

116TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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Mrs. FISCHER (for herself and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on

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**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, which  
18 is the quantity of gasoline projected to be produced by  
19 exempt small refineries and small refiners in gallons for  
20 a calendar year, use the number that is the sum of the  
21 total number of gallons waived as a result of all petitions  
22 granted by the Administrator for that calendar year.