

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

WYNNEWOOD REFINING CO. LLC,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 24-1010

PETITION FOR REVIEW

Pursuant to Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), and Federal Rule of Appellate Procedure 15(a), Wynnewood Refining Company, LLC (“Petitioner”) petitions this Court for review of the action of the Administrator of the United States Environmental Protection Agency (“EPA”) announced on June 3, 2022, titled “June 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries,” EPA-420-R-22-012, notice of which was published in the Federal Register on June 8, 2022. 87 Fed. Reg. 34872 (June 8, 2022). A copy of the action is attached as **Exhibit A**. This agency action purported to provide 31 small refineries, including the Petitioner, with an alternative compliance demonstration approach “for one or more of the 2016, 2017, and 2018 compliance years.” Ex. A, at 1. This Petition is timely filed within 60 days of the notice published in the Federal Register. *See* 42 U.S.C. § 7607(b)(1).

Petitioner has filed this petition for review of the agency action in this Court, the regional circuit in which Petitioner’s principal place of business is located, because Petitioner believes that jurisdiction and venue are proper here pursuant to 42 U.S.C. § 7607(b)(1). As a protective measure, however, Petitioner will also file a petition for review of the same agency action in the United States Court of Appeals for the District of Columbia Circuit, because EPA stated in the agency action that any “petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit” Ex. A, at 20.

The Certificate of Interested Persons required by Federal Rule of Appellate Procedure 26.1 and Fifth Circuit Rule 26.1.1 is attached as **Exhibit B**.

Dated: August 1, 2022

Respectfully submitted,

/s/ Samuel P. Hershey

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Counsel for Wynnewood Refining Co., LLC

CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Appellate Procedure 3(d), 15(c) and 25, Fifth Circuit Rule 25, and 40 C.F.R. § 23.12(a), I hereby certify that on August 1, 2022, I will cause copies of the foregoing Petition for Review and Corporate Disclosure Statement to be served by certified mail, return receipt requested upon the following:

Hon. Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

U.S. Environmental Protection Agency
Correspondence Control Unit
Office of General Counsel (2311)
1200 Pennsylvania Avenue, NW
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Hon. Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Hon. Todd Kim
Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dated August 1, 2022

Respectfully submitted,
/s/ Samuel P. Hershey
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