

111TH CONGRESS  
1ST SESSION

# H. R. 392

To amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2009

Mr. BLUNT (for himself, Mr. KIRK, Mr. HENSARLING, Mr. MCHENRY, Mr. CONAWAY, Mr. FRANKS of Arizona, Mr. AKIN, Mr. UPTON, Mr. SENSENBRENNER, Mr. PETRI, Mr. JONES, Mr. MANZULLO, Mr. MARCHANT, Mr. WHITFIELD, Ms. FALLIN, Mr. KLINE of Minnesota, Mr. ROSKAM, Mr. LINDER, Mr. HERGER, Mr. COLE, and Mr. REHBERG) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Clean Air Act to provide for a reduction in the number of boutique fuels, 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 “Boutique Fuel Reduc-

5       tion Act of 2009”.

### 6   **SEC. 2. TEMPORARY WAIVERS.**

7       Section 211(c)(4)(C)(ii)(II) of the Clean Air Act (42

8       U.S.C. 7545(c)(4)(C)(ii)(II)) is amended by inserting

1 after “equipment failure” the following: “, unexpected  
 2 problems with distribution or delivery equipment that is  
 3 necessary for transportation and delivery of fuel or fuel  
 4 additives”.

5 **SEC. 3. REDUCTION IN NUMBER OF BOUTIQUE FUELS.**

6 Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C.  
 7 7545(c)(4)(C)) is amended as follows:

8 (1) By redesignating the clause (v) added by  
 9 section 1541(b) of the Energy Policy Act of 2005  
 10 (Public Law 109–58; 119 Stat. 1106) as clause (vi).

11 (2) In clause (vi) (as so redesignated)—

12 (A) in subclause (I) by striking “approved  
 13 under this paragraph as of September 1, 2004,  
 14 in all State implementation plans” and by in-  
 15 serting in lieu there of “set forth on the list  
 16 published under subclause (II) (or on the re-  
 17 vised list referred to in subclause (III) if the list  
 18 has been revised)”;

19 (B) by amending subclause (III) to read as  
 20 follows:

21 “(III) The Administrator shall, after notice  
 22 and opportunity for comment, remove a fuel  
 23 from the list published under subclause (II) if  
 24 the Administrator determines that such fuel has  
 25 ceased to be included in any State implementa-

tion plan or is identical to a Federal fuel control or prohibition promulgated and implemented by the Administrator. The Administrator shall publish a revised list reflecting the reduction in the number of fuels.”;

(C) in subclause (IV) by striking “Subclause (I)” and inserting “Neither subclause (I) nor subclause (V)” and by striking “not” and by striking “if such new fuel”; and

(D) by amending subclause (IV) to read as follows:

“(IV) Subclause (I) shall not limit the Administrator’s authority to approve a control or prohibition respecting any new fuel under this paragraph in a State implementation plan or revision to a State implementation plan if such new fuel completely replaces a fuel on the list published under subclause (II) (or the revised list referred to in subclause (III) if the list has been revised) and if the Administrator, after consultation with the Secretary of En-

1                   ergy, publishes in the Federal  
2                   Register after notice and com-  
3                   ment a finding that, in the Ad-  
4                   ministrator's judgment, such con-  
5                   trol or prohibition respecting  
6                   such new fuel will not cause fuel  
7                   supply or distribution interrup-  
8                   tions or have a significant ad-  
9                   verse impact on fuel producibility  
10                  in the affected area or contiguous  
11                  areas.”.

○