

20-472 HOLLYFRONTIER CHEYENNE V. RENEWABLE FUELS ASSN.

DECISION BELOW: 948 F.3d 1206

LOWER COURT CASE NUMBER: 18-9533

QUESTION PRESENTED:

The Renewable Fuel Standard requires refiners, blenders, and importers of transportation fuel to blend increasing amounts of renewable fuels into their products each year. Recognizing that this mandate could harm small refineries, Congress provided that small refineries facing "disproportionate economic hardship" could petition EPA for an exemption "at any time." 42 U.S.C. § 7545(o)(9)(B)(i). The Tenth Circuit, however, interpreted this provision to add an additional requirement, namely that a small refinery may obtain an exemption only when it has received uninterrupted, continuous extensions of the exemption for every year since 2011-an interpretation that excludes nearly all small refineries.

Accordingly, the question presented is:

In order to qualify for a hardship exemption under § 7545(o)(9)(B)(i) of the Renewable Fuel Standards, does a small refinery need to receive uninterrupted, continuous hardship exemptions for every year since 2011.

CERT. GRANTED 1/8/2021