

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
FILED FEB 11 2016
CLERK

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

RECEIVED

AMERICAN PETROLEUM INSTITUTE,)
)
Petitioner,)
)
v.)
)
GINA MCCARTHY, in her official capacity as)
Administrator, U.S. Environmental Protection)
Agency,)
)
and)
)
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondents.)
)

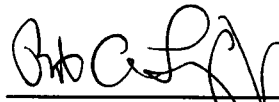
No. 16-1056

PETITION FOR REVIEW

Pursuant to 42 U.S.C. § 7607(b) and Rule 15(a) of the Federal Rules of Appellate Procedure, the American Petroleum Institute (“API”) hereby petitions this Court for review of the final rule of the United States Environmental Protection Agency entitled “Renewable Fuel Standard Program: Standards for 2014, 2015, and 2016 and Biomass-Based Diesel Volume for 2017,” 80 Fed. Reg. 77,420 (Dec. 14, 2015), to be codified at 40 C.F.R. Part 80 (“*Final Rule*”). A copy of the *Final Rule* is attached to this Petition.

API seeks review on the grounds that aspects of the *Final Rule* are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; are in excess of statutory jurisdiction, authority, or limitations; and were adopted without observance of procedure required by law. *See* 42 U.S.C. § 7607(d)(9). API requests that this Court hold unlawful, vacate, enjoin, and set aside these aspects of the *Final Rule*, and that the Court award costs as authorized by 42 U.S.C. § 7607(f).

Respectfully submitted,



Robert A. Long, Jr.

Kevin King

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

(202) 662-6000

rlong@cov.com

kking@cov.com

Stacy Linden

Erik C. Baptist

AMERICAN PETROLEUM INSTITUTE

1220 L Street NW

Washington, DC 20005-4070

(202) 682-8229

baptiste@api.org

DATED: February 11, 2016.

Attorneys for Petitioner

American Petroleum Institute

API has no parent companies, and no publicly-held company has a ten percent or greater ownership interest in API. API is a “trade association” within the meaning of Circuit Rule 26.1. API is a continuing association operating for the purpose of promoting the general commercial, regulatory, legislative, and other interests of its membership.

Respectfully submitted,



Robert A. Long, Jr.

Kevin King

COVINGTON & BURLING LLP

850 Tenth Street NW

Washington, DC 20001

(202) 662-6000

Stacy Linden

Erik C. Baptist

AMERICAN PETROLEUM INSTITUTE

1220 L Street NW

Washington, DC 20005-4070

(202) 682-8229

baptiste@api.org

February 11, 2016

*Attorneys for American
Petroleum Institute*

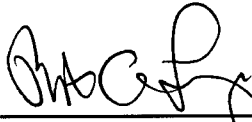
CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of February 2016, I caused copies of the foregoing Petition for Review and Corporate Disclosure Statement to be served upon the parties listed below by first class mail, postage prepaid, to:

Administrator Gina McCarthy
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20460

Avi Garbow
General Counsel
Office of the General Counsel
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20460

Loretta E. Lynch
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Aye, NW
Washington, DC 20530



Robert A. Long, Jr.