

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

THE SAN ANTONIO REFINERY 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), Petitioner The San Antonio Refinery LLC (“TSAR”) petitions this Court for review of the action of the Administrator of the United States Environmental Protection Agency (“EPA”) issued on July 14, 2023 denying TSAR’s petition for small refinery hardship relief from the requirements of the Renewable Fuel Standard (“RFS”) for the 2022 and 2023 compliance years and titled “July 2023 Denial of Petitions for RFS Small Refinery Exemptions” (attached as Exhibit A). Notice of this action was published in the Federal Register on July 20, 2023. 88 Fed. Reg. 46795 (July 20, 2023) (attached as Exhibit B). This Petition is timely filed within 60 days of the notice published in the Federal Register. *See* 42 U.S.C. § 7607(b)(1).

TSAR files this petition for review of agency action in this Court, the regional circuit in which Petitioner is located, where jurisdiction and

venue are proper pursuant to 42 U.S.C. § 7607(b)(1). As a protective measure, however, TSAR 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 its notice of the agency action that “petitions for judicial review of this action must be filed in the United States Court of Appeals for the District of Columbia Circuit.” 88 Fed. Reg. at 46796.

The Certificate of Interested Persons required by Federal Rule of Appellate Procedure 26.1 and 5th Circuit Rule 26.1.1 is attached as Exhibit C.

Dated: July 26, 2023

Respectfully submitted,

s/ Jonathan G. Hardin

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