

116TH CONGRESS
1ST SESSION

S. 1840

To establish certain requirements for the small refineries exemption of the renewable fuels provisions under the Clean Air Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 13, 2019

Mrs. FISCHER (for herself, Ms. DUCKWORTH, Mr. THUNE, Ms. ERNST, and Mr. GRASSLEY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish certain requirements for the small refineries exemption of the renewable fuels provisions under the Clean Air Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (2) PETITION.—The term “petition” means a
9 petition for an exemption from the requirements of

1 paragraph (2) of section 211(o) of the Clean Air Act
 2 (42 U.S.C. 7545(o)) under paragraph (9) of that
 3 section for a calendar year.

4 **SEC. 2. ANNUAL DEADLINE FOR PETITIONS BY SMALL RE-**
 5 **FINERIES FOR EXEMPTIONS FROM RENEW-**
 6 **ABLE FUEL REQUIREMENTS.**

7 (a) DEADLINE.—Notwithstanding any other provi-
 8 sion of law, a petition shall be submitted to the Adminis-
 9 trator not later than June 1 of the year preceding the year
 10 in which an exemption under the petition, if the petition
 11 were granted, would be in effect.

12 (b) EFFECT OF FAILURE TO MEET DEADLINE.—If
 13 a petition described in subsection (a) is not submitted by
 14 the deadline described in that subsection, the petition shall
 15 be ineligible for consideration or approval.

16 **SEC. 3. TRANSPARENCY.**

17 (a) INFORMATION IN PETITION SUBJECT TO PUBLIC
 18 DISCLOSURE.—

19 (1) IN GENERAL.—Subject to paragraph (2),
 20 information submitted to the Administrator by a
 21 person, including a small refinery, in a petition—

22 (A) shall not be a trade secret or confiden-
 23 tial information; and

24 (B) notwithstanding section 552(b) of title
 25 5, United States Code, and any other Federal

1 law (including regulations), shall be subject to
2 public disclosure.

3 (2) APPLICABILITY.—Paragraph (1) applies
4 only with respect to information submitted under a
5 petition for calendar year 2021 or subsequent cal-
6 endar years.

7 (b) DECISION.—The Administrator shall, at the same
8 time that the Administrator informs the petitioner of a
9 decision of whether to grant the petition—

10 (1) make publicly available—

11 (A) the name of the petitioner;

12 (B) the name and location of the facility
13 for which relief under the petition was re-
14 quested;

15 (C) the time period for which relief under
16 the petition was requested; and

17 (D) the extent to which the Administrator
18 granted or denied the petition; and

19 (2) submit to Congress a report—

20 (A) describing the nature of the relief re-
21 quested in the petition, including the factors
22 identified by the petitioner to demonstrate dis-
23 proportionate economic hardship under section
24 211(o)(9)(B)(i) of the Clean Air Act (42 U.S.C.
25 7545(o)(9)(B)(i)); and

1 (B) that includes the detailed discussion
 2 required by section 80.1441(e)(2) of title 40,
 3 Code of Federal Regulations (as in effect on the
 4 date of enactment of this Act), submitted by
 5 the petitioner describing the hardship the refin-
 6 ery would encounter in producing transpor-
 7 tation fuel (as defined in section 211(o)(1) of
 8 the Clean Air Act (42 U.S.C. 7545(o)(1)) that
 9 meets the requirements of section 80.1405 of
 10 title 40, Code of Federal Regulations (as in ef-
 11 fect on the date of enactment of this Act).

12 **SEC. 4. ANNUAL RENEWABLE FUEL STANDARDS.**

13 When determining the annual value of the renewable
 14 fuel standard for a calendar year under section 80.1105
 15 of title 40, Code of Federal Regulations (as in effect on
 16 the date of enactment of this Act), the Administrator
 17 shall, for the variable GE_i referenced in that section,
 18 which is the quantity of gasoline projected to be produced
 19 by exempt small refineries and small refiners in gallons
 20 for a calendar year, use the number that is the sum of
 21 the total number of gallons waived as a result of all peti-
 22 tions granted by the Administrator for that calendar year.

○