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January 14, 2025

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**VIA ELECTRONIC AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Honorable Jane Nishida  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

**Re: Notice of Intent to Sue Pursuant to 42 U.S.C. § 7604(b)(2) for Failure to Issue  
Decisions on Small Refinery Hardship Petitions Pursuant to § 7545(o)(9)(B)(iii)**

Dear Administrator Nishida:

On behalf of CountryMark Refining and Logistics, LLC (“CountryMark”), we submit this notice of intent to sue the Administrator of the United States Environmental Protection Agency (“EPA” or the “Administrator”) for the Administrator’s failure to perform a non-discretionary duty under the Clean Air Act (“CAA”) and to seek a court order requiring the Administrator to perform that nondiscretionary duty. 42 U.S.C. § 7604(a)(2); *id.* § 7604(b)(2).

In 2022, EPA denied petitions for small refinery hardship relief submitted by CountryMark under the Renewable Fuel Standard (“RFS”). On July 26, 2024, the U.S. Court of Appeals for the D.C. Circuit (“D.C. Circuit”) vacated EPA’s denials of CountryMark’s hardship petitions and remanded the petitions to EPA. *Sinclair Wyoming Refining Co., LLC v. EPA*, 114 F.4th 693 (D.C. Cir. 2024) (“*Sinclair Wyoming*”). EPA has a non-discretionary duty to act on any petition for small refinery hardship relief within ninety (90) days of receipt of the petition. 42 U.S.C. § 7545(o)(9)(B)(iii). EPA failed to perform that non-discretionary duty when it failed to act on CountryMark’s hardship petitions by December 19, 2024—90 days after EPA received the petitions back from the D.C. Circuit on September 20, 2024. Mandate, *Sinclair Wyoming*, No. 22-1073 (D.C. Cir. Sept. 20, 2024), Dkt. No. 2075974. EPA’s failure to act on CountryMark’s remanded petitions by the statutory deadline also constitutes “agency action unlawfully withheld” and “unreasonably delayed.” 5 U.S.C. § 706(1). CountryMark gives notice of its intent to sue EPA to compel that action. *Id.*

CountryMark urges the Administrator to decide CountryMark’s remanded hardship petitions immediately, in order to avoid the need for litigation.

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Pursuant to 40 C.F.R. § 54.3(a), the full name and address of the person providing this notice on behalf of CountryMark is:

Alexandra Magill Bromer  
Perkins Coie LLP  
700 13th Street N.W., Suite 800  
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Sincerely,

A handwritten signature in blue ink, appearing to read "A. Bromer", is written over a light gray rectangular background.

Alexandra Bromer