

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

**SINCLAIR WYOMING REFINING )  
COMPANY )  
 )  
                  **Petitioner** )  
 )  
          **v.** )  
 )  
**UNITED STATES ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
                  **Respondent.** )  
 )****

**Case No.** \_\_\_\_\_

**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, the Sinclair Wyoming Refining Company (“Sinclair”) hereby petitions this Court for review of the following final agency action issued by the United States Environmental Protection Agency on August 9, 2019:

*Decision on 2018 Small Refinery RFS Exemption Petition – Sinclair Wyoming*

See Exhibit 1.

*[signature page follows]*

Date: August 22, 2019

Respectfully submitted,

*/s/ Jeffrey R. Holmstead*

Jeffrey R. Holmstead

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*Counsel for Petitioner*

# **Exhibit 1**

**From:** Bunker, Byron [<mailto:bunker.byron@epa.gov>]

**Sent:** Friday, August 09, 2019 4:00 PM

**To:** Clint Ensign

**Subject:** EPA decision on 2018 small refinery RFS exemption petition (CONTAINS CONFIDENTIAL BUSINESS INFORMATION) - Sinclair Wyoming

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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 Sinclair Wyoming 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](mailto:Bunker.Byron@epa.gov)  
Phone: (734) 214-4155  
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**PROTECTION AGENCY,** )  
 )  
          **Respondent.** )  
\_\_\_\_\_ )

**Case No.** \_\_\_\_\_

**RULE 26.1 CERTIFICATE OF CORPORATE DISCLOSURE OF  
SINCLAIR WYOMING REFINING COMPANY**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Tenth Circuit Rule 26.1, Sinclair Wyoming Refining Company certifies it is a wholly-owned subsidiary of Sinclair Oil Corporation, which is a wholly-owned subsidiary of The Sinclair Companies. The Sinclair Companies is a privately held corporation with no parent corporation.

*[signature page follows]*

Date: August 22, 2019

Respectfully submitted,

/s/ Jeffrey R. Holmstead

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## 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 Endpoint Protection, version 5.15.9601, last updated on August 22, 2019 and, according to the program, is free of viruses.

Date: August 22, 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: August 22, 2019

Respectfully submitted,

*/s/ Jeffrey R. Holmstead*

Jeffrey R. Holmstead