



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

August 6, 2019

OFFICE OF
AIR AND RADIATION

Mr. Adam Krantz
Executive Director
National Association of Clean Water Agencies
1130 Connecticut Avenue, N.W.
Suite 1050
Washington, D.C. 20036

Dear Mr. Krantz:

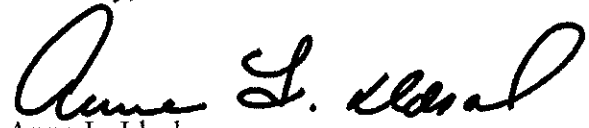
Thank you for your March 25, 2019, letter to the U.S. Environmental Protection Agency (EPA) regarding the Renewable Fuel Standard (RFS) program. Your letter asks that biofuels generated from non-cellulosic feedstocks such as food waste be issued cellulosic RINs when these feedstocks are added to digesters such as wastewater treatment facility digesters that predominantly convert cellulosic feedstocks. Your letter also requests further discussion with EPA to explore whether a change in the current requirements may be possible. The Administrator asked that I respond on his behalf.

EPA understands the importance of the RFS program to many stakeholders, including the California Association of Sanitation Agencies (CASA), the National Association of Clean Water Agencies (NACWA), and individual municipalities such as Los Angeles and East Bay. EPA is committed to implementing the RFS program consistent with broader Agency objectives and environmental priorities while adhering to the statute as Congress directed. Recently, senior officials from the Office of Air and Radiation and Office of Water met with several representatives from CASA.

As your letter notes, EPA explicitly considered this very issue in the 2014 Pathways II rulemaking and decided to require that where two different eligible feedstocks are used to produce a fuel (one cellulosic and the other non-cellulosic), the RIN generation would need to be apportioned to the volume of fuel produced from each feedstock (i.e., D3 RINs for the fuel volume produced from the cellulosic material and D5 RINs for the fuel volume produced from the non-cellulosic material). Having reached our decision in Pathways II through a robust notice and comment process, EPA does not intend revisit this decision at this time. Enclosed is EPA's response to the American Biogas Council (dated March 15, 2017) that provides further guidance on your questions related to using mixed cellulosic and non-cellulosic feedstocks under the applicable Pathway Q in Table 1 to 40 CFR 80.1426.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Madison Le in my office at Le.Madison@epa.gov or at (202) 564-5754.

Sincerely,

A handwritten signature in black ink that reads "Anne L. Idsal". The signature is fluid and cursive, with the first name "Anne" being the most prominent.

Anne L. Idsal

Acting Assistant Administrator

Enclosure