

April 5, 2018

Via Hand Delivery

FOIA Requester Service Center
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

RE: Freedom of Information Act (“FOIA”) Request for Small Refinery and Small Refiner Hardship Exemption Materials

Dear FOIA Officer:

I am requesting documents related to the Department of Energy’s review of small refinery and small refiner disproportionate economic hardship exemptions prepared in consultation with the Environmental Protection Agency (“EPA”), as required by the Renewable Fuels Standard.¹ Amid reports that EPA has granted more than two dozen small refinery or small refiner economic hardship exemptions in the past year without public notice or comment, I am formally requesting under the Freedom of Information Act² the following information and documents from the Department of Energy (“DOE”), which plays an important role in this process:

- Any and all petitions from refiners or refineries seeking an extension of a small refiner or small refinery exemption based on a claim of disproportionate economic hardship, including any supporting information (other than material identified and marked as confidential business information).
- Any and all correspondence between DOE and refiners or refineries seeking an extension of the small refiner or small refinery exemption based on a claim of disproportionate economic hardship, including any supporting information (other than material identified and marked as confidential business information).
- Any and all documents recommending the granting or denying of a small refiner or small refinery exemption extension request;
- Any and all documents discussing or describing the refining capacity represented by those small refiners and small refineries for which an extension was requested;

¹ 42 U.S.C. § 7545(o)(9)(B); *see also* 40 C.F.R. §§ 80.1441-80.1442.

² 5 U.S.C. § 552 et seq.

- Any and all documents containing the criteria used by DOE to evaluate a small refiner or small refinery exemption extension request;
- Any and all EPA documents addressing whether EPA's Dec. 6, 2016 memorandum outlining financial and other information to be submitted as part of a small refiner or small refinery exemption request has been or will be updated or amended;³ and
- Any and all documents prepared by DOE or received from EPA as part of EPA's consultation with the Department of Energy to assess the potential economic hardship faced by a small refiner or small refinery.

I am requesting that the materials be provided to me on computer files, or if not maintained on computer files, in the same format as they are currently maintained at the Department of Energy. Materials may be forwarded to me at the address above.

If you should have any questions about this request, please feel free to contact me at (202) 289-3835 or BobD@ethanolrfa.org.

Sincerely,

Bob Dinneen
President and CEO
Renewable Fuels Association

³ Memorandum from Byron Bunker, U.S. EPA, Office of Air and Radiation, *Financial and Other Information to Be Submitted with 2016 RFS Small Refinery Hardship Exemption Requests* (Dec. 6, 2016).