

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

WYNNEWOOD REFINING COMPANY,
LLC,

Petitioner,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 24-1008

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”) issued on April 7, 2022, titled “April 2022 Alternative RFS Compliance Demonstration Approach for Certain Small Refineries.” 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 the 2018 compliance year. Notice of this action was published in the Federal Register on April 25, 2022. 87 Fed. Reg. 24294 (Apr. 25, 2022). 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 18.

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 June 23, 2022

Respectfully submitted,

/s/ Thomas E Lauria

WHITE & CASE LLP

Thomas E Lauria
200 South Biscayne Boulevard, Suite 4900
Miami, FL 33131
Telephone: (305) 371-2700
Email: tlauria@whitecase.com

Taylor Pullins (*pro hac vice* pending)
609 Main Street, Suite 2900
Houston, TX 77002
Telephone: (713) 859-5998
Email: taylor.pullins@whitecase.com

Samuel P. Hershey
1221 Avenue of the Americas
New York, NY 10020
Telephone: (212) 819-2699
Email: sam.hershey@whitecase.com

Counsel for Petitioner