

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 'Chris Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk