

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

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BIG WEST OIL LCC,)	
)	
Petitioner,)	
)	
v.)	Case No. _____
)	
UNITED STATES ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	
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PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), Rule 15(a) of the Federal Rules of Appellate Procedure, and Rule 15 of the Tenth Circuit Court of Appeals, Big West Oil LLC (“BWO”) hereby petitions this Court for review of the following final agency action, attached hereto as Exhibit 1, issued by the United States Environmental Protection Agency on August 9, 2019:

Decision on 2018 Small Refinery RFS Exemption Petition – Big West Oil

[signature page follows]

Date: September 23, 2019

Respectfully submitted,

/s/ Jeffrey R. Holmstead

Jeffrey R. Holmstead

Brittany M. Pemberton

BRACEWELL LLP

2001 M Street N.W.

Suite 900

Washington, D.C. 20036

(202) 828-5800 (telephone)

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Jeff.Holmstead@bracewell.com

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Counsel for Petitioner

Exhibit 1

From: Bunker, Byron <bunker.byron@epa.gov>
Sent: Friday, August 9, 2019 4:00 PM
To: Jalyn Rowser <jalyn.rowser@bigwestoil.com>

Subject: EPA decision on 2018 small refinery RFS exemption petition (CONTAINS CONFIDENTIAL BUSINESS INFORMATION) - Big West Oil

The purpose of this email is to notify you that EPA has evaluated your petition for a one-year extension for 2018 of the small refinery exemption from the requirements of the renewable fuel standard (RFS) program for the Big West Oil refinery. Based on the information submitted in your petition, EPA's consultation with the Department of Energy (DOE), and the recommendation DOE provided, EPA Acting Assistant Administrator for Air and Radiation Anne Idsal has decided to deny your request for exemption for 2018. This means that from January 1, 2018, through December 31, 2018, your refinery's gasoline and diesel production remain subject to the percentage standards of 40 CFR 80.1405, and remains subject to the requirements of an obligated party for fuel produced at the refinery during that period.

Byron Bunker
Director Compliance Division
Office of Transportation and Air Quality
Environmental Protection Agency
2000 Traverwood Drive
Ann Arbor, MI 48105
Bunker.Byron@epa.gov
Phone: (734) 214-4155
Mobile: (734) 353-9623

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PROTECTION AGENCY,)	
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Respondent.)	
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**RULE 26.1 CERTIFICATE OF CORPORATE DISCLOSURE OF
BIG WEST OIL LLC**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1, Big West Oil LLC certifies that it is a Utah limited liability company, and that it is a wholly-owned subsidiary of Big West Holdings LLC, a Utah limited liability company, which in turn is wholly owned by FJ Management Inc., a Utah Corporation. FJ Management Inc. is a privately held corporation with no parent corporation.

[signature page follows]

Date: September 23, 2019

Respectfully submitted,

/s/ Jeffrey R. Holmstead

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Counsel for Petitioner

CERTIFICATE OF DIGITAL SUBMISSION

In accordance with the court's CM/ECF User's Manual, I hereby certify that:

- 1) all required privacy redactions have been made per Tenth Circuit Rule 25.5;
- 2) hard copies of this pleading that may be required to be submitted to the court are exact copies of the ECF filing; and
- 3) the ECF submission has been scanned for viruses with the most recent version of a commercial virus scanning program, Crowdstrike, Version 5.15.9601, last updated on the date listed below and, according to the program, is free of viruses.

Date: September 23, 2019

Respectfully submitted,

/s/ Jeffrey R. Holmstead

Jeffrey R. Holmstead

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 15(c) and Tenth Circuit Rule 15.2, I hereby certify that I have this day caused the foregoing Petition for Review and Rule 26.1 Corporate Disclosure Statement to be delivered electronically through CM/ECF and by first-class mail, postage prepaid, on each of the following:

Hon. Andrew Wheeler
Administrator
U.S. Environmental Protection
Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Correspondence Control Unit
Office of General Counsel (2311)
U.S. Environmental Protection
Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20560

Mr. Matthew Z. Leopold
General Counsel
U.S. Environmental Protection
Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

The Honorable William P. Barr
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Mr. Jeffrey Bossert Clark
Assistant Attorney General
U.S. Department of Justice
Law and Policy Section
Environment and Natural Resources
Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

Date: September 23, 2019

Respectfully submitted,

/s/ Jeffrey R. Holmstead

Jeffrey R. Holmstead