

Biofuels Groups And Refiners Filed Final Briefs In Challenge To Renewable Fuel Standards Final Rule

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On June 8, 2018, petitioners in the District of Columbia Circuit (D.C. Circuit) case *Coffeyville Resources Refining, et al. v. EPA* filed their final briefs in the case challenging EPA's final rule that established: (1) the annual percentage standards for cellulosic biofuel, biomass-based diesel (BBD), advanced biofuel, and total renewable fuel that apply to all motor vehicle gasoline and diesel produced or imported in the year 2017; and (2) the applicable volume of BBD for 2018. 81 Fed. Reg. 89746 (Dec. 12, 2016). Final briefs were filed by petitioners Coffeyville Resources Refining & Marketing, LLC, *et al.* and the National Biodiesel Board (NBB). The lengthy briefs reiterate the petitioners' arguments that EPA acted arbitrarily and capriciously in relying on incomplete and flawed information and methodology when setting the cellulosic biofuel requirements and other 2017 obligations, and that EPA violated 42 U.S.C. § 7545(o)(2)(B)(ii) when it set the 2018 BBD volume based on factors that are not among those Congress instructed the Agency to consider, including the 2018 advanced-biofuel volume. Respondent EPA and intervenors for EPA also filed final briefs. EPA argued that its use of the cellulosic waiver was reasonable and reasonably used and applied; the D.C. Circuit has previously upheld its cellulosic biofuel projection methodology; and it properly assessed and set the BBD volumes for 2018. Oral argument in this case has not yet been scheduled. All of the briefs are available on [Inside EPA's website](#) (subscription required).

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