



Delek US
7102 Commerce Way
Brentwood, TN 37027

February 26, 2020

VIA HAND-DELIVERY AND ELECTRONIC MAIL

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Notice of Intent to Sue EPA for Its Failure to Act on Small Refinery
Hardship Exemption Petitions in Accordance with Statutory Deadline

Dear Mr. Wheeler:

I am writing on behalf of Lion Oil Company ("Lion Oil"), Alon USA, LP ("Big Spring"), Alon Refining Krotz Springs, Inc. ("ARKS"), and Delek Refining, Ltd. ("Delek Refining") (each a "Company"), each of which submitted petitions asking the U.S. Environmental Protection Agency ("EPA") to exempt their respective refineries from certain requirements established under the Renewable Fuels Standard ("RFS") Program for the 2019 compliance year.

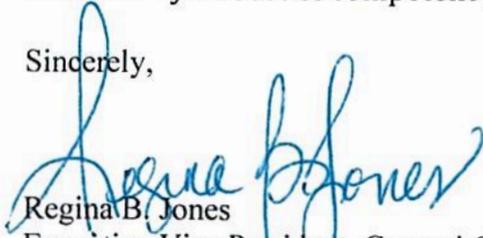
Each Company owns a "small refinery" under the RFS program and may "at any time" petition EPA for an RFS exemption by showing that it would face "disproportionate economic hardship" under the program. 42 U.S.C. § 7545(o)(9)(B)(i). To this end, each Company submitted a petition for its refinery soon after the close of the third quarter of 2019. Each Company supplemented its petition with financial and refining margin data through September 30, 2019, on November 26, 2019.

Under Section 211 of the Clean Air Act, EPA is required to act on small refinery exemption petitions within 90 days of receiving them. 42 U.S.C. § 7545(o)(9)(B)(iii). Having received complete petitions on November 26, 2019, EPA should have provided its decision to each Company no later than February 24, 2020. To date, EPA has not acted on any of the four petitions.

Section 304 of the Clean Air Act authorizes civil actions against the Administrator to compel him or her to perform any act or duty that is not discretionary under the Clean Air Act. 42 U.S.C. § 7604(a)(2). In accordance with section 304(b) of the Clean Air Act, 42 U.S.C. § 7604(b), this letter shall serve as formal notice of each Company's intent to file suit against EPA for the agency's failure to perform its mandatory duty under the Clean Air Act to act on these small

refinery exemption petitions within the 90-day period prescribed by Clean Air Act. Such action may be filed sixty (60) days from the date of this letter. *Id.* § 7604(b)(2). If any Company finds it necessary to file any such action, it will seek all appropriate relief, including injunctive, declaratory, monetary, and any other relief as may be awarded by a court of competent jurisdiction.

Sincerely,



Regina B. Jones

Executive Vice President, General Counsel and Corporate Secretary
Delek US Holdings, Inc.

cc: Matt Leopold, EPA Office of General Counsel (via electronic mail)
Ann Idsal, EPA Office of Air and Radiation (via electronic mail)
Sarah Dunham, EPA Office of Transportation and Air Quality (via electronic mail)



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BRACEWELL

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