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EPA Docket Center

February 7, 2011

BY HAND DELIVERY

The Honorable Lisa Jackson  
Administrator, United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: EPA Docket No. EPA-HQ-OAR-2010-0133,  
Petition for Reconsideration of the U.S. Environmental Protection  
Agency's Final Rule on Regulation of Fuels and Fuel Additives:  
2011 Renewable Fuel Standards, 75 Fed. Reg. 76790 (Dec. 9,  
2010).

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Dear Administrator Jackson:

Pursuant to Section 307(d)(7)(B) of the Clean Air Act ("CAA"), 42 U.S.C. § 7607(d)(7)(B), the American Petroleum Institute ("API") and the National Petrochemical and Refiners Association ("NPRA") are submitting the enclosed petition for reconsideration. The petition asks the United States Environmental Protection Agency ("EPA") to reconsider three elements of its December 9, 2010 final rule, Regulation of Fuels and Fuel Additives: 2011 Renewable Standards, 75 Fed. Reg. 76790 (Dec. 9, 2010) (hereinafter, "the Final Rule").

API is a national trade association representing more than 450 member companies involved in all aspects of the oil and natural gas industry. NPRA's more than 450 members own or operate virtually all U.S. petroleum refining capacity and include most of the nation's petrochemical manufacturers, which supply the chemicals necessary to produce products ranging from pharmaceuticals to fertilizers to Kevlar. The members of API and NPRA are fully dedicated to achieving the twin goals of meeting all environmental requirements while simultaneously developing and supplying critical energy resources to consumers.

Both API and NPRA filed comments in response to EPA's Notice of Proposed Rulemaking on proposed volumes and changes to the 2011 Renewable Fuels Standard (RFS). API and NPRA

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are grateful for the opportunity to file those comments, but believe that three aspects of the Final Rule warrant reconsideration by EPA.

*First*, EPA should reconsider the 2011 cellulosic biofuel requirement set forth in the Final Rule. In projecting that 6.6 million gallons of cellulosic biofuel can be produced in 2011, EPA both overstated production capacity and contravened the CAA by relying on aspirational rather than realistic projected production levels. EPA further transgressed the CAA by giving inadequate deference to the much lower cellulosic biofuel production estimate offered by the Energy Information Administration—the federal government’s leading expert on energy statistics, analysis, and projections.

*Second*, EPA should reconsider its decision not to reduce the advanced biofuel and total renewable fuel requirements. EPA’s reliance on a possible Brazilian import market, excess biodiesel, and various other potential sources of biofuels is speculative and offers no confidence that obligated parties can meet the 2011 advanced biofuel and total renewable fuel requirements.

*Third*, EPA should reconsider its treatment of delayed RINs. Delayed RINs inject considerable uncertainty into the regulatory environment and are inconsistent with the CAA’s goal of affording obligated parties a defined, stable period for compliance with known and unchanging rules.

Thank you for your consideration of this petition. Please contact either one of us with any questions.

Sincerely,



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cc: Office of Air and Radiation Docket