

113TH CONGRESS
1ST SESSION

H. R. 1462

To amend the Clean Air Act to eliminate certain requirements under the renewable fuel program, to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2013

Mr. GOODLATTE (for himself, Mr. WOMACK, Mr. COSTA, Mr. WELCH, Mr. CAMPBELL, Mr. CRAWFORD, Mr. CUELLAR, Mr. FARENTHOLD, Mr. GRAVES of Georgia, Mr. GRIFFIN of Arkansas, Mr. HARRIS, Mr. HURT, Mr. LAMALFA, Mr. LONG, Mr. MATHESON, Mr. MORAN, Mr. PITTS, Mr. AUSTIN SCOTT of Georgia, Mr. SENSENBRENNER, Mr. WESTMORELAND, Mr. VALADAO, and Mr. YOHO) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to eliminate certain requirements under the renewable fuel program, to prohibit the Administrator of the Environmental Protection Agency from approving the introduction into commerce of gasoline that contains greater than 10-volume-percent ethanol, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “RFS Reform Act of
3 2013”.

4 **SEC. 2. TABLE OF CONTENTS.**

5 The table of contents of this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—RENEWABLE FUEL STANDARD AMENDMENTS

- Sec. 101. Amendments to the Clean Air Act.
Sec. 102. Cellulosic biofuel requirement based on actual production.
Sec. 103. Reduction in applicable volume of renewable fuel corresponding to
certain reductions in applicable volume of biomass-based diesel.
Sec. 104. Applicability and regulations.

TITLE II—GASOLINE CONTAINING GREATER THAN 10-VOLUME-
PERCENT ETHANOL

- Sec. 201. Prohibition of gasoline blends with greater than 10-volume-percent
ethanol.
Sec. 202. Prohibition of waivers.
Sec. 203. Misfueling rule.

6 **TITLE I—RENEWABLE FUEL**
7 **STANDARD AMENDMENTS**

8 **SEC. 101. AMENDMENTS TO THE CLEAN AIR ACT.**

9 (a) REVISED DEFINITION OF RENEWABLE FUEL.—

10 (1) IN GENERAL.—Section 211(o)(1)(J) of the
11 Clean Air Act (42 U.S.C. 7545(o)(1)(J)) is amended
12 to read as follows:

13 “(J) RENEWABLE FUEL.—The term ‘re-
14 newable fuel’ means fuel that—

15 “(i) is produced from renewable bio-
16 mass;

1 “(ii) is used to replace or reduce the
2 quantity of fossil fuel present in a trans-
3 portation fuel; and

4 “(iii) beginning on January 1, 2014,
5 is advanced biofuel.”.

6 (2) CONFORMING AMENDMENT.—Section
7 211(o)(1)(B)(i) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(B)(i)) is amended by striking “renewable
9 fuel” and inserting “fuel described in clauses (i) and
10 (ii) of subparagraph (J)”.

11 (b) APPLICABLE VOLUMES.—Section 211(o)(2)(B)(i)
12 of the Clean Air Act (42 U.S.C. 7545(o)(2)(B)(i)) is
13 amended—

14 (1) in the table in subclause (I)—

15 (A) by striking “18.15” and inserting
16 “3.75”;

17 (B) by striking “20.5” and inserting
18 “5.5”;

19 (C) by striking “22.25” and inserting
20 “7.25”;

21 (D) by striking “24.0” and inserting
22 “9.0”;

23 (E) by striking “26.0” and inserting
24 “11.0”;

1 (F) by striking “28.0” and inserting
2 “13.0”;

3 (G) by striking “30.0” and inserting
4 “15.0”;

5 (H) by striking “33.0” and inserting
6 “18.0”; and

7 (I) by striking “36.0” and inserting
8 “21.0”;

9 (2) in subclause (II)—

10 (A) in the matter preceding the table, by
11 striking “2022” and inserting “2013”; and

12 (B) in the table, by striking the items re-
13 lating to calendars years 2014 through 2022;

14 (3) in subclause (III), by striking “of the vol-
15 ume of advanced biofuel required under subclause
16 (II)” and inserting “of the volume of advanced
17 biofuel required for calendar years 2010 through
18 2013 under subclause (II), as in effect on the day
19 before the date of enactment of the Renewable Fuel
20 Standard Amendments Act, and of the volume of re-
21 newable fuel required for calendar years 2014
22 through 2022 under the subclause (I)”;

23 (4) in subclause (IV), by inserting “, as in ef-
24 fect on the day before the date of enactment of the
25 Renewable Fuel Standard Amendments Act” after

1 “of the volume of advanced biofuel required under
2 subclause (II)”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) OTHER CALENDAR YEARS.—Section
5 211(o)(2)(B) of the Clean Air Act (42 U.S.C.
6 7545(o)(2)(B)) is amended—

7 (A) in clause (ii)(III), by striking “ad-
8 vanced biofuels in each category (cellulosic
9 biofuel and biomass-based diesel)” and insert-
10 ing “cellulosic biofuel and biomass-based die-
11 sel”;

12 (B) by striking clause (iii); and

13 (C) by redesignating clauses (iv) and (v) as
14 clauses (iii) and (iv), respectively.

15 (2) APPLICABLE PERCENT REDUCTION
16 LEVEL.—Section 211(o)(4) of the Clean Air Act (42
17 U.S.C. 7545(o)(4)) is amended—

18 (A) in subparagraph (E), by striking “20,
19 50, or 60 percent reduction levels” and insert-
20 ing “applicable percent reduction level”; and

21 (B) in subparagraph (F), by inserting “(if
22 applicable)” after “(2)(A)(i)”.

23 (3) WAIVERS.—Section 211(o)(7) of the Clean
24 Air Act (42 U.S.C. 7545(o)(7)) is amended—

1 (A) in subparagraph (D)(i), by inserting “,
2 if such year is before 2014,” before “advanced
3 biofuels”; and

4 (B) in subparagraph (E)(ii), by inserting
5 “, if such year is before 2014,” before “ad-
6 vanced biofuels”.

7 **SEC. 102. CELLULOSIC BIOFUEL REQUIREMENT BASED ON**
8 **ACTUAL PRODUCTION.**

9 (a) PROVISION OF ESTIMATE OF VOLUMES OF CEL-
10 LULOSIC BIOFUEL.—Section 211(o)(3)(A) of the Clean
11 Air Act (42 U.S.C. 7545(o)(3)(A)) is amended—

12 (1) by inserting “(i)” before “Not later than”;
13 and

14 (2) by adding at the end the following new
15 clause:

16 “(ii)(I) In determining any estimate under
17 clause (i), with respect to the following calendar
18 year, of the projected volume of cellulosic
19 biofuel production (as described in paragraph
20 (7)(D)(i)), the Administrator of the Energy In-
21 formation Administration shall—

22 “(aa) for each cellulosic biofuel
23 production facility that is producing
24 (and continues to produce) cellulosic
25 biofuel during the period of January 1

1 through October 31 of the calendar
2 year in which the estimate is made (in
3 this clause referred to as the ‘current
4 calendar year’)—

5 “(AA) determine the average
6 monthly volume of cellulosic
7 biofuel produced by such facility,
8 based on the actual volume pro-
9 duced by such facility during
10 such period; and

11 “(BB) based on such aver-
12 age monthly volume of produc-
13 tion, determine the estimated
14 annualized volume of cellulosic
15 biofuel production for such facil-
16 ity for the current calendar year;
17 and

18 “(bb) for each cellulosic biofuel
19 production facility that begins initial
20 production of (and continues to
21 produce) cellulosic biofuel after Janu-
22 ary 1 of the current calendar year—

23 “(AA) determine the average
24 monthly volume of cellulosic
25 biofuel produced by such facility,

1 based on the actual volume pro-
2 duced by such facility during the
3 period beginning on the date of
4 initial production of cellulosic
5 biofuel by the facility and ending
6 on October 31 of the current cal-
7 endar year; and

8 “(BB) based on such aver-
9 age monthly volume of produc-
10 tion, determine the estimated
11 annualized volume of cellulosic
12 biofuel production for such facil-
13 ity for the current calendar year.

14 “(II) An estimate under clause (i)
15 with respect to the following calendar year
16 of the projected volume of cellulosic biofuel
17 production (as described in paragraph
18 (7)(D)(i)), shall be equal to the total of the
19 estimated annual volumes of cellulosic
20 biofuel production for all cellulosic biofuel
21 production facilities described in subclause
22 (I) for the current calendar year.”.

23 (b) REDUCTION IN APPLICABLE VOLUME.—Section
24 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.

1 7545(o)(7)(D)(i)), as amended by section 101(c)(3)(A), is
2 further amended by—

3 (1) striking “based on the” and inserting
4 “using the exact”;

5 (2) striking “may also reduce” and inserting
6 “shall also reduce”; and

7 (3) striking “by the same or a lesser volume”
8 and inserting “by the same volume”.

9 **SEC. 103. REDUCTION IN APPLICABLE VOLUME OF RENEW-**
10 **ABLE FUEL CORRESPONDING TO CERTAIN**
11 **REDUCTIONS IN APPLICABLE VOLUME OF**
12 **BIOMASS-BASED DIESEL.**

13 Section 211(o)(7)(E)(ii) of the Clean Air Act (42
14 U.S.C. 7545(o)(7)(E)(ii)) is amended by striking “may
15 also reduce” and inserting “shall reduce”.

16 **SEC. 104. APPLICABILITY AND REGULATIONS.**

17 The amendments made by this title to section 211(o)
18 of the Clean Air Act (42 U.S.C. 7545(o)) shall apply only
19 with respect to calendar years 2014 and after, except that
20 the Administrator of the Environmental Protection Agen-
21 cy shall promulgate regulations to carry out such amend-
22 ments not later than 1 year after the date of enactment
23 of this Act, and take any steps necessary to ensure such
24 amendments may be carried out for calendar years 2014
25 and after.

1 **TITLE II—GASOLINE CON-**
2 **TAINING GREATER THAN 10-**
3 **VOLUME-PERCENT ETHANOL**

4 **SEC. 201. PROHIBITION OF GASOLINE BLENDS WITH**
5 **GREATER THAN 10-VOLUME-PERCENT ETH-**
6 **ANOL.**

7 Notwithstanding any other provision of law, the Ad-
8 ministrator of the Environmental Protection Agency may
9 not, including by granting a waiver under section
10 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), au-
11 thorize or otherwise allow the introduction into commerce
12 of gasoline containing greater than 10-volume-percent eth-
13 anol.

14 **SEC. 202. PROHIBITION OF WAIVERS.**

15 (a) IN GENERAL.—Any waiver granted under section
16 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) be-
17 fore the date of enactment of this Act that allows the in-
18 troduction into commerce of gasoline containing greater
19 than 10-volume-percent ethanol for use in motor vehicles
20 shall have no force or effect.

21 (b) CERTAIN WAIVERS.—The waivers described in
22 subsection (a) include the following:

23 (1) The waiver entitled, “Partial Grant and
24 Partial Denial of Clean Air Act Waiver Application
25 Submitted by Growth Energy To Increase the Allow-

1 able Ethanol Content of Gasoline to 15 Percent; De-
2 cision of the Administrator”, 75 Fed. Reg. 68094
3 (November 4, 2010).

4 (2) The waiver entitled, “Partial Grant of
5 Clean Air Act Waiver Application Submitted by
6 Growth Energy To Increase the Allowable Ethanol
7 Content of Gasoline to 15 Percent; Decision of the
8 Administrator”, 76 Fed. Reg. 4662 (January 26,
9 2011).

10 **SEC. 203. MISFUELING RULE.**

11 The portions of the rule entitled, “Regulation to Miti-
12 gate the Misfueling of Vehicles and Engines with Gasoline
13 Containing Greater Than Ten Volume Percent Ethanol
14 and Modifications to the Reformulated and Conventional
15 Gasoline Programs”, 76 Fed. Reg. 44406 (July 25, 2011)
16 to mitigate misfueling shall have no force and effect 60
17 days after the date of enactment of this Act.

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