

116TH CONGRESS
1ST SESSION

H. R. 4385

To amend section 211(o) of the Clean Air Act to adjust the renewable fuel obligation to account for the full volume of gasoline and diesel produced by small refineries that are exempt under paragraph (9), and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2019

Mr. RODNEY DAVIS of Illinois (for himself, Mr. MARSHALL, Mr. BOST, Mr. LAHOOD, Mr. KINZINGER, Mr. CASTEN of Illinois, Mr. COMER, Mr. KING of Iowa, Mr. BACON, Mr. FORTENBERRY, Mr. GRAVES of Missouri, and Mr. WATKINS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 211(o) of the Clean Air Act to adjust the renewable fuel obligation to account for the full volume of gasoline and diesel produced by small refineries that are exempt under paragraph (9), 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 Exemp-
5 tion Fairness Act of 2019”.

1 **SEC. 2. ACCOUNTING FOR FULL VOLUME OF GASOLINE**
2 **AND DIESEL PRODUCED BY EXEMPTED**
3 **SMALL REFINERIES.**

4 (a) IN GENERAL.—Section 211(o)(3) of the Clean
5 Air Act (42 U.S.C. 7545(o)(3)) is amended—

6 (1) in subparagraph (C)—

7 (A) in clause (i), by striking “and” at the
8 end;

9 (B) in clause (ii), by striking the period at
10 the end and inserting “; and”; and

11 (C) by adding at the end the following new
12 clause:

13 “(iii) to account for the full average
14 annual volume of gasoline and diesel pro-
15 duced during the previous three calendar
16 years by small refineries exempt under
17 paragraph (9).”; and

18 (2) by adding at the end the following new sub-
19 paragraph:

20 “(D) CALCULATION METHOD.—For pur-
21 poses of subparagraph (C)(iii), the Adminis-
22 trator shall calculate the full average annual
23 volume of gasoline and diesel produced during
24 the previous three calendar years by small re-
25 fineries exempt under paragraph (9) by—

1 “(i) determining the total volume of
2 gasoline and diesel produced during the
3 previous three calendar years by such
4 small refineries; and
5 “(ii) dividing such total volume by
6 three.”.

7 (b) APPLICABILITY.—The amendment made by sub-
8 section (a) applies to the renewable fuel obligation under
9 section 211(o) of the Clean Air Act (42 U.S.C. 7545(o))
10 beginning with calendar year 2020. Section 211(o) of such
11 Act, as in effect before the amendment made by subsection
12 (a), shall continue to apply with respect to calendar years
13 before calendar year 2020.

14 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion and the amendment made by this section shall be con-
16 strued to set or require a minimum number of exemptions
17 for small refineries under section 211(o) of the Clean Air
18 Act (42 U.S.C. 7545(o)) with respect to any calendar
19 year.

○