

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

May 19, 2021

Christopher M. Wolpert
Clerk of Court

SINCLAIR WYOMING REFINING
COMPANY; SINCLAIR CASPER
REFINING COMPANY,

Petitioners,

v.

No. 21-9528

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; MICHAEL S.
REGAN, Administrator of the United
States Environmental Protection Agency,

Respondents.

ORDER

Before **MATHESON**, **BACHARACH**, and **PHILLIPS**, Circuit Judges.

This matter is before the court on Federal Respondents' *Motion for Vacatur and Voluntary Remand*. The motion concedes that the agency did not analyze determinative legal questions regarding whether Petitioners' (Sinclair Wyoming Refining Company and Sinclair Casper Refining Company (collectively, "Sinclair")) refineries qualified to receive extensions of the small refinery exemption under this court's controlling decision in *Renewable Fuels Association v. EPA*, 948 F.3d 1206 (10th Cir. 2020). Sinclair has filed a response stating that it does not oppose Respondents' motion.

Upon careful consideration, Respondents' unopposed *Motion for Vacatur and Voluntary Remand* is granted. We vacate the agency's decision and remand for further administrative proceedings consistent with this court's decision in *Renewable Fuels Association*.

A copy of this order shall stand as and for the mandate of the court.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk