

EPA Releases Its Supplemental Proposal On RFS

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On October 15, 2019, EPA Administrator, Andrew Wheeler, signed a supplemental notice of the proposed rule on the Renewable Fuel Standard (RFS) that proposes to establish the cellulosic biofuel, advanced biofuel, and total renewable fuel volumes for 2020 and the biomass-based diesel volume for 2021. Although the rule does not change the volumes for **2020** and **2021** proposed in July 2019, it proposes and seeks comment on adjustments to the way that annual renewable fuel percentages are calculated. Annual renewable fuel percentage standards are used to calculate the number of gallons each obligated party is required to blend into their fuel or to otherwise obtain renewable identification numbers (RIN) to demonstrate compliance. Specifically, EPA is seeking comment on projecting the volume of gasoline and diesel that will be exempt in **2020** due to small refinery exemptions based on a three-year average of the relief recommended by the U.S. Department of Energy (DOE), including where DOE had recommended partial exemptions. EPA intends to grant partial exemptions in appropriate circumstances when adjudicating **2020** exemption petitions. EPA proposes to use this value to adjust the way it calculates renewable fuel percentages.

According to the prepublication notice, comments must be received on or prior to **November 29, 2019**. EPA will hold a public hearing in Ypsilanti, Michigan, on **October 30, 2019**, starting at **9:00 a.m. (EDT)**.

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