WASHINGTON, D.C. - AFPM issued the following statement on small refinery exemption filings for previous years.

"AFPM has no visibility into individual member SRE filings, but the law is clear that small refineries can apply for RFS hardship relief at any time. In an earlier 10th Circuit ruling, federal judges determined that EPA was wrongly denying waivers to some facilities by imposing a heightened ‘viability’ threshold. Basically, if a small refinery wasn’t on the brink of closing, EPA denied them relief. Until the court overruled EPA, some facilities were likely dissuaded from seeking the relief they were entitled to and others, that were incorrectly denied, did not have relief instated for every missing year. Facilities have every right under the law to try to correct this with EPA — especially given the biofuel industry’s push to circumvent Congress’s intent and make future SRE eligibility dependent on a facility’s ‘continuous’ receipt of a waiver.

"If continuity was breached because of EPA’s earlier misinterpretation, it would be wrong for the agency not to rectify this for qualifying facilities."

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Media Contact:

Ericka Perryman

media@afpm.org

202.457.0480

About AFPM:

The American Fuel & Petrochemical Manufacturers (AFPM) is the leading trade association representing the makers of the fuels that keep us moving, the petrochemicals that are the essential building blocks for modern life, and the midstream companies that get our feedstocks and products where they need to go.

We make the products that make life better, safer and more sustainable — we make progress.

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