

118TH CONGRESS  
2D SESSION

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

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

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IN THE SENATE OF THE UNITED STATES

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

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**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  
9 amended by striking subparagraph (K) and inserting the  
10 following:

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

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

12           “(ii) that employs not more than  
13 1,500 employees.”.

14 (b) SMALL REFINERY EXEMPTION.—

15           (1) METHODOLOGY REQUIRED.—Not later than  
16 180 days after the date of enactment of this Act, the  
17 Secretary of Energy shall develop methodology to be  
18 used by the Administrator of the Environmental  
19 Protection Agency for purposes of evaluating petitions  
20 submitted under section 211(o)(9)(B)(i) of the  
21 Clean Air Act (42 U.S.C. 7545(o)(9)(B)(i)).

22           (2) CAA AMENDMENT.—Section 211(o)(9)(B)  
23 of the Clean Air Act (42 U.S.C. 7545(o)(9)(B)) is  
24 amended by striking clause (ii) and inserting the following:  
25

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

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

9                                 “(II) in consultation with the  
10                                 Secretary of Energy, consider—

11   “(aa) the findings of the  
12   study under subparagraph  
13   (A)(ii); and

14   “(bb) other economic fac-  
15   tors.”.