

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

**SINCLAIR WYOMING REFINING)
COMPANY and SINCLAIR CASPER)
REFINING COMPANY)**

Petitioners)

v.)

Case No. _____

**UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)**

Respondent.)

PETITION FOR REVIEW

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 706(2); 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 and Sinclair Casper Refining Company (collectively, “Sinclair”) hereby petition the United States Court of Appeals for the Tenth Circuit for review of a final action of the Administrator of the United States Environmental Protection Agency: *Decision on the Small Refinery Exemption Petitions from the Sinclair Wyoming Refinery for 2018 and 2019 and the Sinclair Casper Refinery for 2019* (attached as Exhibit A).

This petition for review is timely filed under 42 U.S.C. § 7607(b)(1). The agency action was signed on January 14, 2021, but was not published in the Federal Register, and therefore became a final agency action on January 28, 2021. *See* 40 C.F.R. § 23.3 (Timing of Administrator’s Action under Clean Air Act); 50 Fed. Reg. 7268, 7269 (Feb. 21, 1985).

The Corporate Disclosure Statement required by Rule 26.1 of the Federal Rules of Appellate Procedure, the List of Respondents required by Tenth Circuit Local Rule 15.2, and the Certificate of Service required by Rule 25(d) of the Federal Rules of Appellate Procedure and Local Rule 25.4 are attached.

Date: March 15, 2021

Respectfully submitted,

/s/ Jeffrey R. Holmstead

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**UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,**)
)
 Respondent.)**

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**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 and Sinclair Casper Refining Company certify they are wholly-owned subsidiaries 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: March 15, 2021

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 6.16.13008.0, last updated on March 1, 2021 and, according to the program, is free of viruses.

Date: March 15, 2021

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. Michael S. Regan
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Date: March 15, 2021

Respectfully submitted,

/s/ Jeffrey R. Holmstead

Jeffrey R. Holmstead