# **Kern Oil threatens to sue EPA**

Biofuels International

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*Reuters*reports that ***Kern*** ***Oil*** & Refining Co is threatening to sue the US Environmental Protection Agency for failing to respond to its request for a small refinery biofuel waiver within the proscribed 90 days.

In a letter addressed to EPA acting administrator Andrew Wheeler on the 7 February, ***Kern*** ***Oil*** said, '***Kern*** ***Oil*** would prefer to resolve this matter and receive a response without the need for litigation.'

The letter continued to say, 'If EPA does not, however, ***Kern*** ***Oil*** intends to sue you and EPA in US District Court.'

***Kern*** ***Oil*** is a privately owned California company that had applied for a waiver on 19 July 2018 that would have excused it from complying with its 2017 obligations under the US Renewable Fuel Standard (RFS), *Reuters* reports.

The US National Biodiesel Board (NBB) submitted a Freedom of Information Act Request inApril 2018, in a bid to shed light on small refiner exemptions requested and issued under the Renewable Fuel Standard. Two past RFS waivers have caused controversy throughout the US biofuels industry,   Philadelphia Energy Solutions not having to pay back its obligations under the RFS and   three Andeavor refineries being granted a 'hardship waiver' from the RFS.

The RFS states that ***oil*** refiners must blend certain volumes of biofuels such as corn-based ethanol into their fuel every year or, purchase blending credits from those that do. However, small ***oil*** refineries may be exempt from the standard if they are able to prove that compliance would cause 'disproportionate' hardship.

The EPA has 90 days to respond to requests for submitted waivers. An EPA official informed *Reuters* that, 'We are reviewing the incoming letter. We don't have any additional details to share on the ***Kern*** ***Oil*** SRE review process.'

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