

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

FILED
SEP 15 2023
MICHAEL GANS
CLERK OF COURT

CROSS OIL REFINING &
MARKETING INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. 23-3101

PETITION FOR REVIEW

Pursuant to Rule 15(a) of the Federal Rules of Appellate Procedure and Section 307(b) of the Clean Air Act, 42 U.S.C. § 7607(b), Cross Oil Refining & Marketing, Inc. hereby petitions the United States Court of Appeals for the Eighth Circuit for review of a final agency action of the United States Environmental Protection Agency, titled “*July 2023 Denial of Petitions for RFS Small Refinery Exemptions*” (EPA-420-R-23-007) and published in the Federal Register on July 20, 2023 at 88 Fed. Reg. 46795 (July 20, 2023). *See* Attachment A.

This Court has jurisdiction and is the proper venue for this action pursuant to 42 U.S.C. § 7607(b)(1). This petition is timely because it has been filed within sixty days of publication of the agency action.

RECEIVED

SEP 15 2023

U.S. COURT OF APPEALS
EIGHTH CIRCUIT

Dated: September 15, 2023

Respectfully submitted,

/s/ Mark W. DeLaquil

MARK W. DELAQUIL

BAKER & HOSTETLER LLP

Washington Square, Suite 1100

1050 Connecticut Avenue NW

Washington, DC 20036

Tel: (202) 861-1527

Email: mdelaquil@bakerlaw.com

Attorney for Petitioner

**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

CROSS OIL REFINING &
MARKETING INC.,

Petitioner,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,

Respondent.

Case No. _____

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1 and Eighth Circuit Rule 26.1A, Petitioner Cross Oil Refining & Marketing, Inc. (“Cross Refining”) hereby states that it is a corporation engaged in the business of refining and marketing petroleum products. Cross Refining is wholly owned by Martin Resource Management Corporation, which is privately held. There are no publicly traded entities that own 10% or more of Cross Refining’s stock. Cross Refining was formed in the State of Delaware and is qualified to do business where it operates.

Dated: September 15, 2023

Respectfully submitted,

/s/ Mark W. DeLaquil

MARK W. DELAQUIL

BAKER & HOSTETLER LLP

Washington Square, Suite 1100

1050 Connecticut Avenue NW

Washington, DC 20036

Tel: (202) 861-1527

Email: mdelaquil@bakerlaw.com

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2023, I electronically filed the foregoing Petition for Review and Corporate Disclosure Statement with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I further hereby certify that I caused a true a correct copy of the foregoing to be served on September 15, 2023, via certified mail, return receipt requested, upon the following:

Hon. Michael S. Regan, Administrator
U.S. Environmental Protection Agency
Office of the Administrator (1101A)
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

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

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

Hon. Todd Kim
Assistant Attorney General
Environmental and Natural Resources Division
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

Dated: September 15, 2023

/s/ Mark W. DeLaquil

MARK W. DELAQUIL

Attorney for Petitioner