

112TH CONGRESS
1ST SESSION

H. R. 424

To repeal certain amendments to the Clean Air Act relating to the expansion of the renewable fuel program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2011

Mr. BURGESS introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To repeal certain amendments to the Clean Air Act relating to the expansion 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 “Leave Ethanol Vol-
5 umes at Existing Levels Act” or the “LEVEL Act”.

6 **SEC. 2. REPEAL OF EXPANSION OF RENEWABLE FUEL PRO-**
7 **GRAM.**

8 (a) DEFINITIONS.—Section 211(o)(1) of the Clean
9 Air Act (42 U.S.C. 7545(o)(1)) is amended to read as fol-
10 lows:

1 “(1) DEFINITIONS.—In this section:

2 “(A) CELLULOSIC BIOMASS ETHANOL.—

3 The term ‘cellulosic biomass ethanol’ means
4 ethanol derived from any lignocellulosic or
5 hemicellulosic matter that is available on a re-
6 newable or recurring basis, including—

7 “(i) dedicated energy crops and trees;

8 “(ii) wood and wood residues;

9 “(iii) plants;

10 “(iv) grasses;

11 “(v) agricultural residues;

12 “(vi) fibers;

13 “(vii) animal wastes and other waste
14 materials; and

15 “(viii) municipal solid waste.

16 The term also includes any ethanol produced in
17 facilities where animal wastes or other waste
18 materials are digested or otherwise used to dis-
19 place 90 percent or more of the fossil fuel nor-
20 mally used in the production of ethanol.

21 “(B) WASTE DERIVED ETHANOL.—The
22 term ‘waste derived ethanol’ means ethanol de-
23 rived from—

1 “(i) animal wastes, including poultry
2 fats and poultry wastes, and other waste
3 materials; or

4 “(ii) municipal solid waste.

5 “(C) RENEWABLE FUEL.—

6 “(i) IN GENERAL.—The term ‘renew-
7 able fuel’ means motor vehicle fuel that—

8 “(I)(aa) is produced from grain,
9 starch, oilseeds, vegetable, animal, or
10 fish materials including fats, greases,
11 and oils, sugarcane, sugar beets,
12 sugar components, tobacco, potatoes,
13 or other biomass; or

14 “(bb) is natural gas produced
15 from a biogas source, including a
16 landfill, sewage waste treatment plant,
17 feedlot, or other place where decaying
18 organic material is found; and

19 “(II) is used to replace or reduce
20 the quantity of fossil fuel present in a
21 fuel mixture used to operate a motor
22 vehicle.

23 “(ii) INCLUSION.—The term renew-
24 able fuel includes—

1 “(I) cellulosic biomass ethanol
2 and waste derived ethanol; and

3 “(II) biodiesel (as defined in sec-
4 tion 312(f) of the Energy Policy Act
5 of 1992 (42 U.S.C. 13220(f))) and
6 any blending components derived from
7 renewable fuel (provided that only the
8 renewable fuel portion of any such
9 blending component shall be consid-
10 ered part of the applicable volume
11 under the renewable fuel program es-
12 tablished by this subsection).

13 “(D) SMALL REFINERY.—The term ‘small
14 refinery’ means a refinery for which the average
15 aggregate daily crude oil throughput for a cal-
16 endar year (as determined by dividing the ag-
17 gregate throughput for the calendar year by the
18 number of days in the calendar year) does not
19 exceed 75,000 barrels.”.

20 (b) RENEWABLE FUEL PROGRAM.—Paragraph (2) of
21 section 211(o) of the Clean Air Act (42 U.S.C.
22 7545(o)(2)) is amended as follows:

23 (1) REGULATIONS.—Clause (i) of subparagraph
24 (A) is amended by striking the last sentence.

1 (2) APPLICABLE VOLUMES OF RENEWABLE
2 FUEL.—Subparagraph (B) is amended to read as
3 follows:

4 “(B) APPLICABLE VOLUME.—For the pur-
5 pose of subparagraph (A), the applicable vol-
6 ume for any of calendar years 2006 through
7 2012 shall be determined in accordance with
8 the following table:

“Calendar year:	Applicable volume of re- newable fuel (in billions of gallons):
2006	4.0
2007	4.7
2008	5.4
2009	6.1
2010	6.8
2011	7.4
2012	7.5”.

9 (c) APPLICABLE PERCENTAGES.—Paragraph (3) of
10 section 211(o) of the Clean Air Act (42 U.S.C.
11 7545(o)(3)) is amended as follows:

12 (1) In subparagraph (A), by striking “2021”
13 and inserting “2011”.

14 (2) In subparagraph (A), by striking “transpor-
15 tation fuel, biomass-based diesel, and cellulosic
16 biofuel” and inserting “gasoline”.

1 (3) In subparagraph (B), by striking “2021”
2 and inserting “2012” in clause (i).

3 (4) In subparagraph (B), by striking “transportation fuel” and inserting “gasoline” in clause
4 (ii)(II).
5

6 (d) CELLULOSIC BIOMASS ETHANOL OR WASTE DE-
7 RIVED ETHANOL.—Paragraph (4) of section 211(o) of the
8 Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read
9 as follows:

10 “(4) CELLULOSIC BIOMASS ETHANOL OR WASTE
11 DERIVED ETHANOL.—For the purpose of paragraph
12 (2), 1 gallon of cellulosic biomass ethanol or waste
13 derived ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.”.

14 (e) CREDIT PROGRAM.—Paragraph (5) of section
15 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is
16 amended by striking subparagraph (E).
17

18 (f) WAIVERS.—

19 (1) IN GENERAL.—Paragraph (7) of section
20 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7))
21 is amended—

22 (A) in subparagraph (A), by striking “, by
23 any person subject to the requirements of this
24 subsection, or by the Administrator on his own
25 motion”; and

1 (B) by inserting “State” before “petition
2 for a waiver” in subparagraph (B).

3 (2) CELLULOSIC BIOFUEL.—Paragraph (7) of
4 section 211(o) of the Clean Air Act (42 U.S.C.
5 7545(o)(7)) is amended by striking subparagraph
6 (D).

7 (3) BIOMASS-BASED DIESEL.—Paragraph (7) of
8 section 211(o) of the Clean Air Act (42 U.S.C.
9 7545(o)(7)) is amended by striking subparagraphs
10 (E) and (F).

11 (g) PERIODIC REVIEWS.—Section 211(o) of the
12 Clean Air Act (42 U.S.C. 7545(o)) is amended by striking
13 paragraph (11).

14 (h) SAVINGS CLAUSE.—Section 211(o) of the Clean
15 Air Act (42 U.S.C. 7545(o)) is amended by striking para-
16 graph (12).

17 (i) REGULATIONS.—Section 211 of the Clean Air Act
18 (42 U.S.C. 7545) is amended by striking paragraph (2)
19 of subsection (v).

20 (j) OTHER PROVISIONS.—

21 (1) ENVIRONMENTAL AND RESOURCE CON-
22 SERVATION IMPACTS.—Section 204(b) of the Energy
23 Independence and Security Act of 2007 (Public Law
24 110–140) is repealed.

1 (2) EFFECTIVE DATE, SAVINGS PROVISION, AND
2 TRANSITION RULES.—Section 210 of the Energy
3 Independence and Security Act of 2007 (Public Law
4 110–140) is repealed.

5 **SEC. 3. HIGHER ETHANOL BLENDS.**

6 (a) PROHIBITION OF AUTHORIZATION OF HIGHER
7 ETHANOL BLENDS.—Notwithstanding any other provision
8 of law, the Administrator of the Environmental Protection
9 Agency may not permit or authorize (including by grant-
10 ing a waiver through the fuels and fuel additives waiver
11 process under section 211(f)(4) of the Clean Air Act (42
12 U.S.C. 7545(f)(4)) the introduction into commerce of an
13 ethanol-gasoline blend containing greater than 10 percent
14 ethanol by volume that is intended for general use in con-
15 ventional gasoline-powered onroad or nonroad vehicles or
16 engines.

17 (b) STUDY.—Not later than 2 years after the date
18 of enactment of this Act, the Administrator of the Envi-
19 ronmental Protection Agency shall conduct, and submit to
20 Congress the results of, a comprehensive study on—

21 (1) the effects of the introduction into com-
22 merce of an ethanol-gasoline blend described in sub-
23 section (a) on consumer products, including—

24 (A) onroad and nonroad vehicles;

1 (B) nonroad engines (such as lawn mow-
2 ers); and

3 (C) any other applicable gasoline-powered
4 vehicles, engines, and devices;

5 (2) the impact of an ethanol-gasoline blend de-
6 scribed in subsection (a) on—

7 (A) engine performance of conventional
8 gasoline-powered onroad and nonroad vehicles
9 and nonroad engines;

10 (B) emissions from the use of the blend;
11 and

12 (C) materials compatibility and consumer
13 safety issues associated with the use of such
14 blend (including the identification of insufficient
15 data or information for some or all of such ve-
16 hicles and engines with respect to each of the
17 issues described in this subparagraph and sub-
18 paragraphs (A) and (B)); and

19 (3) the ability of wholesale and retail gasoline
20 distribution infrastructure, including bulk storage,
21 retail storage configurations, and retail equipment
22 (including certification of equipment compatibility by
23 independent organizations), to introduce such an
24 ethanol-gasoline blend into commerce without wide-

1 spread intentional or unintentional misfueling by
2 consumers.

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