

ARGUMENT NOT SCHEDULED  
IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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SINCLAIR WYOMING REFINING COMPANY,		)	
<i>Petitioner,</i>		)	
	v.	)	
		)	No. 19-1196 (consol. with
UNITED STATES ENVIRONMENTAL		)	19-1197)
PROTECTION AGENCY,		)	
<i>Respondent.</i>		)	
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KERN OIL & REFINING COMPANY,		)	
<i>Petitioner,</i>		)	
	v.	)	
		)	No. 19-1216
UNITED STATES ENVIRONMENTAL		)	
PROTECTION AGENCY,		)	
<i>Respondent.</i>		)	
<hr/>		)	
RENEWABLE FUELS ASSOCIATION, ET AL.,		)	
<i>Petitioner,</i>		)	
	v.	)	
		)	No. 19-1220
UNITED STATES ENVIRONMENTAL		)	
PROTECTION AGENCY,		)	
<i>Respondent.</i>		)	
<hr/>		)	
WYNNEWOOD REFINING COMPANY, LLC,		)	
<i>Petitioner,</i>		)	
	v.	)	
		)	No. 20-1099
UNITED STATES ENVIRONMENTAL		)	
PROTECTION AGENCY,		)	
<i>Respondent.</i>		)	
<hr/>		)	

## **EPA’S NOTICE OF ACTION ON REMAND**

Petitioners in these cases challenge the United States Environmental Protection Agency’s (“EPA’s”) August 9, 2019 Memorandum Decision granting and denying thirty-six petitions for extensions of the small refinery exemption from the requirements of the Clean Air Act’s Renewable Fuel Standard (“RFS”) annual volume obligations for compliance year 2018. On August 25, 2021, EPA moved for voluntary remand without vacatur. *See, e.g.*, Doc. 1911606. After full briefing, the Court granted EPA’s remand motion on December 8, 2021, and ordered that EPA “issue new decisions concerning the matters at issue in these cases . . . no more than 120 days from the date of this order.” Doc. 1925942. On April 7, 2022, EPA denied all thirty-six petitions for extensions of the small refinery exemption from the requirements of the RFS annual volume obligations for compliance year 2018 that had been remanded to the agency. *See EPA, April 2022 Denial of Petitions for RFS Small Refinery Exemptions*, Renewable Fuel Standard Program, <https://www.epa.gov/renewable-fuel-standard-program/april-2022-denial-petitions-rfs-small-refinery-exemptions> (last visited Apr. 7, 2022). EPA notified all affected small refinery exemption petitioners by email of this action on April 7, 2022, and will publish a notice in the Federal Register.

Respectfully submitted,

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*Of Counsel:*

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Dated: April 7, 2022

/s/ Patrick R. Jacobi

PATRICK R. JACOBI

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**CERTIFICATE OF COMPLIANCE**

I hereby certify that this document complies with Fed. R. App. P. 27(d)(2)(C) and Cir. R. 27(c) because, excluding the parts listed in Fed. R. App. 32(f), it contains 197 words as counted by Microsoft Word.

This document also complies with the requirements of Fed. R. App. P. 32(a)(5) and (6) because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman font.

Dated: April 7, 2022

/s/ Patrick R. Jacobi  
PATRICK R. JACOBI

**CERTIFICATE OF SERVICE**

I hereby certify that on April 7, 2022, I electronically filed the above EPA's Notice of Action on Remand in all of the above-referenced cases using the Court's CM/ECF system. The participants in these cases are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

/s/ Patrick R. Jacobi  
PATRICK R. JACOBI