

111TH CONGRESS  
2D SESSION

# H. R. 5778

To facilitate the implementation of the Renewable Fuel Standard, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

JULY 20, 2010

Mr. ROSS (for himself and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To facilitate the implementation of the Renewable Fuel Standard, 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 “Renewable Fuels Mar-  
5 keting Act of 2010”.

6 **SEC. 2. FUEL COMPATIBILITY WITH INFRASTRUCTURE.**

7 (a) COMPATIBILITY.—Subtitle I of the Solid Waste  
8 Disposal Act (42 U.S.C. 6991 et seq.) is amended as fol-  
9 lows:

1           (1) By redesignating section 9014 as section  
2           9015.

3           (2) By inserting after section 9013 the fol-  
4           lowing new section:

5   **“SEC. 9014. COMPATIBILITY.**

6           “(a) COMPATIBILITY WITH RENEWABLE FUELS.—

7           “(1) GUIDELINES.—Not later than 1 year after  
8           the date of enactment of the Renewable Fuels Mar-  
9           keting Act of 2010, the Administrator shall issue  
10          guidelines for determining whether underground  
11          storage tanks and associated dispensing equipment  
12          are compatible with any fuel or fuel additive that is  
13          authorized by the Administrator or by statute for  
14          use in a motor vehicle, nonroad vehicle, or engine.

15          “(2) APPLICATION.—Guidelines issued under  
16          this subsection shall apply with respect to existing  
17          underground storage tanks and associated dis-  
18          pensing equipment and with respect to new under-  
19          ground storage tanks and associated dispensing  
20          equipment.

21          “(3) PREVIOUSLY LISTED AS COMPATIBLE.—  
22          Underground storage tanks and associated dis-  
23          pensing equipment that, as of the date of enactment  
24          of this section, have been listed by a nationally rec-  
25          ognized testing laboratory as compatible with a fuel

1 or fuel additive described in paragraph (1) shall be  
2 deemed compatible under the guidelines issued  
3 under this subsection.

4 “(b) LIABILITY.—No person shall be liable under any  
5 provision of this Act or any other provision of Federal or  
6 State law on the basis that an underground storage tank  
7 or associated dispensing equipment that stores or dis-  
8 penses any fuel or fuel additive described in subsection  
9 (a)(1) is not compatible with such fuel or fuel additive if  
10 such tank or equipment has been determined to be com-  
11 patible with such fuel or fuel additive pursuant to the  
12 guidelines issued under such subsection.

13 “(c) FINANCIAL ASSURANCE.—A provider of finan-  
14 cial assurance may not deny payment for a claim on the  
15 basis that an underground storage tank or associated dis-  
16 pensing equipment is not compatible with any fuel or fuel  
17 additive described in subsection (a)(1) if such tank or  
18 equipment is determined to be compatible with such fuel  
19 or fuel additive pursuant to the guidelines issued under  
20 such subsection.

21 “(d) DEFINITIONS.—In this section:

22 “(1) ASSOCIATED DISPENSING EQUIPMENT.—  
23 The term ‘associated dispensing equipment’ means  
24 equipment that is—

1           “(A) for the dispensing or storage at retail  
2 of any fuel or fuel additive described in sub-  
3 section (a)(1); and

4           “(B) subject to regulation under section  
5 1926.152 of title 29, Code of Federal Regula-  
6 tions, as in effect on the date of enactment of  
7 the Renewable Fuels Marketing Act of 2010.

8           “(2) COMPATIBLE.—The term ‘compatible’ has  
9 the meaning given such term in section 280.12 of  
10 title 40, Code of Federal Regulations, as in effect on  
11 the date of enactment of the Renewable Fuels Mar-  
12 keting Act of 2010.

13           “(3) PROVIDER OF FINANCIAL ASSURANCE.—  
14 The term ‘provider of financial assurance’ has the  
15 meaning given such term in section 280.92 of title  
16 40, Code of Federal Regulations, as in effect on the  
17 date of enactment of the Renewable Fuels Marketing  
18 Act of 2010.”.

19           “(b) TABLE OF CONTENTS.—The table of contents in  
20 section 1001 of the Solid Waste Disposal Act (42 U.S.C.  
21 6901) is amended by striking the item related to section  
22 9014 and inserting the following:

“9014. Compatibility.

“9015. Authorization of appropriations.”.

1 **SEC. 3. MISFUELING.**

2 (a) MISFUELING.—Section 211(g) of the Clean Air  
3 Act (42 U.S.C. 7545(g)) is amended by adding at the end  
4 the following new paragraph:

5 “(3)(A) Not later than one year after the date of en-  
6 actment of the Renewable Fuels Marketing Act of 2010,  
7 the Administrator shall promulgate regulations that set  
8 forth requirements for the labeling of associated dis-  
9 pensing equipment as the Administrator determines nec-  
10 essary to prevent the introduction of any transportation  
11 fuel described in subparagraph (C) into a motor vehicle,  
12 nonroad vehicle, or engine that is not compatible with such  
13 transportation fuel.

14 “(B) A person selling a transportation fuel described  
15 in subparagraph (C) who complies with the regulations  
16 under subparagraph (A) shall not be liable, under any pro-  
17 vision of this Act or any other provision of Federal or  
18 State law, for—

19 “(i) a self-service purchaser’s introduction of  
20 such a transportation fuel into a motor vehicle,  
21 nonroad vehicle, or engine that is not compatible  
22 with such transportation fuel; or

23 “(ii) the voiding of the manufacturer’s warranty  
24 of such a vehicle or engine from such introduction  
25 of such a transportation fuel.

1       “(C) A transportation fuel described in this subpara-  
2 graph is a fuel that contains a fuel or fuel additive that  
3 is authorized, after January 1, 2010, by the Administrator  
4 or by statute, for use in a motor vehicle, nonroad vehicle,  
5 or engine.

6       “(D) In this paragraph the term ‘associated dis-  
7 pensing equipment’ has the meaning given such term in  
8 section 9014(d) of the Solid Waste Disposal Act.”.

9       (b) PENALTIES.—Section 211(d) of the Clean Air Act  
10 (42 U.S.C. 7545(d)) is amended—

11           (1) in paragraph (1), by inserting “(g),” after  
12 “or the regulations prescribed under subsection  
13 (c),”; and

14           (2) in paragraph (2), by inserting “(g),” after  
15 “of the regulations prescribed under subsections  
16 (c),”.

○