

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUSTAINABLE ADVANCED
BIOFUEL REFINERS COALITION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 23-1246

PETITION FOR REVIEW

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. §7607(b), Sustainable Advanced Biofuel Refiners Coalition (Petitioner) hereby petitions the Court for review of final agency action by the U.S. Environmental Protection Agency (EPA) entitled “Renewable Fuel Standard (RFS) Program: Standards for 2023-2025 and Other Changes,” published at 88 Fed. Reg. 44,468 (July 12, 2023) (referred to as “Final 2023-2025 RFS Rule”). Such challenge is timely under 42 U.S.C. §7607(b) and properly before the D.C. Circuit.

Petitioner further states that the Final 2023-2025 RFS Rule reopened regulations implementing the biomass-based diesel program, including the

definition of “biomass-based diesel” and the equivalence values for renewable diesel fuels, in Regulation of Fuels and Fuel Additives: Changes to Renewable Fuel Standard Program, 75 Fed. Reg. 14,670 (Mar. 26, 2010), and inclusion of jet fuel in biomass-based diesel pathways in Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program, 78 Fed. Reg. 14,190 (Mar. 5, 2013), and in EPA’s approval of an ethanol-to-jet fuel company specific pathway granted to Lanza Jet, Inc., dated January 12, 2023.

Respectfully submitted,

/s/ Sandra P. Franco

Sandra P. Franco

Franco Environmental Law, LLC

600 Pennsylvania Avenue, SE

Unit 15577

Washington, DC 20003

T 202 256-6115

sandra@francoenvironmentallaw.com

Jerome C. Muys, Jr.

Muys & Associates, LLC

910 17th Street, NW, Suite 800

Washington, DC 20006

T 301-785-0602

jmuys@muyslaw.com

*Counsel for Sustainable Advanced Biofuel
Refiners Coalition*

Dated: September 11, 2023

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUSTAINABLE ADVANCED
BIOFUEL REFINERS COALITION,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. _____

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1, Sustainable Advanced Biofuel Refiners Coalition (Petitioner) makes the following disclosure:

Petitioner has no parent companies, and no publicly held company has a 10% or greater ownership interest. It has not issued shares or debt securities to the public.

Petitioner is an association of stakeholders that have invested in building out America's first advanced biofuel—biodiesel. SABR includes stakeholders from every link in the value chain from feedstock growers to biodiesel producers, distributors, retailers, and consumers, as well as infrastructure, products, and

services suppliers. Petitioner advocates to support the interests of its members, including proper implementation of the Renewable Fuel Standard program. It is a “trade association” as defined in Circuit Rule 26.1(b).

Respectfully submitted,

/s/ Sandra P. Franco

Sandra P. Franco
Franco Environmental Law, LLC
600 Pennsylvania Avenue, SE
Unit 15577
Washington, DC 20003
T 202 256-6115
sandra@francoenvironmentallaw.com

Jerome C. Muys, Jr.
Muys & Associates, LLC
910 17th Street, NW, Suite 800
Washington, DC 20006
T 301-785-0602
jmuys@muyslaw.com

*Counsel for Sustainable Advanced Biofuel
Refiners Coalition*

Dated: September 11, 2023

Correspondence Control Unit
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Mail Code: 2310A
Washington, D.C. 20460

HON. MERRICK B. GARLAND
Attorney General
TODD SUNHWAE KIM
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

And to have an electronic copy (including a copy of the Federal Register notice) be provided via electronic mail to: John H. Martin (john.h.marting@usdoj.gov) and Kimere J. Kimball (kimere.kimball@usdoj.gov).

/s/ Sandra P. Franco

Sandra P. Franco