



January 27, 2023

Via Electronic Filing – www.regulations.gov

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Renewable Fuel Standard Program: Standards for 2023-2025 and Other Changes (EPA-HQ-OAR-2021-0427-0421)

Dear Administrator Regan:

The undersigned trade associations urge you to separate the proposed regulatory changes that would allow for the generation of Renewable Identification Numbers from renewable electricity (“e-RINs”) under the Renewable Fuel Standard (“RFS”) from the rest of the proposed rule establishing 2023-2025 Renewable Volume Obligations (“RVOs”), and extend by sixty days the comment period for the e-RIN provisions.¹ Given the novel and complex questions it poses, the proposed e-RIN scheme should not be tethered to the deadline applicable to establishing RFS volumetric and percentage standards. To be clear, we are not asking that EPA delay finalization of the Cellulosic Biofuel, Advanced Biofuel, Biomass-based Diesel, and Renewable Fuel RVOs for 2023-2025; we are simply asking for more time to analyze and comment on the novel e-RIN generation methods proposed by EPA.

The Environmental Protection Agency (“EPA” or the “Agency”) is obligated to finalize the applicable volumes and percentage standards for 2023 by June 14, 2023 under a consent decree in *Growth Energy v. Regan, et al.*² It is imperative that EPA remain committed to this deadline, as previous delays have created marketplace uncertainty and undermined RFS objectives.

Finalizing the 2023-2025 RVOs by the June 14, 2023 deadline is essential to mitigating the adverse market impact that the delays are triggering. For issues related to the RVOs, the proposed comment deadline is reasonable.

This is not true with respect to e-RINs. Providing stakeholders with extended time to evaluate the newly proposed e-RIN regime would not undermine the RFS’s broader policy goals. It would afford stakeholders, including entirely new participants in the RFS, adequate time to assess the proposal and its potential ramifications. There is no reason to rush the assessment of the e-RIN proposal on account

¹ Environmental Protection Agency, “Renewable Fuel Standard Program: Standards for 2023-2025 and Other Changes”, 87 FR 80582 (December 30, 2022) available at <https://www.govinfo.gov/content/pkg/FR-2022-12-30/pdf/2022-26499.pdf>

² No. 1:22-cv-01191 (D.D.C.)

of the deadline in place for the final RVOs. This is especially true because EPA does not envision allowing e-RIN generation until the 2024 compliance year. This gives the Agency and stakeholders more time to ensure that the e-RIN scheme is developed and implemented in an effective, fair, and transparent manner.

To maximize the RFS's climate benefits, the Agency must implement sound policy with respect to both the RVOs and the proposed e-RIN regime. The expansion of the RFS to include electricity presents extraordinarily complex, novel policy questions that have implications beyond the RFS program. These questions necessitate lengthier consideration than the Agency is currently permitting.

For these reasons, we respectfully request a 60-day extension of the comment period specifically for the proposed e-RIN regulations, while maintaining the current comment period schedule for establishing the 2023-2025 RVOs.

Thank you for your consideration of this request.

Sincerely,

National Association of Convenience Stores
NATSO, Representing America's Travel Centers and Truck Stops
Renewable Fuels Association
SIGMA: America's Leading Fuel Marketers