



February 10, 2015

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
Mail Code 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

RE: 2014 Renewable Fuel Standards Compliance and Attest Engagement Reports

Dear Administrator McCarthy:

The American Fuel & Petrochemical Manufacturers (“AFPM”) and the American Petroleum Institute (“API”) write to request that EPA immediately issue a direct final rule delaying compliance requirements under the Renewable Fuel Standard (RFS) program including the requirement to retire RINs and the requirement to file the 2014 RFS compliance and attest engagement reports. As you know, EPA has not yet promulgated the 2014 Renewable Volume Obligations, making it impossible for obligated parties to comply with these regulatory requirements.<sup>1</sup>

Existing regulations would require obligated parties to file the 2014 RFS annual compliance report on or before March 31, 2015.<sup>2</sup> We request that these dates be delayed until 30-days following the publication of the 2015 Final Rule (assuming that the 2014 Final Rule is promulgated by that time). The apparent EMTS deadline for trading 2013 and 2014 RINs between two parties should also be aligned with the revised RIN retirement and compliance report due dates.

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<sup>1</sup> See 79 *Federal Register* 73007 (December 9, 2014).

<sup>2</sup> See 40 C.F.R. § 80.1451.

Similarly, the RFS regulations would require obligated parties to file the 2014 RFS attest engagement reports on or before June 1, 2015.<sup>3</sup> We request that this date also be delayed until 90-days following the publication of the 2015 Final Rule.

These requests are consistent with prior EPA actions to address delays in issuing RFS regulations. On August 8, 2014, EPA issued a direct final rule to extend the annual compliance and attest engagement reporting requirement deadlines for the 2013 compliance year.<sup>4</sup> EPA acknowledged the importance to obligated parties of knowing their RFS obligations for the upcoming compliance period prior to the compliance demonstration deadline. Given EPA's failure to timely issue either the 2014 or 2015 RFS final rules, similar action is required to ensure that obligated parties may operate in full compliance with EPA's regulations.

AFPM and API look forward to working with the Agency to address these concerns. If you have specific questions, please contact Tim Hogan at (202) 552-8462, or Patrick Kelly at (202) 682-8192.

Sincerely,



Tim Hogan  
Director, Motor Fuels  
American Fuel & Petrochemical  
Manufacturers



Patrick Kelly  
Senior Policy Advisor  
Downstream  
American Petroleum Institute

cc: Janet McCabe  
Christopher Grundler  
Byron Bunker  
Mary Manners  
John Weihrauch

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<sup>3</sup> See 40 C.F.R. § 80.1464.

<sup>4</sup> See 79 *Federal Register* 46353 (August 8, 2014).