

EPA Denies Petitions for Reconsideration of the Final Rule Establishing the 2013 Biomass-Based Diesel Volume

Introduction

On September 27, 2012, EPA established a 2013 volume requirement of 1.28 billion gallons under the Renewable Fuel Standard (RFS) program. In November 2012, the American Fuel & Petrochemical Manufacturers (AFPM) and the American Petroleum Institute (API) each individually submitted a Petition for Reconsideration of this final rule. After considering all the issues raised by petitioners, EPA has determined that the objections raised in these petitions do not warrant a reconsideration of the biomass-based diesel volume requirement for 2013.

General Background

The petitions were submitted under the reconsideration provisions of section 307(d)(7)(B) of the Clean Air Act (CAA). Under this provision, a petitioner must show why an issue could not have been raised during the comment period, either because it was impracticable to raise the issue during that time or because the grounds for the issue arose after the period for public comment. The petitioner must also show that the issue is of central relevance to the outcome of the rule and would thus provide substantial support for the argument that the regulation should be revised.

EPA is denying both petitions because they fail to meet one or both of these criteria. In all cases, the objections raised in these petitions either were or could have been raised during the comment period on the proposed rule, or are not of central relevance to the outcome of the rule because they do not provide substantial support for the argument that the 2013 biomass-based diesel volume requirement should be revised as suggested by petitioners.

For More Information

For more information on this proposal, please visit the RFS website at:

www.epa.gov/otaq/fuels/renewablefuels

To submit a question on the RFS program, and to view Frequently Asked Questions, please visit:

www.epa.gov/otaq/fuels/renewablefuels/compliancehelp/index.htm