EPA has waived cellulosic biofuels in the Renewable Fuel Standard (RFS) program (see January 2015 blog - "Cellulosic RFS Waiver History," and December 2015 blog – "Update: RFS Cellulosic Biofuel Waivers"). However, EPA recently promulgated RFS rules for 2014-2016 (see 80 FR 77420; 12/14/15) and they include, for the first time, waivers for categories other than cellulosic.

Recall that Congress established four biofuel mandates in the RFS provisions of the Energy Independence and Security Act of 2007 (EISA): total renewable fuels, advanced biofuels, biomass-based diesel, and cellulosic biofuels.

For 2014-2016, EPA waived some of the statutory volumes for two categories, total renewable fuels and advanced biofuels:

Total Renewable Fuels (billion gallons)

Year	EISA	EPA regulatory requirement
2011	13.95	13.95
2012	15.2	15.2
2013	16.55	16.55
2014	18.15	16.28
2015	20.5	16.93
2016	22.25	18.11

RFS Advanced Biofuels (billion gallons)

Year	EISA	EPA Regulatory Requirement
2011	1.35	1.35
2012	2	2
2013	2.75	2.75
2014	3.75	2.67
2015	5.5	2.88
2016	7.25	3.61

2014 was the first year that the Agency promulgated total renewable fuel and advanced biofuel volumes that were lower than the levels in EISA.

EPA promulgated its final rule for 2014 in December 2015. As a result, EPA promulgated actual (after-the-fact) supply. This was quite late – recall that the final rule for 2014 was due by November 30, 2013 by statute.

EPA promulgated the 2015 RFS volumes in December 2015 (in the same rulemaking that set the 2014 volumes). This regulatory action was also late. The final rule for 2015 was due by November 30, 2014 by statute.

The Agency returned to the statutory rulemaking schedule and promulgated the RFS renewable fuel volumes for 2016 before 2016 started; the volumes for 2016 were established in the same rulemaking that set the 2014 and 2015 volumes.

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