

United States Senate

WASHINGTON, DC 20510

COMMITTEES:
ARMED SERVICES
BANKING, HOUSING, AND
URBAN AFFAIRS
ENVIRONMENT AND PUBLIC WORKS
VETERANS' AFFAIRS

November 7, 2019

The Honorable Andrew Wheeler
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket ID: EPA-HQ-OAR-2019-0136-0352

Administrator Wheeler:

Thank you for the opportunity to comment on the proposed supplemental rule on the Renewable Fuel Standard (RFS). President Trump's commitment to restoring the integrity of the RFS has been made clear. The Environmental Protection Agency (EPA) has been directed to uphold Congress' statutory target of 15 billion gallons of conventional ethanol blended into gasoline annually.

Unfortunately, the supplemental proposed rule falls short in honoring President Trump's commitment to corn farmers and ethanol producers. As written, it fails to deliver any assurance that the RFS will meet its statutory requirement.

On September 12, 2019, President Trump requested that the EPA revise its practice to guarantee that any small refinery waivers (SRE) would not reduce the 15 billion gallon requirement for conventional ethanol. The agreement, as directed by President Trump, would require the EPA to, prospectively, account for SREs by utilizing a three-year rolling average of exemptions granted by the EPA. However, the EPA's supplemental proposed rule does not achieve the 15 billion gallon requirement. It would use Department of Energy's (DOE) recommended small refinery exemptions, not actual exempted gallons. The DOE average recommended exemptions from 2016 - 2018 was 770 million gallons per year. This falls short of the small refinery exemptions granted for 2018 by nearly 600 million gallons. The EPA proposal, as currently written, does not achieve President Trump's directive to the agency.

While I appreciate your proposed rulemaking efforts to put this agreement into place, the details of this proposal fail to achieve the president's 15 billion gallon commitment. I request that you adjust the proposed supplemental rule to account for actual exempted gallons over a three-year rolling average as opposed to previous DOE estimates. The EPA needs to uphold President Trump's commitment to blend 15 billion gallons of conventional ethanol into our fuel supply annually.

Thank you for your careful consideration.

Sincerely,



M. Michael Rounds
U.S. Senator