

107TH CONGRESS
1ST SESSION

S. 670

To amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of ethanol, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 30, 2001

Mr. DASCHLE (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to eliminate methyl tertiary butyl ether from the United States fuel supply and to increase production and use of 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 “Renewable Fuels Act
5 of 2001”.

6 **SEC. 2. OXYGEN CONTENT REQUIREMENT FOR REFORMU-**
7 **LATED GASOLINE.**

8 (a) IN GENERAL.—

1 (1) EPA REGULATIONS.—Section 211(k)(1) of
2 the Clean Air Act (42 U.S.C. 7545(k)(1)) is
3 amended—

4 (A) by striking “Within 1 year after the
5 enactment of the Clean Air Act Amendments of
6 1990,” and inserting the following:

7 “(A) IN GENERAL.—Not later than No-
8 vember 15, 1991,”; and

9 (B) by adding at the end the following:

10 “(B) MAINTENANCE OF TOXIC AIR POL-
11 LUTANT EMISSION AND AROMATIC HYDRO-
12 CARBON CONTENT REDUCTIONS.—

13 “(i) IN GENERAL.—As soon as prac-
14 ticable after the date of enactment of this
15 subparagraph, the Administrator shall—

16 “(I) promulgate regulations con-
17 sistent with subparagraph (A) and
18 paragraph (3)(B)(ii) to ensure that
19 reductions of toxic air pollutant emis-
20 sions and aromatic hydrocarbon con-
21 tent achieved under the reformulated
22 gasoline program under this section
23 before the date of enactment of this
24 subparagraph are maintained; or

1 “(II) determine that the require-
2 ments described in clause (iv)—

3 “(aa) are consistent with the
4 bases for a performance standard
5 described in clause (ii); and

6 “(bb) shall be deemed to be
7 the performance standard under
8 clause (ii) and shall be applied in
9 accordance with clause (iii).

10 “(ii) PERFORMANCE STANDARD.—

11 “(I) IN GENERAL.—Not later
12 than March 1, 2002, the Adminis-
13 trator shall promulgate regulations
14 under clause (i)(I) to revise the per-
15 formance standard under paragraph
16 (3)(B) as necessary to ensure that—

17 “(aa) the ozone-forming po-
18 tential, taking into account all
19 ozone precursors (including vola-
20 tile organic compounds, oxides of
21 nitrogen, and carbon monoxide),
22 of the aggregate emissions during
23 the high ozone season (as deter-
24 mined by the Administrator)
25 from baseline vehicles when using

1 reformulated gasoline does not
2 exceed the ozone-forming poten-
3 tial of the aggregate emissions
4 during the high ozone season
5 from baseline vehicles when using
6 reformulated gasoline that com-
7 plies with the regulations that
8 were in effect on January 1,
9 2000, and were applicable to re-
10 formulated gasoline sold in cal-
11 endar year 2000 and subsequent
12 calendar years; and

13 “(bb) the aggregate emis-
14 sions of the pollutants specified
15 in subclause (II) from baseline
16 vehicles when using reformulated
17 gasoline do not exceed the aggre-
18 gate emissions of those pollutants
19 from baseline vehicles when using
20 reformulated gasoline that com-
21 plies with the regulations that
22 were in effect on January 1,
23 2000, and were applicable to re-
24 formulated gasolines sold in cal-

1 endar year 2000 and subsequent
2 calendar years.

3 “(II) SPECIFIED POLLUTANTS.—
4 The pollutants specified in this sub-
5 clause are—

6 “(aa) toxics, categorized by
7 degrees of toxicity; and

8 “(bb) such other pollutants,
9 including pollutants regulated
10 under section 108, and such pre-
11 cursors to those pollutants, as
12 the Administrator determines by
13 regulation should be controlled to
14 prevent the deterioration of air
15 quality and to achieve attainment
16 of a national ambient air quality
17 standard in 1 or more areas.

18 “(iii) APPLICABILITY.—

19 “(I) MORE STRINGENT REQUIRE-
20 MENTS.—The performance standard
21 under this subparagraph shall not
22 apply to the extent that any require-
23 ment under section 202(l) is more
24 stringent than the performance stand-
25 ard.

1 “(II) STATE STANDARDS.—The
2 performance standard under this sub-
3 paragraph shall not apply in any
4 State that has received a waiver under
5 section 209(b).

6 “(III) CREDIT PROGRAM.—The
7 Administrator shall provide for the
8 granting of credits for exceeding the
9 performance standard under this sub-
10 paragraph in the same manner as
11 provided in paragraph (7).

12 “(iv) STATUTORY PERFORMANCE
13 STANDARD.—

14 “(I) IN GENERAL.—Subject to
15 subclause (IV), if the regulations
16 under clause (i)(I) have not been pro-
17 mulgated by the date that is 270 days
18 after the date of enactment of this
19 subparagraph, the requirements de-
20 scribed in subclauses (II) and (III)
21 shall be deemed to be the performance
22 standard under clause (ii) and shall
23 be applied in accordance with clause
24 (iii).

1 “(II) TOXIC AIR POLLUTANT
2 EMISSIONS.—The aggregate emissions
3 of toxic air pollutants from baseline
4 vehicles when using reformulated gas-
5 oline shall be 27.5 percent below the
6 aggregate emissions of toxic air pol-
7 lutants from baseline vehicles when
8 using baseline gasoline.

9 “(III) AROMATIC HYDROCARBON
10 CONTENT.—

11 “(aa) ANNUAL AVERAGE.—
12 The annual average aromatic hy-
13 drocarbon content of reformu-
14 lated gasoline shall not exceed 22
15 percent by volume.

16 “(bb) MAXIMUM PER GAL-
17 LON.—No gallon of reformulated
18 gasoline shall have an aromatic
19 hydrocarbon content in excess of
20 36 percent.

21 “(cc) ALTERNATIVE RE-
22 QUIREMENT.—The requirements
23 under items (aa) and (bb) shall
24 be deemed to be met if no gallon
25 of reformulated gasoline has an

1 aromatic hydrocarbon content in
2 excess of 30 percent.

3 “(IV) SUBSEQUENT REGULA-
4 TIONS.—The Administrator may mod-
5 ify the performance standard estab-
6 lished under subclause (I) through
7 promulgation of regulations under
8 clause (i)(I).”.

9 (2) GENERAL REQUIREMENTS FOR ARO-
10 MATICS.—Section 211(k)(2) of the Clean Air Act
11 (42 U.S.C. 7545(k)(2)) is amended by adding at the
12 end the following:

13 “(E) AROMATICS.—The aromatic hydro-
14 carbon content of the gasoline shall not exceed
15 25 percent by volume.”.

16 (3) FORMULA.—Section 211(k)(3)(A) of the
17 Clean Air Act (42 U.S.C. 7545(k)(3)(A)) is amend-
18 ed by adding at the end the following:

19 “(vi) DISTILLATION INDEX.—The dis-
20 tillation index shall not exceed 1200.”.

21 (4) CERTIFICATION; EQUIVALENCY.—Section
22 211(k)(4)(B) of the Clean Air Act (42 U.S.C.
23 7545(k)(4)(B)) is amended—

24 (A) by redesignating clauses (i) and (ii) as
25 subclauses (I) and (II), respectively, and in-

1 denting appropriately to reflect the amendments
2 made by this paragraph;

3 (B) by striking “The Administrator” and
4 inserting the following:

5 “(i) IN GENERAL.—The Adminis-
6 trator”;

7 (C) in clause (i) (as designated by sub-
8 paragraph (B))—

9 (i) in subclause (I) (as redesignated
10 by subparagraph (A)), by striking “, and”
11 and inserting a semicolon;

12 (ii) in subclause (II) (as redesignated
13 by subparagraph (A))—

14 (I) by striking “achieve equiva-
15 lent” and inserting the following:

16 “achieve—

17 “(aa) equivalent”;

18 (II) by striking the period at the
19 end and inserting “; or”; and

20 (III) by adding at the end the
21 following:

22 “(bb) combined reductions
23 in emissions of ozone forming
24 volatile organic compounds and
25 carbon monoxide that result in a

1 reduction in ozone concentration,
2 as provided in clause (ii)(I), that
3 is equivalent to or greater than
4 the reduction in ozone concentra-
5 tion achieved by a reformulated
6 gasoline meeting the applicable
7 requirements of paragraph
8 (1)(B)(ii); and”;

9 (iii) by adding at the end the fol-
10 lowing:

11 “(III) achieve equivalent or
12 greater reductions in emissions of
13 toxic air pollutants than are achieved
14 by a reformulated gasoline meeting
15 the applicable requirements of para-
16 graph (1)(B)(ii).”;

17 (D) by adding at the end the following:

18 “(ii) CARBON MONOXIDE CREDIT.—

19 “(I) IN GENERAL.—In deter-
20 mining whether a fuel formulation or
21 slate of fuel formulations achieves
22 combined reductions in emissions of
23 ozone forming volatile organic com-
24 pounds and carbon monoxide that re-
25 sult in a reduction in ozone concentra-

1 tion that is equivalent to or greater
2 than the reduction in ozone concentra-
3 tion achieved by a reformulated gaso-
4 line meeting the applicable require-
5 ments of paragraph (1)(B)(ii), the
6 Administrator—

7 “(aa) shall consider, to the
8 extent appropriate, the change in
9 carbon monoxide emissions from
10 baseline vehicles attributable to
11 an oxygen content in the fuel for-
12 mulation or slate of fuel formula-
13 tions that exceeds 2.0 percent by
14 weight; and

15 “(bb) may consider, to the
16 extent appropriate, the change in
17 carbon monoxide emissions de-
18 scribed in item (aa) from vehicles
19 other than baseline vehicles.

20 “(II) OXYGEN CREDITS.—Any
21 excess oxygen content that is taken
22 into consideration in making a deter-
23 mination under subclause (I) may not
24 be used to generate credits under
25 paragraph (7)(A).

1 “(III) RELATION TO TITLE I.—
2 Any fuel formulation or slate of fuel
3 formulations that is certified as equiv-
4 alent or greater under this subpara-
5 graph, taking into consideration the
6 combined reductions in emissions of
7 volatile organic compounds and car-
8 bon monoxide, shall receive the same
9 volatile organic compounds reduction
10 credit for the purposes of subsections
11 (b)(1) and (c)(2)(B) of section 182 as
12 a fuel meeting the applicable require-
13 ments of paragraph (1)(B)(ii).”.

14 (5) ANTI-DUMPING RULES.—Section 211(k)(8)
15 of the Clean Air Act (42 U.S.C. 7545(k)(8)) is
16 amended by adding at the end the following:

17 “(F) AVERAGE AROMATIC HYDROCARBON
18 CONTENT.—Not later than 1 year after the
19 date of enactment of this subparagraph, the
20 Administrator shall promulgate regulations ap-
21 plicable to each refiner, blender, or importer of
22 gasoline to ensure that each gallon of gasoline
23 sold or introduced into commerce by the refiner,
24 blender, or importer (other than reformulated
25 gasoline subject to the requirements of para-

1 graph (1)) does not have an aromatic hydro-
 2 carbon content in excess of the aromatic hydro-
 3 carbon content of gasoline sold or introduced
 4 into commerce in calendar year 2000 by that
 5 refiner, blender, or importer.”.

6 (b) REFORMULATED GASOLINE CARBON MONOXIDE
 7 REDUCTION CREDIT.—Section 182(c)(2)(B) of the Clean
 8 Air Act (42 U.S.C. 7511a(c)(2)(B)) is amended by adding
 9 at the end the following: “An adjustment to the volatile
 10 organic compound emission reduction requirements under
 11 section 211(k)(1)(B)(ii) shall be credited toward the re-
 12 quirement for VOC emissions reductions under this sub-
 13 paragraph.”.

14 **SEC. 3. AUTHORITY FOR WATER QUALITY PROTECTION**
 15 **FROM FUELS.**

16 (a) IN GENERAL.—Section 211(c) of the Clean Air
 17 Act (42 U.S.C. 7545(c)) is amended—

18 (1) in paragraph (1)(A)—

19 (A) by inserting “fuel or fuel additive or”
 20 after “Administrator any”; and

21 (B) by striking “air pollution which” and
 22 inserting “air pollution, or water pollution,
 23 that”;

24 (2) in paragraph (4)(B), by inserting “or water
 25 quality protection,” after “emission control,”; and

1 (3) by adding at the end the following:

2 “(5) BAN ON THE USE OF MTBE.—

3 “(A) IN GENERAL.—Not later than 4 years
4 after the date of enactment of this paragraph,
5 the Administrator shall ban use of methyl ter-
6 tiary butyl ether in gasoline.

7 “(B) REGULATIONS CONCERNING PHASE-
8 OUT.—The Administrator may establish by reg-
9 ulation a schedule to phase out the use of meth-
10 yl tertiary butyl ether in gasoline during the pe-
11 riod preceding the effective date of the ban
12 under subparagraph (A).”.

13 (b) NO EFFECT ON LAW REGARDING STATE AU-
14 THORITY.—The amendments made by subsection (a) have
15 no effect on the law in effect on the day before the date
16 of enactment of this Act regarding the authority of States
17 to limit the use of methyl tertiary butyl ether in gasoline.

18 **SEC. 4. EXCLUSION FROM REID VAPOR PRESSURE RE-**
19 **QUIREMENT.**

20 Section 211(k) of the Clean Air Act (42 U.S.C.
21 7545(k)) is amended—

22 (1) by redesignating paragraph (10) as para-
23 graph (11); and

24 (2) by inserting after paragraph (9) the fol-
25 lowing:

1 “(10) EXCLUSION FROM REID VAPOR PRESSURE
 2 REQUIREMENT.—Notwithstanding subsection
 3 (c)(4)(C), the Administrator may approve a revision
 4 of a State implementation plan that excludes an
 5 area from a waiver provided under subsection (h)(4)
 6 if—

7 “(A) the State demonstrates that the in-
 8 crease in volatile organic compound emissions
 9 resulting from the waiver is likely to interfere
 10 with attainment or maintenance of the national
 11 ambient air quality standard for ozone; and

12 “(B) the Administrator determines that
 13 the exclusion is reasonable and practicable.”.

14 **SEC. 5. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS**
 15 **OF FUELS AND FUEL ADDITIVES.**

16 Section 211(b)(2) of the Clean Air Act (42 U.S.C.
 17 7545(b)(2)) is amended—

18 (1) by striking “may also” and inserting “shall,
 19 on a regular basis,”; and

20 (2) by striking subparagraph (A) and inserting
 21 the following:

22 “(A) to conduct tests to determine poten-
 23 tial public health and environmental effects of
 24 the fuel or additive (including carcinogenic,
 25 teratogenic, or mutagenic effects); and”.

1 **SEC. 6. CLEAN ALTERNATIVE FUEL PROGRAM.**

2 (a) IN GENERAL.—Section 211 of the Clean Air Act
3 (42 U.S.C. 7545) is amended—

4 (1) by redesignating subsection (o) as sub-
5 section (q); and

6 (2) by inserting after subsection (n) the fol-
7 lowing:

8 “(o) CLEAN ALTERNATIVE FUEL PROGRAM.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) BIN 1 VEHICLE.—The term ‘bin 1 ve-
11 hicle’ means—

12 “(i) a light-duty motor vehicle that
13 does not exceed the standards for bin no.
14 1 specified in table S04–1 of section
15 86.1811–04 of title 40, Code of Federal
16 Regulations (published at 65 Fed. Reg.
17 6855 on February 10, 2000); and

18 “(ii) a heavy-duty motor vehicle that
19 does not exceed standards equivalent to the
20 standards described in clause (i), as deter-
21 mined by the Administrator by regulation.

22 “(B) BIN 2 VEHICLE.—The term ‘bin 2 ve-
23 hicle’ means—

24 “(i) a light-duty motor vehicle that
25 does not exceed the standards for bin no.
26 2 specified in table S04–1 of section

1 86.1811–04 of title 40, Code of Federal
2 Regulations (published at 65 Fed. Reg.
3 6855 on February 10, 2000); and

4 “(ii) a heavy-duty motor vehicle that
5 emits not more than 50 percent of the al-
6 lowable emissions of air pollutants under
7 the most stringent standards applicable to
8 heavy-duty motor vehicles, as determined
9 by the Administrator by regulation.

10 “(C) CELLULOSIC BIOMASS ETHANOL.—
11 The term ‘cellulosic biomass ethanol’ means
12 ethanol derived from any lignocellulosic or
13 hemicellulosic matter that is available on a re-
14 newable or recurring basis, including—

15 “(i) dedicated energy crops and trees;

16 “(ii) wood and wood residues;

17 “(iii) plants;

18 “(iv) grasses;

19 “(v) agricultural commodities and res-
20 idues;

21 “(vi) fibers;

22 “(vii) animal wastes and other waste
23 materials; and

24 “(viii) municipal solid waste.

1 “(D) CLEAN ALTERNATIVE FUEL.—The
2 term ‘clean alternative fuel’ means—

3 “(i) renewable fuel;

4 “(ii) credit for motor vehicle fuel used
5 to operate a bin 1 vehicle, as generated
6 under paragraph (5)(A)(ii); and

7 “(iii) credit for motor vehicle fuel
8 used to operate a bin 2 vehicle, as gen-
9 erated under paragraph (5)(A)(ii).

10 “(E) RENEWABLE FUEL.—

11 “(i) IN GENERAL.—The term ‘renew-
12 able fuel’ means motor vehicle fuel that—

13 “(I)(aa) is produced from grain,
14 starch, oilseeds, or other biomass; or

15 “(bb) is natural gas produced
16 from a biogas source, including a
17 landfill, sewage waste treatment plant,
18 feedlot, or other place where decaying
19 organic material is found; and

20 “(II) is used to replace or reduce
21 the quantity of fossil fuel present in a
22 fuel mixture used to operate a motor
23 vehicle.

1 “(ii) INCLUSION.—The term ‘renew-
2 able fuel’ includes cellulosic biomass eth-
3 anol.

4 “(2) CLEAN ALTERNATIVE FUEL PROGRAM.—

5 “(A) CLEAN ALTERNATIVE FUEL REQUIRE-
6 MENTS.—The motor vehicle fuel sold or intro-
7 duced into commerce in the United States in
8 calendar year 2008 or any calendar year there-
9 after by a refiner, blender, or importer shall
10 contain, on a 6-month average basis, a quantity
11 of clean alternative fuel, measured in gasoline-
12 equivalent gallons (as determined by the Sec-
13 retary of Energy), that is not less than the ap-
14 plicable percentage by volume for the 6-month
15 period.

16 “(B) APPLICABLE PERCENTAGE.—For the
17 purposes of subparagraph (A), the applicable
18 percentage for a 6-month period of a calendar
19 year shall be determined in accordance with the
20 following table:

“Calendar year:	Applicable percentage of clean alternative fuel:
2008	1.2
2009	1.3
2010	1.4
2011 and thereafter	1.5.

21 “(3) TRANSITION PROGRAM.—

1 “(A) RENEWABLE FUEL REQUIRE-
 2 MENTS.—The motor vehicle fuel sold or intro-
 3 duced into commerce in the United States in
 4 any of calendar years 2002 through 2007 by a
 5 refiner, blender, or importer shall contain, on a
 6 6-month average basis, a quantity of renewable
 7 fuel, measured in gasoline-equivalent gallons (as
 8 determined by the Secretary of Energy), that is
 9 not less than the applicable percentage by vol-
 10 ume for the 6-month period.

11 “(B) APPLICABLE PERCENTAGE.—For the
 12 purposes of subparagraph (A), the applicable
 13 percentage for a 6-month period of a calendar
 14 year shall be determined in accordance with the
 15 following table:

“Calendar year:	Applicable percentage of renewable fuel:
2002	0.6
2003	0.7
2004	0.8
2005	0.9
2006	1.0
2007	1.1.

16 “(4) CELLULOSIC BIOMASS ETHANOL.—For the
 17 purposes of paragraphs (2) and (3), 1 gallon of cel-
 18 lulosic biomass ethanol shall be considered to be the
 19 equivalent of 1.5 gallons of renewable fuel.

20 “(5) CREDIT PROGRAM.—

1 “(A) IN GENERAL.—The regulations pro-
2 mulgated to carry out this subsection shall pro-
3 vide for the generation of an appropriate
4 amount of credits by—

5 “(i) a person that refines, blends, or
6 imports motor vehicle fuel that contains,
7 on a 6-month average basis, a quantity of
8 clean alternative fuel or renewable fuel
9 that is greater than the quantity required
10 for that 6-month period under paragraph
11 (2) or (3), respectively; and

12 “(ii) a person that manufactures bin 1
13 vehicles or bin 2 vehicles.

14 “(B) CALCULATION OF CREDITS.—In de-
15 termining the appropriate amount of credits
16 generated by a vehicle manufacturer under sub-
17 paragraph (A)(ii), the Administrator, in con-
18 sultation with the Secretary of Energy, shall
19 give priority to the extent to which bin 1 vehi-
20 cles or bin 2 vehicles, as compared to vehicles
21 that are not bin 1 vehicles or bin 2 vehicles but
22 are similar in size, weight, and other appro-
23 priate factors—

24 “(i) use innovative or advanced tech-
25 nology;

1 “(ii) result in less petroleum consump-
2 tion; and

3 “(iii) are efficient in their use of pe-
4 troleum or other form of energy.

5 “(C) USE OF CREDITS.—

6 “(i) IN GENERAL.—A person that
7 generates credits under subparagraph (A)
8 may use the credits, or transfer all or a
9 portion of the credits to another person,
10 for the purpose of complying with para-
11 graph (2) or (3).

12 “(ii) LIMITATION ON USE OF CRED-
13 ITS.—Credit for motor vehicle fuel used to
14 operate bin 1 vehicles or bin 2 vehicles, as
15 generated under subparagraph (A)(ii), may
16 be used to meet not more than 10 percent
17 of the clean alternative fuel requirement or
18 renewable fuel requirement under para-
19 graph (2) or (3), respectively.

20 “(iii) USE OF VEHICLE MANUFAC-
21 TURER CREDITS TO PROVIDE NON-FED-
22 ERAL CONTRIBUTIONS UNDER OTHER
23 LAW.—Credits generated under subpara-
24 graph (A)(ii) and transferred to a person,

1 nonprofit entity, or local government may
2 be used to provide any portion of—

3 “(I) the non-Federal share re-
4 quired for an alternative fuel project
5 under section 149(e)(4) of title 23,
6 United States Code; or

7 “(II) a voluntary supply commit-
8 ment under section 505 of the Energy
9 Policy Act of 1992 (42 U.S.C.
10 13255).

11 “(D) EXPIRATION OF CREDITS.—A credit
12 generated under this paragraph shall expire 1
13 year after the date on which the credit was gen-
14 erated.

15 “(6) WAIVERS.—

16 “(A) IN GENERAL.—The Administrator, in
17 consultation with the Secretary of Agriculture
18 and the Secretary of Energy, may waive the re-
19 quirements of paragraph (2) or (3) in whole or
20 in part on petition by a State or States by re-
21 ducing the national quantity of clean alternative
22 fuel required under this subsection—

23 “(i) based on a determination by the
24 Administrator, after public notice and op-
25 portunity for comment, that implementa-

1 tion of the requirements would severely
2 harm the economy or environment of a
3 State, a region, or the United States; or

4 “(ii) based on a determination by the
5 Administrator, after public notice and op-
6 portunity for comment, that there is an in-
7 adequate domestic supply or distribution
8 capacity to meet the requirements.

9 “(B) PETITIONS FOR WAIVERS.—The Ad-
10 ministrator, in consultation with the Secretary
11 of Agriculture and the Secretary of Energy—

12 “(i) shall approve or deny a State pe-
13 tition for a waiver of the requirements of
14 paragraph (2) or (3) within 180 days after
15 the date on which the petition is received;
16 but

17 “(ii) may extend that period for up to
18 60 additional days to provide for public no-
19 tice and opportunity for comment and for
20 consideration of the comments submitted.

21 “(C) TERMINATION OF WAIVERS.—A waiv-
22 er granted under subparagraph (A) shall termi-
23 nate after 1 year, but may be renewed by the
24 Administrator after consultation with the Sec-

1 retary of Agriculture and the Secretary of En-
2 ergy.

3 “(D) OXYGEN CONTENT WAIVERS.—The
4 grant or denial of a waiver under subsection
5 (k)(2)(B) shall not affect the requirements of
6 this subsection.

7 “(7) SMALL REFINERS.—The Administrator
8 may provide an exemption from the requirements of
9 paragraph (2) or (3), in whole or in part, for small
10 refiners (as defined by the Administrator).

11 “(8) REGULATIONS.—Not later than 270 days
12 after the date of enactment of this paragraph, the
13 Administrator shall promulgate regulations to carry
14 out this subsection.”.

15 (b) PENALTIES AND ENFORCEMENT.—Section
16 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is
17 amended—

18 (1) in paragraph (1)—

19 (A) in the first sentence, by striking “or
20 (n)” each place it appears and inserting “(n),
21 or (o)”; and

22 (B) in the second sentence, by striking “or
23 (m)” and inserting “(m), or (o)”; and

1 (2) in the first sentence of paragraph (2), by
 2 striking “and (n)” each place it appears and insert-
 3 ing “(n), and (o)”.

4 **SEC. 7. ADDITIONAL OPT-IN AREAS UNDER REFORMU-**
 5 **LATED GASOLINE PROGRAM.**

6 Section 211(k)(6) of the Clean Air Act (42 U.S.C.
 7 7545(k)(6)) is amended—

8 (1) by striking “(6) OPT-IN AREAS.—(A)
 9 Upon” and inserting the following:

10 “(6) OPT-IN AREAS.—

11 “(A) CLASSIFIED AREAS.—

12 “(i) IN GENERAL.—Upon”;

13 (2) in subparagraph (B), by striking “(B) If”
 14 and inserting the following:

15 “(ii) EFFECT OF INSUFFICIENT DO-
 16 MESTIC CAPACITY TO PRODUCE REFORMU-
 17 LATED GASOLINE.—If”;

18 (3) in subparagraph (A)(ii) (as so redesign-
 19 nated)—

20 (A) in the first sentence, by striking “sub-
 21 paragraph (A)” and inserting “clause (i)”; and

22 (B) in the second sentence, by striking
 23 “this paragraph” and inserting “this subpara-
 24 graph”; and

25 (4) by adding at the end the following:

1 “(B) NONCLASSIFIED AREAS.—

2 “(i) IN GENERAL.—In accordance
3 with section 110, a State may submit to
4 the Administrator, and the Administrator
5 may approve, a State implementation plan
6 revision that provides for application of the
7 prohibition specified in paragraph (5) in
8 any portion of the State that is not a cov-
9 ered area or an area referred to in sub-
10 paragraph (A)(i).

11 “(ii) PERIOD OF EFFECTIVENESS.—
12 Under clause (i), the State implementation
13 plan shall establish a period of effective-
14 ness for applying the prohibition specified
15 in paragraph (5) to a portion of a State
16 that—

17 “(I) commences not later than 1
18 year after the date of approval by the
19 Administrator of the State implemen-
20 tation plan; and

21 “(II) ends not earlier than 4
22 years after the date of commencement
23 under subclause (I).”.

1 **SEC. 8. LEAKING UNDERGROUND STORAGE TANKS.**

2 (a) USE OF LUST FUNDS FOR REMEDIATION OF
3 MTBE CONTAMINATION.—Section 9003(h) of the Solid
4 Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

5 (1) in paragraph (7)(A)—

6 (A) by striking “paragraphs (1) and (2) of
7 this subsection” and inserting “paragraphs (1),
8 (2), and (12)””; and

9 (B) by inserting “and section 9010(a)” be-
10 fore “if”; and

11 (2) by adding at the end the following:

12 “(12) REMEDIATION OF MTBE CONTAMINA-
13 TION.—

14 “(A) IN GENERAL.—The Administrator
15 and the States may use funds made available
16 under section 9011(1) to carry out corrective
17 actions with respect to a release of methyl ter-
18 tiary butyl ether that presents a threat to
19 human health, welfare, or the environment.

20 “(B) APPLICABLE AUTHORITY.—Subpara-
21 graph (A) shall be carried out—

22 “(i) in accordance with paragraph (2);
23 and

24 “(ii) in the case of a State, in accord-
25 ance with a cooperative agreement entered

1 into by the Administrator and the State
2 under paragraph (7).”.

3 (b) **RELEASE PREVENTION AND COMPLIANCE.**—Sub-
4 title I of the Solid Waste Disposal Act (42 U.S.C. 6991
5 et seq.) is amended by striking section 9010 and inserting
6 the following:

7 **“SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.**

8 “Funds made available under section 9011(2) from
9 the Leaking Underground Storage Tank Trust Fund may
10 be used for conducting inspections, or for issuing orders
11 or bringing actions under this subtitle—

12 “(1) by a State (pursuant to section
13 9003(h)(7)) acting under—

14 “(A) a program approved under section
15 9004; or

16 “(B) State requirements regulating under-
17 ground storage tanks that are similar or iden-
18 tical to this subtitle; and

19 “(2) by the Administrator, acting under this
20 subtitle or a State program approved under section
21 9004.

22 **“SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.**

23 “In addition to amounts made available under section
24 2007(f), there are authorized to be appropriated from the
25 Leaking Underground Storage Tank Trust Fund—

1 “(1) to carry out section 9003(h)(12),
2 \$200,000,000 for fiscal year 2002, to remain avail-
3 able until expended; and

4 “(2) to carry out section 9010—

5 “(A) \$50,000,000 for fiscal year 2002; and

6 “(B) \$30,000,000 for each of fiscal years
7 2003 through 2007.”.

8 (c) TECHNICAL AMENDMENTS.—

9 (1) Section 1001 of the Solid Waste Disposal
10 Act (42 U.S.C. prec. 6901) is amended by striking
11 the item relating to section 9010 and inserting the
12 following:

“Sec. 9010. Release prevention and compliance.

“Sec. 9011. Authorization of appropriations.”.

13 (2) Section 9001(3)(A) of the Solid Waste Dis-
14 posal Act (42 U.S.C. 6991(3)(A)) is amended by
15 striking “sustances” and inserting “substances”.

16 (3) Section 9003(f)(1) of the Solid Waste Dis-
17 posal Act (42 U.S.C. 6991b(f)(1)) is amended by
18 striking “subsection (c) and (d) of this section” and
19 inserting “subsections (c) and (d)”.

20 (4) Section 9004(a) of the Solid Waste Disposal
21 Act (42 U.S.C. 6991e(a)) is amended in the second
22 sentence by striking “referred to” and all that fol-
23 lows and inserting “referred to in subparagraph (A)
24 or (B), or both, of section 9001(2).”.

1 (5) Section 9005 of the Solid Waste Disposal
2 Act (42 U.S.C. 6991d) is amended—

3 (A) in subsection (a), by striking “study
4 taking” and inserting “study, taking”;

5 (B) in subsection (b)(1), by striking
6 “relevent” and inserting “relevant”; and

7 (C) in subsection (b)(4), by striking
8 “Evironmental” and inserting “Environ-
9 mental”.

10 **SEC. 9. ANALYSES OF MOTOR VEHICLE FUEL CHANGES**
11 **AND EMISSIONS MODEL.**

12 Section 211 of the Clean Air Act (42 U.S.C. 7545)
13 is amended by inserting before subsection (q) (as redesignig-
14 nated by section 6(a)(1)) the following:

15 “(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES
16 AND EMISSIONS MODEL.—

17 “(1) ANTI-BACKSLIDING ANALYSIS.—

18 “(A) DRAFT ANALYSIS.—Not later than 4
19 years after the date of enactment of this sub-
20 section, the Administrator shall publish for pub-
21 lic comment a draft analysis of the changes in
22 emissions of air pollutants and air quality due
23 to the use of motor vehicle fuel and fuel addi-
24 tives resulting from implementation of the

1 amendments made by the Renewable Fuels Act
2 of 2001.

3 “(B) FINAL ANALYSIS.—After providing a
4 reasonable opportunity for comment but not
5 later than 5 years after the date of enactment
6 of this subsection, the Administrator shall pub-
7 lish the analysis in final form.

8 “(2) EMISSIONS MODEL.—For the purposes of
9 this subsection, as soon as the necessary data are
10 available but not later than 6 years after the date
11 of enactment of this subsection, the Administrator
12 shall develop and finalize an emissions model that
13 reasonably reflects the effects of fuel characteristics
14 or components on emissions from vehicles in the
15 motor vehicle fleet during calendar year 2005.”.

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