

118TH CONGRESS  
1ST SESSION

# S. 2390

To amend the Clean Air Act to create additional opportunities for small refineries to generate credits under the Renewable Fuel Program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Ms. LUMMIS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Clean Air Act to create additional opportunities for small refineries to generate credits under the Renewable Fuel Program, 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. SHORT TITLE.**

4 This Act may be cited as the “Small Refinery Relief  
5 Act of 2023”.

1 **SEC. 2. GENERATION OF CREDITS BY SMALL REFINERIES**  
2 **UNDER THE RENEWABLE FUEL PROGRAM.**

3 (a) IN GENERAL.—Section 211(o)(9) of the Clean  
4 Air Act (42 U.S.C. 7545(o)(9)) is amended by adding at  
5 the end the following:

6 “(E) CREDIT GENERATION AND RENEW-  
7 ABLE VOLUME OBLIGATION CALCULATION FOR  
8 SMALL REFINERIES.—

9 “(i) CREDIT GENERATION.—

10 “(I) IN GENERAL.—A small re-  
11 finery shall, for purposes of complying  
12 with paragraph (2), generate credits  
13 under paragraph (5) at the following  
14 rates:

15 “(aa) For renewable fuel,  
16 1.5 credits shall be generated for  
17 each gallon of gasoline blended  
18 with ethanol.

19 “(bb) For biomass-based  
20 diesel, 2.0 credits shall be gen-  
21 erated for each gallon of diesel  
22 blended with biodiesel.

23 “(II) BLENDING LOCATIONS.—  
24 For purposes of the credit generation  
25 described in items (aa) and (bb) of

1 subclause (I), blending may occur  
2 at—

3 “(aa) the small refinery; or

4 “(bb) any downstream cor-  
5 porate affiliate of the small refin-  
6 ery that has the necessary blend-  
7 ing infrastructure.

8 “(ii) RENEWABLE VOLUME OBLIGA-  
9 TIONS.—

10 “(I) IN GENERAL.—The Admin-  
11 istrator shall revise subpart M of part  
12 80 of title 40, Code of Federal Regu-  
13 lations (or successor regulations), to  
14 require that the annual renewable vol-  
15 ume obligation for a small refinery  
16 under that subpart shall be calculated  
17 based on 50 percent of the annual  
18 gasoline production and 30 percent of  
19 the annual diesel production of the  
20 small refinery.

21 “(II) EXCESS BLENDING.—Any  
22 blending in excess of the annual re-  
23 newable volume obligation for a small  
24 refinery described in subclause (I)  
25 shall generate credits that may be

1 used for compliance or sale in accord-  
2 ance with the generation rates de-  
3 scribed in items (aa) and (bb) of  
4 clause (i)(I).”.

5 (b) CONFORMING AMENDMENT.—Section  
6 211(o)(5)(A)(iii) of the Clean Air Act (42 U.S.C.  
7 7545(o)(5)(A)(iii)) is amended by striking “paragraph  
8 (9)(C)” and inserting “subparagraphs (C) and (E)(i) of  
9 paragraph (9)”.

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