

111TH CONGRESS  
2D SESSION

# H. R. 6228

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

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2010

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

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## 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 the introduction into  
10          commerce of an ethanol-gasoline blend containing greater  
11          than 10 percent ethanol by volume that is intended for  
12          general use in conventional gasoline-powered onroad or  
13          nonroad vehicles or engines.

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

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

21                        (A) onroad and nonroad vehicles;

22                        (B) nonroad engines (such as lawn mow-  
23                        ers); and

24                        (C) any other applicable gasoline-powered  
25                        vehicles, engines, and devices;



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

3           (A) engine performance of conventional  
4       gasoline-powered onroad and nonroad vehicles  
5       and nonroad engines;

6           (B) emissions from the use of the blend;  
7       and

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

15          (3) the ability of wholesale and retail gasoline  
16      distribution infrastructure, including bulk storage,  
17      retail storage configurations, and retail equipment  
18      (including certification of equipment compatibility by  
19      independent organizations), to introduce such an  
20      ethanol-gasoline blend into commerce without wide-  
21      spread intentional or unintentional misfueling by  
22      consumers.

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