

119TH CONGRESS  
2D SESSION

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

To amend the Clean Air Act to modify Reid Vapor Pressure requirements and to provide for the return of certain retired credits, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER 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 Reid Vapor Pressure requirements and to provide for the return of certain retired credits, 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 “Nationwide Consumer  
5       and Fuel Retailer Choice Act of 2026”.

6       **SEC. 2. ETHANOL WAIVER.**

7       (a) EXISTING WAIVERS.—Section 211(f)(4) of the  
8       Clean Air Act (42 U.S.C. 7545(f)(4)) is amended—

9               (1) by striking “(4) The Administrator, upon”  
10              and inserting the following:

1                   “(4) WAIVERS.—

4 (2) in subparagraph (A) (as so designated)—

5 (A) in the first sentence—

6 (i) by striking “of this subsection”

7 each place it appears; and

8 (ii) by striking “if he determines” and  
9 inserting “if the Administrator deter-  
0 mines”; and

11 (B) in the second sentence, by striking  
12 “The Administrator” and inserting the fol-  
13 lowing:

16 (3) by adding at the end the following:

17                   “(C) REID VAPOR PRESSURE.—A fuel or  
18                   fuel additive may be introduced into commerce  
19                   if—

1                   “(II) the fuel or fuel additive has been  
2                   granted a waiver under subparagraph (A)  
3                   and meets all of the conditions of that  
4                   waiver other than any limitation of the  
5                   waiver with respect to the Reid Vapor  
6                   Pressure of the fuel or fuel additive; and

7                   “(ii) the fuel or fuel additive meets all  
8                   other applicable Reid Vapor Pressure re-  
9                   quirements under subsection (h).”.

10                (b) REID VAPOR PRESSURE LIMITATION.—Section  
11                211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is  
12                amended—

13                (1) by striking “vapor pressure” each place it  
14                appears and inserting “Vapor Pressure”;

15                (2) in paragraph (4), in the matter preceding  
16                subparagraph (A), by striking “10 percent” and in-  
17                serting “10 to 15 percent”; and

18                (3) in paragraph (5)(A)—

19                (A) by striking “Upon notification, accom-  
20                panied by” and inserting “On receipt of a noti-  
21                fication that is submitted after the date of en-  
22                actment of the Nationwide Consumer and Fuel  
23                Retailer Choice Act of 2026, and is accom-  
24                panied by appropriate”;

1 (B) by striking “10 percent” and inserting  
2 “10 to 15 percent”; and

3 (C) by adding at the end the following:

4 “Upon the enactment of the Nationwide Con-  
5 sumer and Fuel Retailer Choice Act of 2026,  
6 any State for which the notification from the  
7 Governor of a State was submitted before the  
8 date of enactment of the Nationwide Consumer  
9 and Fuel Retailer Choice Act of 2026 and to  
10 which the Administrator applied the Reid Vapor  
11 Pressure limitation established by paragraph  
12 (1) shall instead have the Reid Vapor Pressure  
13 limitation established by paragraph (4) apply to  
14 all fuel blends containing gasoline and 10 to 15  
15 percent denatured anhydrous ethanol that are  
16 sold, offered for sale, dispensed, supplied, of-  
17 fered for supply, transported, or introduced into  
18 commerce in the area during the high ozone  
19 season.”.

## 20 SEC. 3. DEFINITION OF SMALL REFINING COMPANY.

21 Section 211(o)(1) of the Clean Air Act (42 U.S.C.

22 7545(o)(1)) is amended—

23 (1) by redesignating subparagraph (L) as sub-  
24 paragraph (M); and

1 (2) by inserting after subparagraph (K) the fol-  
2 lowing:

16 SEC. 4. TERMINATION OF PETITIONS; ADJUSTED SMALL  
17 REFINING COMPANY OBLIGATION.

18 (a) IN GENERAL.—Section 211(o)(9) of the Clean

19 Air Act (42 U.S.C. 7545(o)(9)) is amended—

20 (1) in subparagraph (B)—

21 (A) in clause (i), by striking “A small” and  
22 inserting “Subject to clause (iv), a small”; and

23 (B) by adding at the end the following:





1                   crude oil throughput of the small refining  
2                   company drops below that limit again.”.

3                   (b) SAVINGS PROVISION.—Nothing in this Act or an  
4                   amendment made by this Act affects any remedy available  
5                   to a small refinery (as defined in paragraph (1) of section  
6                   211(o) of the Clean Air Act (42 U.S.C. 7545(o))) with  
7                   respect to petitions for extensions of exemptions under  
8                   paragraph (9) of that section and, for purposes of the ap-  
9                   plication of such extensions and the review of the denial  
10                   of such petitions, section 211(o)(9) of the Clean Air Act  
11                   (42 U.S.C. 7545(o)(9)) shall be applied as in effect on  
12                   the day before the date of enactment of this Act.

13                   **SEC. 5. GENERATION OF CREDITS BY SMALL REFINERIES**

14                   **UNDER THE RENEWABLE FUEL PROGRAM.**

15                   Section 211(o)(9) of the Clean Air Act (42 U.S.C.  
16                   7545(o)(9)) (as amended by section 4(2)) is amended by  
17                   adding at the end the following:

18                   “(F) CREDITS GENERATED FOR 2016–2018  
19                   COMPLIANCE YEARS.—

20                   “(i) RULE.—For any small refinery  
21                   described in clause (ii) or (iii), the credits  
22                   described in the respective clause shall  
23                   be—

24                   “(I) returned to the small refin-  
25                   ery and, notwithstanding paragraph

1 (5)(C), deemed eligible for future  
2 compliance years; or

3 “(II) applied as a credit in the  
4 EPA Moderated Transaction System  
5 (EMTS) account of the small refinery.

6 “(ii) COMPLIANCE YEARS 2016 AND  
7 2017.—Clause (i) applies with respect to  
8 any small refinery that—

9 “(I) retired credits generated for  
10 compliance years 2016 or 2017; and

11 “(II) submitted a petition under  
12 subparagraph (B)(i) for that compli-  
13 ance year that remained outstanding  
14 as of December 1, 2022.

15 “(iii) COMPLIANCE YEAR 2018.—In  
16 addition to small refineries described in  
17 clause (ii), clause (i) applies with respect  
18 to any small refinery—

19 “(I) that submitted a petition  
20 under subparagraph (B)(i) for compli-  
21 ance year 2018 by September 1,  
22 2019;

23 “(II) that retired credits gen-  
24 erated for compliance year 2018 as  
25 part of the compliance demonstration

1 of the small refinery for compliance  
2 year 2018 by March 31, 2019; and

12 SEC. 6. PROHIBITION ON REALLOCATION OF OBLIGATED  
13 VOLUMES.

14       Section 211(o)(9) of the Clean Air Act (42 U.S.C.  
15 7545(o)(9)) (as amended by section 5) is amended by add-  
16 ing at the end the following:

1 **SEC. 7. FUEL INFRASTRUCTURE RULEMAKING.**

2 (a) IN GENERAL.—Not later than 18 months after  
3 the date of enactment of this Act, the Administrator of  
4 the Environmental Protection Agency shall, after a period  
5 of notice and public comment, finalize a rule modifying  
6 the regulations of the Environmental Protection Agency  
7 under the Clean Air Act (42 U.S.C. 7401 et seq.) and  
8 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.)  
9 (commonly known as the “Resource Conservation and Re-  
10 covery Act of 1976”) relating to the sale and distribution  
11 of gasoline-ethanol blends that contain greater than 10  
12 volume percent ethanol and less than or equal to 15 vol-  
13 ume percent ethanol.

14 (b) REQUIREMENT.—In finalizing the rule required  
15 under subsection (a), the Administrator of the Environ-  
16 mental Protection Agency shall modify the E15 fuel dis-  
17 penser labeling requirements and the underground storage  
18 tank regulations of the Environmental Protection Agency  
19 with respect to compatibility with gasoline-ethanol blends.