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August 20, 2026

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

Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 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 Petitions Pursuant to 42 U.S.C. § 7545(o)(9)(iii)**

Dear Administrator Zeldin:

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 2025 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 ARG’s 2025 petition by October 19, 2025—90 days after ARG submitted the petition on July 21, 2025. 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 2025 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 ARG is:

Alexandra Magill Bromer
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Washington, DC 20005

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Sincerely,

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

Alexandra Bromer

cc: Mr. Brian Zolkos