



WEST VIRGINIA LEGISLATURE  
STATE CAPITOL  
CHARLESTON, WEST VIRGINIA 25305

**MITCH B. CARMICHAEL**  
PRESIDENT

September 6, 2019

**ROGER HANSHAW**  
SPEAKER

The White House  
Attn: Mr. William Crozer  
Special Assistant to the President and Deputy Director  
Office of Intergovernmental Affairs  
1600 Pennsylvania Avenue  
Washington, DC 20500

***RE: Small Refinery Exemptions from the Renewable Fuel Standards***

Dear Mr. Crozer:

We are writing in regards to the importance of Small Refinery Exemptions (SREs), which are issued by the Environmental Protection Agency (EPA) to qualifying refineries with less than 75,000 barrels per day throughput. When Congress enacted the Renewable Fuel Standard (RFS), a program arising under the federal Clean Air Act (CAA)(42 U.S.C. 7545), it anticipated that the program might threaten the viability of small refineries, their employees, and the local communities that rely on them. To prevent this, Congress included a provision in the law for the EPA to provide relief to refineries who are disproportionately impacted.

Ergon West Virginia, located in Newell, WV, is just such a refinery. Ergon employs more than 400 people in West Virginia. Last year alone, their total gross payroll was more than \$27 million. They provide West Virginians with high-paying long-term jobs and use many outside services that support local businesses. The economic importance of this facility to West Virginia's economy cannot be overstated.

We urge the White House to continue granting SREs in accordance with the Clean Air Act, court rulings and Congressional appropriations report language. However, we also want to point out that the Newell refinery, a truly small refinery in West Virginia, is losing money on their transportation fuels because of the RFS and has not been granted relief, despite a court ruling in their favor. We also would like to point out the importance of supporting the Ergon West Virginia facility in achieving the goals for supporting economic opportunities in Appalachia as mentioned in §9 of the *Executive Order on Promoting Energy Infrastructure and Economic Growth* (April 10, 2019).

We fear the Administration may lose sight of the importance of protecting small refineries which are critical to the U.S. energy infrastructure and the manufacturing jobs they provide throughout the country. We are also concerned about rumors of increased RFS volumes and reallocation of small refinery hardship exemptions which would be incredibly harmful in West Virginia and throughout the country.

We respectfully request you to consider our position and protect refineries like the one in Newell, WV and the impact it has on the economy of the Mountain State.

Sincerely,

Handwritten signature of Mitch B. Carmichael in blue ink.

Honorable Mitch B. Carmichael  
Senate President  
State of West Virginia

Handwritten signature of Roger Hanshaw in blue ink.

Honorable Roger Hanshaw  
Speaker of the House  
State of West Virginia