

114TH CONGRESS
1ST SESSION

H. R. 704

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

FEBRUARY 4, 2015

Mr. GOODLATTE (for himself, Mr. COSTA, Mr. WOMACK, Mr. WELCH, Mr. VALADAO, Mr. WESTMORELAND, Mr. JOLLY, Mr. COOPER, Mr. MEADOWS, Mr. DENT, Mr. POE of Texas, Mr. AMODEI, Mr. SENSENBRENNER, Mr. RICE of South Carolina, Mr. BISHOP of Utah, Mr. COLE, Mr. FLEISCHMANN, Mr. CRAWFORD, Mr. DEFazio, Mr. ROTHFUS, Mr. HILL, Mr. BILIRAKIS, Mr. PEARCE, Mr. WOODALL, Mr. HURT of Virginia, Mr. CHAFFETZ, Mr. ROONEY of Florida, Mr. SESSIONS, Mr. PITTENGER, Mr. FARENTHOLD, Mr. WESTERMAN, Mr. BROOKS of Alabama, Mr. COLLINS of Georgia, Mr. HANNA, and Mr. FRANKS of Arizona) 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “RFS Reform Act of
 5 2015”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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. 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.

8 **TITLE I—RENEWABLE FUEL**
 9 **STANDARD AMENDMENTS**

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

11 (a) REVISED DEFINITION OF RENEWABLE FUEL.—

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

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

17 “(i) is produced from renewable bio-
 18 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, 2015,
 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 “20.5” and inserting
 16 “5.5”;

17 (B) by striking “22.25” and inserting
 18 “7.25”;

19 (C) by striking “24.0” and inserting
 20 “9.0”;

21 (D) by striking “26.0” and inserting
 22 “11.0”;

23 (E) by striking “28.0” and inserting
 24 “13.0”;

1 (F) by striking “30.0” and inserting
2 “15.0”;

3 (G) by striking “33.0” and inserting
4 “18.0”; and

5 (H) by striking “36.0” and inserting
6 “21.0”;

7 (2) in subclause (II)—

8 (A) in the matter preceding the table, by
9 striking “2022” and inserting “2014”; and

10 (B) in the table, by striking the items re-
11 lating to calendars years 2015 through 2022;

12 (3) in subclause (III), by striking “of the vol-
13 ume of advanced biofuel required under subclause
14 (II)” and inserting “of the volume of advanced
15 biofuel required for calendar years 2010 through
16 2014 under subclause (II), as in effect on the day
17 before the date of enactment of the Renewable Fuel
18 Standard Amendments Act, and of the volume of re-
19 newable fuel required for calendar years 2015
20 through 2022 under the subclause (I)”;

21 (4) in subclause (IV), by inserting “, as in ef-
22 fect on the day before the date of enactment of the
23 Renewable Fuel Standard Amendments Act” after
24 “of the volume of advanced biofuel required under
25 subclause (II)”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) OTHER CALENDAR YEARS.—Section
3 211(o)(2)(B) of the Clean Air Act (42 U.S.C.
4 7545(o)(2)(B)) is amended—

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

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

11 (C) by redesignating clauses (iv) and (v) as
12 clauses (iii) and (iv), respectively.

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

16 (A) in subparagraph (E), by striking “20,
17 50, or 60 percent reduction levels” and insert-
18 ing “applicable percent reduction level”; and

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

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

23 (A) in subparagraph (D)(i), by inserting “,
24 if such year is before 2015,” before “advanced
25 biofuels”; and

1 (B) in subparagraph (E)(ii), by inserting
 2 “, if such year is before 2015,” before “ad-
 3 vanced biofuels”.

4 **SEC. 102. CELLULOSIC BIOFUEL REQUIREMENT BASED ON**
 5 **ACTUAL PRODUCTION.**

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

9 (1) by inserting “(i)” before “Not later than”;
 10 and

11 (2) by adding at the end the following new
 12 clause:

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

19 “(aa) for each cellulosic biofuel pro-
 20 duction facility that is producing (and con-
 21 tinues to produce) cellulosic biofuel during
 22 the period of January 1 through October
 23 31 of the calendar year in which the esti-
 24 mate is made (in this clause referred to as
 25 the ‘current calendar year’)—

1 “(AA) determine the average
2 monthly volume of cellulosic biofuel
3 produced by such facility, based on
4 the actual volume produced by such
5 facility during such period; and

6 “(BB) based on such average
7 monthly volume of production, deter-
8 mine the estimated annualized volume
9 of cellulosic biofuel production for
10 such facility for the current calendar
11 year; and

12 “(bb) for each cellulosic biofuel pro-
13 duction facility that begins initial produc-
14 tion of (and continues to produce) cellu-
15 losic biofuel after January 1 of the current
16 calendar year—

17 “(AA) determine the average
18 monthly volume of cellulosic biofuel
19 produced by such facility, based on
20 the actual volume produced by such
21 facility during the period beginning on
22 the date of initial production of cellu-
23 losic biofuel by the facility and ending
24 on October 31 of the current calendar
25 year; and

1 “(BB) based on such average
2 monthly volume of production, deter-
3 mine the estimated annualized volume
4 of cellulosic biofuel production for
5 such facility for the current calendar
6 year.

7 “(II) An estimate under clause (i) with re-
8 spect to the following calendar year of the pro-
9 jected volume of cellulosic biofuel production (as
10 described in paragraph (7)(D)(i)), shall be
11 equal to the total of the estimated annual vol-
12 umes of cellulosic biofuel production for all cel-
13 lulosic biofuel production facilities described in
14 subclause (I) for the current calendar year.”.

15 (b) REDUCTION IN APPLICABLE VOLUME.—Section
16 211(o)(7)(D)(i) of the Clean Air Act (42 U.S.C.
17 7545(o)(7)(D)(i)), as amended by section 101(c)(3)(A), is
18 further amended by—

19 (1) striking “based on the” and inserting
20 “using the exact”;

21 (2) striking “may also reduce” and inserting
22 “shall also reduce”; and

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

1 **SEC. 103. APPLICABILITY AND REGULATIONS.**

2 The amendments made by this title to section 211(o)
 3 of the Clean Air Act (42 U.S.C. 7545(o)) shall apply only
 4 with respect to calendar years 2015 and after, except that
 5 the Administrator of the Environmental Protection Agen-
 6 cy shall promulgate regulations to carry out such amend-
 7 ments not later than 1 year after the date of enactment
 8 of this Act, and take any steps necessary to ensure such
 9 amendments may be carried out for calendar years 2015
 10 and after.

11 **TITLE II—GASOLINE CON-**
 12 **TAINING GREATER THAN 10-**
 13 **VOLUME-PERCENT ETHANOL**

14 **SEC. 201. PROHIBITION OF GASOLINE BLENDS WITH**
 15 **GREATER THAN 10-VOLUME-PERCENT ETH-**
 16 **ANOL.**

17 Notwithstanding any other provision of law, the Ad-
 18 ministrator of the Environmental Protection Agency may
 19 not, including by granting a waiver under section
 20 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)), au-
 21 thorize or otherwise allow the introduction into commerce
 22 of gasoline containing greater than 10-volume-percent eth-
 23 anol.

24 **SEC. 202. PROHIBITION OF WAIVERS.**

25 (a) IN GENERAL.—Any waiver granted under section
 26 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) be-

1 fore the date of enactment of this Act that allows the in-
2 troduction into commerce of gasoline containing greater
3 than 10-volume-percent ethanol for use in motor vehicles
4 shall have no force or effect.

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

7 (1) The waiver entitled, “Partial Grant and
8 Partial Denial of Clean Air Act Waiver Application
9 Submitted by Growth Energy To Increase the Allow-
10 able Ethanol Content of Gasoline to 15 Percent; De-
11 cision of the Administrator”, 75 Fed. Reg. 68094
12 (November 4, 2010).

13 (2) The waiver entitled, “Partial Grant of
14 Clean Air Act Waiver Application Submitted by
15 Growth Energy To Increase the Allowable Ethanol
16 Content of Gasoline to 15 Percent; Decision of the
17 Administrator”, 76 Fed. Reg. 4662 (January 26,
18 2011).

19 **SEC. 203. MISFUELING RULE.**

20 The portions of the rule entitled, “Regulation to Miti-
21 gate the Misfueling of Vehicles and Engines with Gasoline
22 Containing Greater Than Ten Volume Percent Ethanol
23 and Modifications to the Reformulated and Conventional
24 Gasoline Programs”, 76 Fed. Reg. 44406 (July 25, 2011)

1 to mitigate misfueling shall have no force and effect 60
2 days after the date of enactment of this Act.

