

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

CALUMET MONTANA REFINING,  
LLC,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

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

**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), Calumet Montana Refining, LLC respectfully petitions this Court for review of the action of the Administrator of the United States Environmental Protection Agency (“EPA”) issued on January 2, 2025, denying Calumet’s petition for small refinery hardship relief from the requirements of the Renewable Fuel Standard (“RFS”) for the 2023 compliance year. The EPA action challenged here is titled “Denial of Request for Extension of Small Refinery Temporary Exemption Under the Renewable Fuel Standard Program for Calumet Montana Refining, LLC’s Great Falls, Montana Refinery.” (Cover letter attached as Exhibit A.)\*

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\* The EPA Decision Document attached to the EPA cover letter contains Confidential Business Information (“CBI”) protected under 40 C.F.R. §§ 2.201–215 and is not included in Exhibit A at this time.

EPA's action states that "[t]his decision is a final agency action for purposes of [Clean Air Act] section 307(b)(1)." Decision Document 23. To Petitioner's knowledge, notice of the action has not been published in the Federal Register. Therefore, Petitioner files this petition for review within the time period prescribed by 40 C.F.R. § 23.3(b) and 42 U.S.C. § 7607(b)(1).

Venue is proper in this Court under 42 U.S.C. § 7607(b)(1), as EPA agrees. Decision Document 23.

The Corporate Disclosure Statement required by Federal Rule of Appellate Procedure 26.1 and 9th Circuit Rule 26.1 is attached as Exhibit B.

Dated: January 29, 2025

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Respectfully submitted,

s/ Michael R. Huston

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*Attorneys for Calumet Montana Re-  
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# EXHIBIT A



**ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION**

WASHINGTON, D.C. 20460

January 2, 2025

Mr. Bruce Fleming  
Executive Vice President Corporate Development  
Calumet Montana Refining, LLC  
1900 10<sup>th</sup> St. NE  
Great Falls, MT 59404

Dear Mr. Fleming:

I am writing in response to the petition from the Calumet Montana Refining, LLC (CMR) for a one-year extension of the small refinery exemption for 2023 from the requirements of the Renewable Fuel Standard (RFS) program for the CMR's refinery in Great Falls, Montana. As you know, the Clean Air Act (CAA) provides that small refineries were temporarily exempt from the RFS requirements through December 31, 2010. CMR's Great Falls refinery qualified as a small refinery that was covered by this temporary exemption.

Pursuant to CAA section 211(o)(9)(B) and 40 CFR 80.1441(e)(2), small refineries may petition EPA to extend the temporary RFS exemption on the basis that compliance with the RFS requirements will cause "disproportionate economic hardship." Pursuant to these provisions, CMR submitted a petition to EPA dated December 14, 2023, to extend the exemption for the Great Falls refinery for the 2023 compliance year.

Based on our evaluation of all the information submitted by CMR, and after consultation with the Department of Energy, we have determined that the CMR's Great Falls refinery will not experience "disproportionate economic hardship" caused by compliance with its RFS obligations. Please see the enclosed Decision Document for a more detailed explanation of our evaluation and determination. For this reason, EPA is denying CMR's petition requesting an extension of the Great Falls refinery's small refinery exemption for 2023.

If you have any questions, please contact Byron Bunker in the EPA's Office of Transportation and Air Quality at (734) 214-4155.

Sincerely,

Joseph Goffman  
Assistant Administrator

Enclosure – Decision Document

# EXHIBIT B

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**CORPORATE DISCLOSURE STATEMENT**

Pursuant to Federal Rule of Appellate Procedure 26.1 and Ninth Circuit Rule 26.1, Petitioner Calumet Montana Refining, LLC, provides the following corporate disclosure statement:

**Calumet Montana Refining, LLC**, is a Delaware corporation. It is owned 100% by Calumet, Inc., a manufacturer of specialty products and a publicly traded company under the symbol “CLMT.” There are no other known parent corporations or publicly held corporations that own 10% or more of Calumet Inc.’s stock.

Petitioner will file a revised corporate disclosure statement should it become aware of a change in corporate ownership interests that would affect the disclosures required by Rule 26.1.



Dated: January 29, 2025

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Respectfully submitted,

*s/ Michael R. Huston*

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## CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Appellate Procedure 3(d), 15(c) and 25, 9th Circuit Rule 25, and 40 C.F.R. § 23.12(a), I hereby certify that on January 29, 2025, I will cause copies of the foregoing Petition for Review to be served by certified mail, return receipt requested upon the following:

HON. JAMES PAYNE, Acting 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 Avenue, N.W.  
Washington, D.C. 20460

HON. JAMES McHENRY, Acting  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

HON. TODD SUNHWAE KIM  
Assistant Attorney General  
Environmental and Natural Resources Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dated: January 29, 2025

s/ Michael R. Huston

Michael R. Huston  
PERKINS COIE LLP