. Department of Agriculture ("USDA") and U.S. Department of Energy ("DOE") and to provide notice and comment. 42 U.S.C. §7545(o)(7)(A)(ii), (B). Here, the statute is clear on what triggers the cellulosic waiver authority—projected *production.* If there ends up being an issue of *supply*, EPA still has *discretion* to issue a general waiver. Even if one can assume that RIN availability equates to

[8] EPA's revision to this regulation, effective September 5, 2025, continues to reference values "for the twelve-month period ending June of the year preceding the compliance period." 90 Fed. Reg. at 29759.

supply of cellulosic biofuels (which it did not for 2024), there is no indication that Congress sought to *require* EPA to use such authority only for cellulosic biofuels. This is especially troubling when the availability of RINs from the prior year that are still valid to show compliance with the cellulosic biofuel requirement are not considered as part of the "projected volume available." *Sinclair Wyo. Refin. Co. LLC v. EPA*, 101 F.4th 871, 886 (D.C. Cir. 2024). In other words, there may be more than sufficient *RINs available for compliance with the volumes EPA set*, yet, under EPA's new reading of the statute, EPA must reduce the volume requirement for cellulosic biofuel if *actual* RIN generation in 2024 fell short, which it need not do for any other category.[9] As EPA recognizes, it is allowed to consider the impacts to the program to *deny* a general waiver, which it now claims it cannot do under the "mandatory" cellulosic waiver authority. This just does not comport with the market-forcing incentives Congress created or its focus on growing cellulosic biofuel production under the program. Indeed, EPA does not even address why it believes the mandatory cellulosic waiver, as it now interprets it, makes more sense in the context of the overall structure of the statute than the general waiver it initially proposed to use.[10]

Moreover, EPA's interpretation also runs afoul of the deficit carryover provision that is expressly intended to address an obligated party's inability to obtain enough RINs to meet its volume obligations. 42 U.S.C. §7545(o)(5)(D). EPA ignores that in the cases finding it did not lose its authority to act if it missed the statutory deadline to set the volume requirements and standards the D.C. Circuit looked to see if there were less drastic remedies. The deficit carryover provision is the less drastic remedy that Congress provided for EPA's concerns with respect to potential noncompliance as a result of a shortfall in RIN generation, not a retroactive cellulosic biofuel waiver. While EPA raised concerns with increasing deficits as a result of RIN shortfalls, "the fact that EPA thinks a statute would work better if tweaked does not give EPA the right to amend the statute." *Ams. for Clean Energy*, 864 F.3d at 712 (citing *Util. Air Regul. Grp. v. EPA*, 573 U.S. 302, 325-326 (2014)).

II. EPA's Partial Waiver of the 2024 Volume Requirements Uses an Incorrect "Trigger."

In addition to misunderstanding the nature and timing of EPA's authority under 42 U.S.C. §7545(o)(7)(D), EPA attempts to rewrite the statute by claiming "volumes available" can trigger the cellulosic waiver. But, the trigger for the required "reduc[tion]" of the cellulosic biofuel volume requirement to "the projected volume available during that calendar year" is based on "the projected volume of cellulosic biofuel production" for the following calendar year,

[9] While EPA may claim that this allows for a RIN bank to continue and that a RIN bank provides a useful function for the RFS, a RIN bank is not required in the statute, and the cellulosic waiver credit provides the additional flexibility for obligated parties to comply in lieu of carryover RINs from prior years. Indeed, the statute limits the life of a RIN to 12 months, indicating that Congress provided a limited role for carryover RINs. Again, it is EPA's interpretation of the statute that has resulted in a distortion of the program that Congress actually created.

[10] It may be that EPA also realized that RNG supply did not fall short or that it would be an abuse of discretion to issue a general waiver in light of the detrimental impacts of such waivers on the overall functioning of the program. EPA does not indicate the basis of its change in policy. The Supreme Court has found: "To be sure, the requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it *is* changing position. An agency may not, for example, depart from a prior policy *sub silentio* or simply disregard rules that are still on the books. … And of course the agency must show that there are good reasons for the new policy." *FCC v. Fox TV Stations, Inc.*, 556 U.S. 502, 515 (2009) (citation omitted). EPA has made no such showing.

not the actual volumes available (which EPA now defines as only RINs generated in the compliance year) in that year. 42 U.S.C. §7545(o)(7)(D)(i).

AFPM has previously argued that projected volumes available under the cellulosic waiver authority is different from the *projected* volume of *production*. *See Sinclair Wyo. Refin. Co. LLC*, 101 F.4th at 885 (distinguishing "projected volume of ... production" from the narrower "projected volume available"). In response, the D.C. Circuit expressly recognized, based on EPA's own findings, that the projected volume of cellulosic biofuel production can include "cellulosic biofuel [that] is produced in facilities that 'sell the [fuel] they produce into non-transportation markets.'"[11] *Id.* (quoting 80 Fed. Reg. 77420, 77506 n.217 (Dec. 14, 2015)). This may not be what is "available" that "operates as a modifier that narrows the relevant category of 'projected volume' of cellulosic biofuel production." *Id.* While the "*projected* volume available" also is not the same as what is *actually available* based on actual RIN generation, there is nothing in the cellulosic waiver provision that gives EPA authority to, in a backwards looking way, determine that *actual* available *RINs* will not meet the volume requirements and reduce the volumes. There were easier ways for Congress to require such actions. But nothing in the statute does.

Importantly, EPA acknowledges that "the RNG production capacity and total quantity of RNG produced in 2024 are both higher than the number of 2024 cellulosic RINs generated for RNG." 2024 Partial Waiver RTC at 8. This, as a factual matter, also ends the inquiry. While EPA claims that not all RNG may be eligible under the RFS, this is simply evidence that EPA is using its determination of "volumes available" to trigger the cellulosic waiver. This is error. Indeed, this flips the script between use (i.e., demand) and *production*. *See Ams. for Clean Energy*, 864 F.3d at 708 (rejecting EPA's interpretation of "inadequate domestic supply" to include demand side factors where "in a number of nearby provisions, Congress explicitly authorized EPA to consider constraints on both the supply *and distribution* of a material.…") (citations omitted).

EPA also ignores the reduced RIN generation for *eligible* RNG under EPA's biogas reforms, which was similarly explained in comments on EPA's proposed waiver. Again, EPA acknowledges that "the implementation of [biogas reforms] may have impacted the number of cellulosic RINs generated in late 2024." 2024 Partial Waiver RTC at 8 n.4. EPA inexplicably states, however, that it is "accounting for any impact the changes to these regulations had on cellulosic RIN generation" by "using actual RIN generation data for 2024 in this final rule." *Id.* EPA made no assessment of how its biogas reforms may have *reduced* the availability of RINs, despite RNG being produced. Again, this ignores that the trigger for using the cellulosic waiver is *projected* volumes of *production*. Less RINs were generated as a result of EPA delays and determinations regarding the implementation of those regulations impacting RIN generation, *despite additional production of RNG that was eligible under the RFS but for EPA's regulations.* This includes, but is not limited to, lost RNG volumes as a result of (a) *EPA's* new prohibition on RIN generation for off-site storage of RNG pending registration, (b) *EPA's* determination as to when biogas producer's registrations were accepted to allow for RIN generation despite available

[11] EPA nonetheless took whether the RNG is estimated to enter the transportation fuel market into account by basing the growth rate on RIN generation under the RFS and not the growth in RNG production capacity, which was significantly higher.

RNG production, and (c) *EPA's* (as of yet unexplained) change in HHV/LHV conversion that resulted in less RINs being generated than under the prior regulations. Contrary to implications by EPA, these were volumes targeted for CNG/LNG production but could not generate RINs because of EPA's regulations. EPA's only response is that it would be inconsistent with the statute "to determine the 'projected volume available' for cellulosic biofuel based on total RNG production, as not all RNG qualifies as cellulosic biofuel." *Id.* at 9. But, again, the trigger is based on *production*, not actual *use* as a transportation fuel. The vast majority of RIN generation in 2024 reflected *distribution* of RNG as CNG/LNG, not *production.*

III. Rather than Use the Cellulosic Waiver Authority Impermissibly, EPA Must Revise the Biogas Reform Rule to Facilitate, Not Restrict, RIN Generation.

Rather than restate our concerns with the Biogas Regulatory Reform Rule, we attach our prior petition for reconsideration here. We further note, however, that recent experience with the biogas reforms continues to raise substantial concerns with its implementation to date that we believe affects RIN generation for purposes of the RFS program. We continue to question the basis for these requirements and urge EPA to finalize key revisions to the new requirements that EPA has expressly and implicitly acknowledged are unnecessary or overly prescriptive.

A. Although EPA has not responded to RNG COALITION's prior reconsideration petition, we reiterate the need for EPA to reconsider requiring biogas producers to become regulated parties to participate in the RFS program.

Although the D.C. Circuit upheld EPA's claimed authority to regulate biogas producers, we continue to believe the regulations in Subpart E with respect to biogas producers are unduly burdensome and unnecessary to establish eligibility of the fuel to participate under the RFS. While the Court deferred to EPA, we believe EPA continues to operate under a misunderstanding and unsupported contention that the requirements imposed on biogas producers were intended to confirm the feedstock was from renewable biomass. Biogas, by definition, is produced from organic wastes, and we remain unclear how the significant registration, reporting, and recordkeeping requirements provide any more assurances that the biogas qualifies under the RFS. As RNG COALITION has consistently explained, RNG producers track the volume of biogas entering their equipment, which can be compared to the volume of RNG injected into the pipeline. That is all that is needed to protect against fraud. RNG producers also monitor the biogas to protect the operation of their facility. In addition, the lack of guidance from EPA with respect to the requirements applicable to biogas producers continues to be problematic for the industry, resulting in delays in RIN generation or efforts to send the volumes to other markets. As such, we continue to believe that EPA should not require biogas producers to be regulated under the RFS program separate from RNG producers for all the reasons previously explained.

Importantly, where EPA is claiming a reduction in the volume requirements is needed due to a shortfall in RIN generation and is claiming constraints on demand to limit further increases in the volume requirements, we also continue to believe that the regulations on biogas producers may disincentivize participation in the RFS program, which would further *reduce* RIN generation despite more than sufficient RNG being available to meet the volume requirements.

This remains counter to Congress's goals to diversify the feedstocks used in the production of transportation fuel and promote "advanced" biofuels used for transportation, including "biogas." 42 U.S.C. § 7545(o)(1)(B). At a minimum, however, EPA must continue to take action to streamline the biogas reform regulations to make a workable program that does not unduly burden the industry. Some key examples follow, but we again urge EPA to work with the industry to address these concerns and not penalize it by claiming there are "demand constraints" on the industry, requiring low volume requirements that are anything but market forcing.

First, it remains unclear the necessity of reporting biogas volumes by the biogas producer. Although not in the regulations, we understand that EPA has established biogas "tokens" in the EMTS to report biogas volumes. EPA has not explained how these "tokens" relate to the validity of RINs, creating ongoing confusion in the marketplace. In particular, facilities that have had no issues now increasingly face "potentially invalid RINs" based on potential issues with "tokens." While the RINs based on these tokens are generally valid and can subsequently be verified by the QAP provider, the PIR process results in delays and EPA "reserves the right to make a determination regarding the validity of the RIN." 40 C.F.R. §80.1474(b)(4)(ii)(C)(*1*). This process brings no added assurance that the RIN is valid but rather places the RNG producer, who has done everything correctly, between a rock and a hard place, as it must continue to generate RINs to be able to operate but it must do so under a cloud of uncertainty where EPA does not confirm that the RINs remain valid. This is mostly because of EPA's overly prescriptive requirements that do not provide any greater level of assurance than is provided by the information obtained and provided by the RNG producer and confirmed by the QAP provider. As previously explained, the QAP provider typically confirms the source of the biogas, and there is no need to add administrative burdens to address a potentially significant number of "PIRs" simply due to paperwork issues regarding the registration, reporting and recordkeeping requirements now being imposed on biogas producers. At a minimum, EPA should provide a time limit by when these RINs will be deemed valid moving forward to remove any cloud of uncertainty.

Second, EPA has not finalized any alternative measurement protocols to GCs for measuring biogas. As RNG COALITION has explained to EPA, GCs may not be appropriate for biogas due to the contaminants that might be present. Gas analyzers have been developed precisely to address the specific needs of the biogas industry, yet EPA, to date, has not included any alternatives in 40 C.F.R. §80.155(a)(1). While EPA may have approved some gas analyzers through provisional acceptances of registrations, this again keeps a cloud over the industry, despite longstanding operations in the market. Comments submitted on EPA's proposed waiver provided alternative ways to address gas analyzers and revisions to the regulations that may be needed to resolve any confusion over their use. *See, e.g.,* EPA-HQ-OAR-2024-0411-0044 at 3-5.

We further note that EPA has yet to finalize its proposal from December 2024 to remove the requirement that biogas and RNG production facilities must demonstrate that their facility is incapable of using certain specified meters in order to receive an alternative measurement protocol. 89 Fed. Reg. at 100450-100451. This proposal was intended to streamline the alternative measurement protocol approval and registration acceptance process. RNG COALITION and public comments strongly supported EPA's proposed revisions.

Finally, EPA should reconsider the single use limitation for biogas facilities. While this was also upheld by the D.C. Circuit, EPA has acknowledged that this requirement may "lead to some volumes not to be used under RFS." EPA 2023-2025 RFS RTC at 317. While RNG COALITION opposes EPA's proposal to remove renewable electricity from the program, EPA makes no mention of the need for these restrictions if renewable electricity is removed. Even with the inclusion of renewable electricity in the program, the industry has explained how each use would have separate collection equipment and different meters to monitor biogas flow. Any benefits of mere administrative simplicity does not outweigh losing potential volumes of RNG that might otherwise have gone into the transportation fuel market, which then EPA claims requires it to reduce the volume requirements that undermines the binding nature of the volumes and the incentives created by Congress. *Id.* EPA, again, should not be excluding volumes it acknowledges are eligible under the RFS from generating RINs and then be able to claim there are insufficient RINs, requiring a reduction in the volume requirements (or there is insufficient demand, requiring lower volumes in the first instance).

In its comments on the biogas reforms, RNG COALITION raised concerns with respect to sources of biogas being willing to undertake these significant new requirements. This uncertainty and potential liability despite the clear eligibility of the biogas being produced will continue to create disincentives to participate in the program. This could result in reducing RIN generation, which has nothing to do with whether or not there is ample volumes of cellulosic biofuels available. The uncertainty surrounding the volume requirements that EPA has now created with its partial waiver makes it even harder to ensure these projects are viable.

B. EPA should continue to streamline the registration process by providing more, not less, flexibility with respect to the measurement requirements.

RNG COALITION appreciates EPA's efforts at providing additional flexibility to RNG producers and RNG RIN separators with respect to the measurement requirements in 40 C.F.R. §80.155(a). While we believe EPA can still provide more general parameters that must be met, such as following manufacturer's recommended calibration procedures, provision for missing/gaps in data, having sufficient reliability and accuracy (e.g., within ±5%), and do not believe CNG/LNG dispensers should be subject to such requirements, we appreciate EPA's proposal to include additional approved flow meters under 40 C.F.R. §80.155(a)(2). As EPA has consistently found, current flow meters used today more than adequately meet the level of accuracy needed to support RIN generation under the RFS. We urge EPA to revise these regulations so that it is not required to list each and every industry specification that might apply, but, as previously suggested, to provide parameters for such measurements similar to how it is done under the California Low Carbon Fuel Standard ("LCFS") program. While we recognize that EPA is reconsidering the greenhouse gas reporting rules, that also serves as a model for ensuring consistent measurements without imposing undue burdens on the industry.

We also note that data substitution concerns have similarly been raised and are not addressed in the regulations. EPA could again provide clear rules to the industry rather than through the registration process.

C. We again ask EPA to reconsider the final rule to the extent it revises the reporting of heating values for RNG, which negatively impacts the conversion of BTUs to ethanol-equivalent gallons (i.e., RINs).

As previously explained to EPA, which it has not denied, EPA finalized a new methodology for converting lower heating values ("LHV") to higher heating value ("HHV") for RNG without providing for public notice and comment as required by the Clean Air Act. RNG RIN generation protocols, submitted to and approved by EPA, have long been using a 0.903 factor for typical natural gas to convert from LHV to HHV.[12] This is because the product being withdrawn from the pipeline is required to meet "natural gas" pipeline specifications. Based on EPA's equivalence value of 77,000 BTU (LHV), using this conversion factor results in 1 MMBTU of RNG equating to 11.727 RINs. To our knowledge, this has been consistent throughout the operation of the program and across the industry. This is also the LHV/HHV conversion factor that has been used by CARB in the LCFS. *See* CARB, *LCFS Guidance – Low Carbon Fuel Standard (LCFS) Guidance 19-05: Reporting and Recordkeeping for Natural Gas and Book-and-Claim Accounting for Biomethane*, at 10 (2019), *available at* https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/guidance/lcfsguidance_19-05.pdf (citing CA-GREET 3.0).

However, in the final Set rule, EPA added a new provision in the final regulatory language requiring: "A party converting between Btu HHV and Btu LHV for biogas, treated biogas, natural gas, or CNG/LNG must use the ratio of HHV and LHV of methane as specified in ASTM D3588 (incorporated by reference, see § 80.12)." 88 Fed. Reg. at 44575. EPA's unnoticed and unexplained revisions in the final Set rule fundamentally changed how RINs have been calculated, which is a change in policy that was required to be explained by EPA. It is our understanding that the LHV/HHV conversion factor for methane based on using ASTM D3588, however, is 0.9004. As a result, the calculation of RINs is 11.69 RINs per MMBTU HHV instead of 11.727 RINs that the industry has been using. While this may appear to be a marginal difference, in the aggregate, it will have a substantial impact on RIN generation. Moreover, EPA has imposed specifications that may be more appropriate for fossil natural gas, but appears to be using a specification for pure methane. This is particularly troubling if the RINs generated must be matched up with the biogas used and the natural gas volumes withdrawn for purposes of RIN separation, which would support continuing use of existing conversions methods. EPA must provide the basis for this inconsistent treatment and support for the new conversion methodology.

D. EPA must revise the testing requirements under the biogas reforms.

EPA has yet to finalize the revisions to the testing requirements it proposed in December of 2024. 89 Fed. Reg. at 100450-100452. This includes changing the annual testing requirement to once every three years to line up with the timing of registration updates and to clarify that EPA may approve alternative test methods for testing components of RNG and that EPA may exempt the testing of a component that is not required under the RNG producer's applicable

[12] https://www.rngcoalition.com/calculators-conversions (last visited Sept. 9, 2025). The conversion factor of 0.903 also seems to be used by DOE in its hydrogen tool available at https://h2tools.org/hyarc/calculator-tools/lower-and-higher-heating-values-fuels.

pipeline specification. EPA has acknowledged that annual testing is not required, and, moreover, EPA represented to the D.C. Circuit that this was the intent of the regulations. It makes little sense to require additional and duplicative testing just to use the method specified by EPA if another method is already required in the pipeline specification or under state/federal law. Not having these revisions finalized has caused confusion in the industry as to what is required and is resulting in producers incurring significant costs for testing that EPA has acknowledged is unnecessary. Thus, EPA must finalize the proposal to clarify that annual testing is not required and that testing of only those constituents required in the pipeline specification is required. Because EPA has already proposed these changes, further notice and comment is not required.

In addition, RNG COALITION has suggested the following additional changes that are consistent with EPA's intent.

40 C.F.R. § 80.135(d)(6)(v): In the December 2024 proposal, EPA had proposed revisions to §80.135(d)(6)(v) to add subparagraph (B), which RNG COALITION believed to be unnecessary and confusing. In that provision, EPA stated that it will assess alternative test methods based on whether the requested alternative test method provides results that are reasonably accurate to the results provided by the method specified at 40 C.F.R. §80.155(b). However, the biogas reform rule never provided the basis for EPA's choice of methods, simply stating that these are methods "which have been submitted to us in the past and which we believe provide sufficient accuracy." 87 Fed. Reg. at 80676. EPA has not identified how it determined that they provide "sufficient accuracy." This lack of guidance on the alternative measurement protocol language had caused a lot of uncertainty until EPA provided additional guidance. As such, we are concerned with the lack of explanation or specificity as to what "reasonably accurate" means under that proposed regulation. We also believe EPA can provide more flexibility without requiring a comparison to the methods it chose. Similar to EPA's approach to alternative measurement protocols, we ask EPA to, at a minimum, provide some additional flexibility on the applicable test methods and/or guidance on how it will assess the accuracy of alternative testing methods. One potential suggestion is as follows:

> (B) EPA may approve an RNG producer's request of a method other than those specified at §80.155(b)(2) if the RNG producer demonstrates that
>
> > ***(i)*** the alternative analysis provides information that is reasonably accurate to that determined by the applicable method specified at §80.155(b)(2)***; or***
> >
> > ***(ii) the alternative analysis is required by pipeline specifications or has been approved to be used by a state or federal government agency***.

40 C.F.R. §80.155(b)(2)(vii): EPA has indicated that it seeks to remove confusion regarding the testing requirements. However, §80.155(b)(2)(vii) continues to list "[a]dditional components specified in the natural gas specifications submitted under §80.135(d)(5) *or as specified by EPA as a condition of registration under this part.*" Again, EPA never explained the purpose of this provision, and it is inconsistent with

EPA's claims that it is only checking that the RNG meets pipeline specifications and that the testing requirements are limited to those parameters listed in the pipeline specifications. EPA has not provided any further explanation as to the need or purpose of this provision. As such, we believe EPA should also delete this phrase.

40 C.F.R. §80.155(b)(1): While EPA provides alternatives to the test methods in §80.155(b)(2), EPA's proposal does not include alternative sample collection methodologies. The methodology for sampling required is restrictive for RNG producers. It is requested that EPA consider allowing an alternative sample collection methodology that is equivalent to the methodology referenced in the regulation.

E. EPA should reconsider its prohibition on off-site storage for RIN generation pending registration.

In the Set rule, EPA contended that, since it was no longer requiring that biogas and RNG producers demonstrate that there are contracts between each party in the biogas/RNG production, distribution, and use chains in order to demonstrate transportation use, EPA believed it was "no longer necessary to allow for RINs to be generated for biogas/RNG produced and stored offsite of the biogas/RNG production facility prior to EPA acceptance of the biogas and RNG producer's registrations." 87 Fed. Reg. at 80700. While EPA referenced that it normally does not allow RIN generation for fuel produced prior to an approved registration, EPA explained that it had provided an exception for RNG and was continuing to allow on-site storage.[13] *Id.* Because on-site storage of RNG is largely impractical, public comments strongly opposed the proposed prohibition on off-site storage, raising concerns with the normal, long delays in the registration process and with the time lag for QAP verification of RINs. While EPA has indicated that it seeks to streamline the registration process, this can continue to result in reduced RIN generation for eligible RNG production.

F. EPA also should review its regulations generally to address potential confusion.

RNG COALITION reiterates the need for the biogas reforms to provide more clarity to the industry. This includes revisions to streamline the requirements for biogas producers, RNG producers, and RNG RIN separators. Several revisions have already been proposed to EPA, yet it has not taken action on many common sense, practical changes that could facilitate compliance and RIN generation and separation.

As EPA considers streamlining the RFS regulations, we again note that EPA's use of cross-references should be minimized. This is particularly true to the extent EPA has established an entirely new subpart that is supposed to apply to biogas-derived fuels and that regulates new entities that had never been regulated under the RFS before (i.e., biogas producers). Rather than use cross-references, EPA should ensure that Subpart E includes all the requirements that apply to biogas-derived biofuels, which, as EPA has recognized, have different considerations than liquid biofuels. This was illustrated in some of the proposed revisions to the RFS regulations in EPA's recently proposed RFS Set 2 rule, which we believe would cause more confusion due to

[13] It should be noted that EPA also allowed an exception for canola biodiesel, allowing delayed RIN generation for biodiesel produced prior to approval of a canola biodiesel pathway. 40 C.F.R. § 80.1426(g).

EPA's attempts to cover both gaseous and liquid fuels under the same provisions in the regulations. We respectfully refer EPA to RNG COALITION's comments on these proposed changes, which are posted at www.regulations.gov (EPA-HQ-OAR-2024-0505-0645).

We again urge EPA, to the extent necessary, to revise the regulatory language to ensure consistency with its asserted intent and streamline the regulations to reduce the burdens on the industry and let the market operate. This includes, but is not limited to, EPA's intent **not** to require tracing of RNG molecules through the pipeline system, even though the regulations refer to "volumes" of RNG. For example, EPA should confirm that physical natural gas does not need to be held by an entity holding assigned RNG RINs. We appreciate EPA's prior clarifications on this issue in its September 2023 webinar, but just seek to ensure that the regulatory language sufficiently reflects this intent.

CONCLUSION

For all the reasons discussed above, we believe reconsideration of EPA's decision to partially waive the 2024 cellulosic biofuel volume requirement is warranted. We continue to urge EPA to revise the biogas reforms to streamline the regulations, reduce unnecessary burdens on the industry, and facilitate compliance. In light of the pending proposal to use its flawed interpretation of the cellulosic biofuel waiver authority for the cellulosic biofuel volume previously set for 2025, we urge EPA to respond to this petition as soon as possible.