



August 30, 2019

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
EPA Docket Center  
Air and Radiation Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
ATTN: Docket ID No. EPA-HQ-OAR-2019-0136

Submitted Electronically

Re: Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021; Response to the Remand of the 2016 Standards, and Other Changes; Proposed rule, 84 Fed. Reg. 36,762 (July 29, 2019)

Dear Administrator Wheeler:

North Dakota Farmers Union (NDFU) appreciates the opportunity to comment on Docket ID No. EPA-HQ-OAR-2019-0136 regarding the Renewable Fuel Standard Program: Standards for 2020 and Biomass-Based Diesel Volume for 2021; Response to the Remand of the 2016 Standards, and Other Changes; Proposed rule, 84 Fed. Reg. 36,762. NDFU, the largest general farm organization in North Dakota, represents more than 50,000 farm and ranch families and their energy and agriculture supply cooperatives. NDFU's member developed policy positions have long supported the full implementation of the Renewable Fuel Standard (RFS) program.

The Environmental Protection Agency (EPA) is proposing new volume requirements for cellulosic biofuel, advanced biofuel, and renewable fuel in 2020 and for biomass-based diesel in 2021. The EPA's proposed rule maintains the implied volume requirement of 15-billion-gallons of conventional biofuels, but proposes significant reductions in the statutory volume for advanced biofuels. Although NDFU appreciates the maintenance of the 15-billion-gallon implied volume requirement, the advanced biofuel volume requirement for 2020 and the biomass-based diesel volume requirement for 2021 should be increased as the proposed volume requirements fall well below the Congressional mandate.

The EPA also proposes to retain the 2016 renewable fuel volume requirement, even though the U.S. Court of Appeals for the D.C. Circuit held the EPA had impermissibly waived 500 million gallons of the statutorily required volume for 2016. We urge the implementation of the 500 million gallons the EPA invalidly waived to the 2020 volume requirement.

Further, the EPA overlooks the availability of carryover RINs in assessing the applicable volumes and setting standards that are intended to ensure the actual volumes required. Based on the EPA's regulations, rollover RINs are part of the supply and should not be used to reduce the actual volumes required. In addition, the EPA must also address RIN market operations and manipulation. By making the small refinery exemption process more public, it will help reduce RIN price volatility and ensure the EPA's actions are consistent with the statute and intent of Congress. The EPA must consider how to address the lost volumes from grant exemptions to small refineries when setting standards.

Comments of North Dakota Farmers Union  
Docket ID No. EPA-HQ-OAR-2019-0136  
August 30, 2019  
Page 2

Family farmers and ranchers are facing a severely depressed farm economy. This is the time when the EPA should be raising expectations for the RFS, a policy that helps drive America's rural economy. Increasing the proposed volumes can provide a much-needed economic boost to family farmers, ranchers, and their communities.

Therefore, NDFU respectfully requests the EPA enforce the 15-billion-gallon implied volume requirement for conventional biofuels and increase the advanced biofuel volume requirements for 2020. NDFU also requests the EPA stop issuing retroactive small refinery exemptions and that it acts to address the loss of biofuel demand as a result of the increase in small refinery exemptions.

Sincerely,

NORTH DAKOTA FARMERS UNION



Mark Watne  
President

