

112TH CONGRESS
2D SESSION

H. R. 6222

To amend the Clean Air Act with respect to the sulfur fuel content of heating oil.

IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2012

Ms. DELAURO (for herself and Mr. LARSON of Connecticut) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act with respect to the sulfur fuel content of heating oil.

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 “Clean Heating Oil Act
5 of 2012”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Energy Information Administration es-
9 timates that 3.93 billion gallons of heating oil were
10 consumed in the United States in 2010, representing

1 7.2 percent of total demand for distillate oil in the
2 United States.

3 (2) Currently, the sulfur content of heating oil
4 is the only chemical difference between heating oil
5 and highway diesel fuel. However, the State of New
6 York will require the same sulfur content for heating
7 oil as onroad and offroad diesel fuel beginning on
8 July 1, 2012.

9 (3) Since 2010, the Environmental Protection
10 Agency has limited the sulfur content of highway
11 and most nonroad diesel fuel to no more than 15
12 parts per million.

13 (4) The Northeast States for Coordinated Air
14 Use Management estimates that heating oil rep-
15 resents 54 percent of total demand for heating oil
16 and diesel fuel in the Northeast and is the second
17 largest source of sulfur dioxide emissions.

18 (5) The Energy Information Administration es-
19 timates that the United States exported 8.65 billion
20 gallons of diesel fuel with a sulfur content of less
21 than 15 parts per million in 2011.

22 (6) The Environmental Protection Agency con-
23 cluded in a 2008 report that reducing sulfur dioxide
24 exposure yields numerous health benefits.

1 (7) The Northeast States for Coordinated Air
2 Use Management estimates that reducing the sulfur
3 content in heating oil will eliminate 167,000 tons of
4 sulfur dioxide emissions, and provide substantial
5 benefits to the health and well-being of the people of
6 the United States.

7 (8) The Environmental Protection Agency has
8 authority under section 111 of the Clean Air Act (42
9 U.S.C. 7411) to limit the sulfur content of heating
10 oil used in stationary sources.

11 (9) The Brookhaven National Laboratory esti-
12 mates that reducing the sulfur content of heating oil
13 will improve overall heating system efficiency and
14 longevity, and save as much as \$200 million per
15 year in system maintenance costs.

16 **SEC. 3. SULFUR CONTENT OF HEATING OIL.**

17 (a) AMENDMENT.—Part A of title I of the Clean Air
18 Act (42 U.S.C. 7401 et seq.) is amended by adding at
19 the end the following:

20 **“SEC. 132. SULFUR CONTENT OF HEATING OIL.**

21 “(a) HEATING OIL DEFINED.—In this section, the
22 term ‘heating oil’ means any number 1 distillate, number
23 2 dyed distillate, or non-petroleum diesel blend that—

24 “(1) is sold for use in furnaces, boilers, sta-
25 tionary diesel engines, or similar applications; and

1 “(2) is commonly or commercially known or
2 sold as heating oil or fuel oil or using a similar trade
3 name.

4 “(b) REQUIREMENT.—

5 “(1) IN GENERAL.—Effective June 1, 2016, no
6 person shall manufacture, sell, supply, offer for sale
7 or supply, dispense, transport, or introduce into
8 commerce heating oil which contains a concentration
9 of sulfur in excess of—

10 “(A) 15 parts per million; or

11 “(B) a lesser concentration established
12 under subsection (c).

13 “(2) EARLY USE CREDITS.—

14 “(A) IN GENERAL.—The Administrator
15 may, by regulation, provide for the issuance of
16 credits to refiners and importers for amounts of
17 heating oil manufactured or imported before
18 June 1, 2016, in accordance with the limitation
19 described in paragraph (1).

20 “(B) USE; TRANSFER.—Any regulations
21 promulgated under subparagraph (A) shall pro-
22 vide that a refiner or importer who is issued
23 credits may use such credits, or transfer all or
24 a portion of such credits to another refiner or

1 importer for use, for the purpose of complying
2 with this subsection.

3 “(C) LIMITATION.—Any credit issued
4 under this paragraph shall expire on June 1,
5 2019, and may not be used to comply with this
6 subsection on or after such date.

7 “(c) AUTHORITY TO REQUIRE LESSER CONCENTRA-
8 TION.—

9 “(1) AUTHORITY.—Subject to paragraph (2),
10 the Administrator may by regulation reduce the con-
11 centration of sulfur in heating oil permissible under
12 subsection (b) to the extent necessary to ensure that
13 such concentration is not reasonably anticipated to
14 endanger the public health or welfare.

15 “(2) LIMITATION.—Paragraph (1) does not au-
16 thorize the Administrator to reduce the concentra-
17 tion of sulfur in heating oil permissible under sub-
18 section (b) to any concentration lower than the con-
19 centration of sulfur in diesel fuel permissible under
20 section 211.

21 “(d) WAIVER AUTHORITY.—

22 “(1) IN GENERAL.—The Administrator may
23 temporarily waive the requirements of this section in
24 whole or in part if, after consultation with, and con-
25 currence by, the Secretary of Energy, the Adminis-

1 trator determines that, with respect to heating oil,
2 the criteria listed in subclauses (I) through (III) of
3 section 211(c)(4)(C)(ii) are met.

4 “(2) LIMITATION AND REQUIREMENTS.—Any
5 waiver under paragraph (1) shall be subject to the
6 limitations and requirements applicable to waivers
7 under subclauses (I) through (V) of section
8 211(c)(4)(C)(iii). For purposes of the preceding sen-
9 tence, the reference in section 211(c)(4)(C)(iii)(IV)
10 to the motor fuel distribution system is deemed to
11 refer to the heating oil distribution system.

12 “(e) HEATING OIL MANUFACTURED BY SMALL RE-
13 FINERIES.—The Administrator may waive one or more re-
14 quirements of this section with respect to any heating oil
15 manufactured by a small refinery (as defined in section
16 211(o)(1)(K)). The period of a waiver under this sub-
17 section shall terminate not later than June 1, 2019.

18 “(f) PENALTIES AND INJUNCTIONS.—The provisions
19 of section 211(d) shall apply to a violation of this section
20 or the regulations thereunder to the same extent and in
21 the same manner as such provisions apply to a violation
22 of section 211(i) or the regulations thereunder.”.

23 “(b) REGULATIONS.—Not later than 24 months after
24 the date of the enactment of this Act, the Administrator
25 of the Environmental Protection Agency shall issue a final

- 1 regulation to implement and enforce section 132 of the
- 2 Clean Air Act, as added by subsection (a).

