

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**July 29, 2021**

**Christopher M. Wolpert**  
**Clerk of Court**

RENEWABLE FUELS ASSOCIATION;  
AMERICAN COALITION FOR  
ETHANOL; NATIONAL CORN  
GROWERS ASSOCIATION; NATIONAL  
FARMERS UNION,

Petitioners,

v.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent,

and

HOLLYFRONTIER CHEYENNE  
REFINING, LLC; HOLLYFRONTIER  
REFINING AND MARKETING, LLC;  
HOLLYFRONTIER WOODS CROSS  
REFINING, LLC; WYNNEWOOD  
REFINING COMPANY, LLC,

Intervenors - Respondents.

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AMERICAN FUEL &  
PETROCHEMICAL  
MANUFACTURERS; STATE OF  
WYOMING; SINCLAIR WYOMING  
REFINING COMPANY; SINCLAIR  
CASPER REFINING COMPANY; BIG  
WEST OIL, LLC; COUNTRYMARK  
REFINING AND LOGISTICS, LLC;  
ALON REFINING KROTZ SPRINGS,  
INC.; ALON USA, LP; AMERICAN

No. 18-9533  
(EPA No. 1-3876)  
(Environmental Protection Administration)

REFINING GROUP, INC.; CALUMET  
MONTANA REFINING, LLC;  
CALUMET SHREVEPORT REFINING,  
LLC; DELEK REFINING, LTD.; ERGON  
REFINING, INC.; ERGON-WEST  
VIRGINIA, INC.; HUNT REFINING  
COMPANY; LION OIL COMPANY;  
PLACID REFINING COMPANY, LLC;  
PAR HAWAII REFINING, LLC; U.S. OIL  
& REFINING COMPANY; WYOMING  
REFINING COMPANY,

Amici Curiae.

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**ORDER AND JUDGMENT\***

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Before **KELLY, BRISCOE**, and **LUCERO**, Circuit Judges.

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In light of the United States Supreme Court’s decision in *HollyFrontier  
Cheyenne Refining, LLC v. Renewable Fuels Association*, 141 S. Ct. 2172 (2021), we  
previously recalled our mandate and vacated our judgment in this case. The Clerk  
shall issue a new mandate consistent with the Supreme Court’s decision.

Entered for the Court,

Per Curiam

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.