

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

REH COMPANY, LLC,)
))
))
Petitioner)
))
v.)
))
UNITED STATES ENVIRONMENTAL)
PROTECTION AGENCY,)
))
Respondent.)

Case No. 24-1310

PETITION FOR REVIEW

Pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. §7607(b)(1); Rule 15(a) of the Federal Rules of Appellate Procedure; and D.C. Circuit Rule 15(a), REH Company, LLC hereby petitions this Court for review of an August 9, 2019 decision of the U.S. Environmental Protection Agency (“EPA”) to deny Sinclair Wyoming Refining Company LLC’s (“SWRC”) 2018 petition for a small refinery exemption (the “2019 Denial”). A copy of the 2019 Denial is attached hereto as Exhibit A.

Through SWRC, REH Company, LLC filed a petition for review of the 2019 Denial in the D.C. Circuit on September 20, 2019. *See* Petition for Review, *Sinclair Wyo. Refin. Co. v. EPA*, No. 19-1196 (D.C. Cir.), ECF #1807876. Before the case could be fully briefed, EPA moved the court for voluntary remand in

response to intervening legal developments that the agency believed necessitated reconsidering the 2019 Decision. *See* EPA Motion, *Sinclair Wyo. Refin.*, No. 19-1996 (D.C. Cir. filed Aug. 25, 2021), ECF #1911606; Order Granting Voluntary Remand, *Sinclair Wyo. Refin.*, No. 19-1996 (D.C. Cir. filed Dec. 8, 2021), ECF #1925942.

Although the 2019 Denial was issued more than five years ago, this Court has jurisdiction, under 42 U.S.C. §7607(b)(1), to hear a petition for review based on grounds arising after the initial time for review has expired, so long as the petition for review is filed “within sixty days after such grounds arise.” Such grounds exist here. On July 26, 2024, the United States Court of Appeals for the D.C. Circuit issued an opinion in *Sinclair Wyoming Refining Co. LLC v. EPA*, No. 22-1073, 2024 WL 3801747 (D.C. Cir. July 26, 2024). In that decision, the D.C. Circuit vacated a more recent EPA decision regarding SWRC’s 2018 exemption petition, making a challenge to the 2019 Denial ripe for review again.

Venue is also proper under 42 U.S.C. §7607(b)(1).

Date: September 24, 2024

Respectfully submitted,

/s/ Jeffrey R. Holmstead

Jeffrey R. Holmstead

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Counsel for Petitioner

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RULE 26.1 STATEMENT

REH Company, LLC (formerly known as The Sinclair Companies) (“REH”) submits this corporate disclosure statement pursuant to Federal Rule of Appellate Procedure 26.1 and D.C. Circuit Rule 26.1. REH certifies that it is a wholly-owned subsidiary of REH Advisors Inc, a privately held corporation with no parent corporation. During the year at issue in the challenged agency action and for which relief is sought, REH owned the Sinclair Wyoming Refinery and Sinclair Wyoming Refining Company LLC.

Date: September 24, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Appellate Procedure 3(d), 15I, and 25, D.C. Circuit Rules 15(a) and 25, and 40 C.F.R. § 23.12(a), I hereby certify that the foregoing Petition for Review and Rule 26.1 Statement have been served by United States certified mail, return receipt requested, this 24th day of September, 2024, upon each of the following:

Hon. Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

U.S. Environmental Protection Agency
Correspondence Control Unit
Office of General Counsel (2311)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Hon. Merrick B. Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Hon. Todd Kim
Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

/s/ Jeffrey R. Holmstead

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