

118TH CONGRESS
2D SESSION

S. 4070

To amend the Clean Air Act to modify the definition of “small refinery” for purposes of the Renewable Fuel Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2024

Mr. TESTER (for himself and Mr. YOUNG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to modify the definition of “small refinery” for purposes of 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 “Supporting Energy
5 in Rural America Act”.

6 **SEC. 2. SMALL REFINERIES UNDER THE CLEAN AIR ACT.**

7 (a) DEFINITION OF SMALL REFINERY.—Section
8 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is

1 amended by striking subparagraph (K) and inserting the
2 following:

3 “(K) SMALL REFINERY.—The term ‘small
4 refinery’ means a refining company—

5 “(i) for which the average aggregate
6 daily crude oil throughput for a calendar
7 year (as determined by dividing the aggregate
8 throughput for the calendar year by
9 the number of days in the calendar year)
10 produced by all refineries owned by that
11 company, including any subsidiaries of that
12 company, does not exceed 200,000 barrels;
13 or

14 “(ii) that employs not more than
15 1,500 employees.”.

16 (b) SMALL REFINERY EXEMPTION.—

17 (1) METHODOLOGY REQUIRED.—Not later than
18 180 days after the date of enactment of this Act, the
19 Secretary of Energy shall develop methodology to be
20 used by the Administrator of the Environmental
21 Protection Agency for purposes of evaluating peti-
22 tions submitted under section 211(o)(9)(B)(i) of the
23 Clean Air Act (42 U.S.C. 7545(o)(9)(B)(i)).

24 (2) CAA AMENDMENT.—Section 211(o)(9)(B)
25 of the Clean Air Act (42 U.S.C. 7545(o)(9)(B)) is

1 amended by striking clause (ii) and inserting the fol-
2 lowing:

3 “(ii) EVALUATION OF PETITIONS.—In
4 evaluating a petition under clause (i), the
5 Administrator shall—

6 “(I) use methodology developed
7 and approved by the Secretary of En-
8 ergy pursuant to section 2(b)(1) of
9 the Supporting Energy in Rural
10 America Act; and

11 “(II) in consultation with the
12 Secretary of Energy, consider—

13 “(aa) the findings of the
14 study under subparagraph
15 (A)(ii); and

16 “(bb) other economic fac-
17 tors.”.

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