

117TH CONGRESS
1ST SESSION

S. 227

To amend the Farm Security and Rural Investment Act of 2002 to provide grants for deployment of renewable fuel infrastructure, to finalize proposed rules relating to requirements for E15 fuel dispenser labeling and underground storage tank compatibility, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2021

Ms. KLOBUCHAR (for herself and Ms. ERNST) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to provide grants for deployment of renewable fuel infrastructure, to finalize proposed rules relating to requirements for E15 fuel dispenser labeling and underground storage tank compatibility, 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 Fuel Infra-
5 structure Investment and Market Expansion Act of
6 2021”.

1 **SEC. 2. GRANTS FOR DEPLOYMENT OF RENEWABLE FUEL**
 2 **INFRASTRUCTURE.**

3 Title IX of the Farm Security and Rural Investment
 4 Act of 2002 (7 U.S.C. 8101 et seq.) is amended by adding
 5 at the end the following:

6 **“SEC. 9015. RENEWABLE FUEL INFRASTRUCTURE GRANT**
 7 **PROGRAM.**

8 “(a) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
 9 tion, the term ‘eligible entity’ means—

10 “(1) a State or unit of local government;

11 “(2) a Tribal government;

12 “(3) an authority, agency, partnership, or in-
 13 strumentality of an entity described in paragraph
 14 (1) or (2); and

15 “(4) a group of entities described in paragraphs
 16 (1) through (3).

17 “(b) ESTABLISHMENT.—Not later than 1 year after
 18 the date of enactment of this section, the Secretary shall
 19 establish a grant program to award grants to eligible enti-
 20 ties to carry out the activities described in subsection (e).

21 “(c) APPLICATIONS.—An eligible entity desiring a
 22 grant under this section shall submit to the Secretary an
 23 application at such time, in such manner, and containing
 24 such information as the Secretary may require.

25 “(d) ELIGIBILITY CRITERIA.—In selecting an eligible
 26 entity to receive a grant under this section, the Secretary

1 shall consider the extent to which the application of the
2 eligible entity proposes—

3 “(1) to convert existing pump infrastructure to
4 deliver ethanol blends with greater than 10 percent
5 ethanol;

6 “(2) to diversify the geographic area selling eth-
7 anol blends with greater than 10 percent ethanol;

8 “(3) to support existing or emerging biodiesel,
9 bioheat, and sustainable aviation fuel markets that
10 have existing incentives;

11 “(4) to increase the use of existing fuel delivery
12 infrastructure;

13 “(5) to enable or accelerate the deployment of
14 renewable fuel infrastructure that would be unlikely
15 to be completed without Federal assistance; and

16 “(6) to build and retrofit traditional and pipe-
17 line biodiesel terminal operations (including rail
18 lines) and home heating oil distribution centers or
19 equivalent entities—

20 “(A) to blend biodiesel; and

21 “(B) to carry ethanol and biodiesel.

22 “(e) ELIGIBLE USE.—An eligible entity that receives
23 a grant under this section may use the grant funds—

1 “(1) to distribute to private or public entities
2 for costs related to incentivizing deployment of re-
3 newable fuel infrastructure;

4 “(2) to convert existing pump infrastructure to
5 deliver ethanol blends greater than 10 percent and
6 biodiesel blends greater than 20 percent;

7 “(3) to install fuel pumps and related infra-
8 structure dedicated to the distribution of higher eth-
9 anol blends (including E15 and E85) and higher
10 biodiesel blends up to B100 at fueling locations, in-
11 cluding—

12 “(A) local fueling stations;

13 “(B) convenience stores;

14 “(C) hypermarket fueling stations; and

15 “(D) fleet facilities or similar entities; and

16 “(4) to build and retrofit traditional and pipe-
17 line biodiesel terminal operations (including rail
18 lines) and home heating oil distribution centers or
19 equivalent entities—

20 “(A) to blend biodiesel; and

21 “(B) to carry ethanol and biodiesel.

22 “(f) CERTIFICATION REQUIREMENT.—Any infra-
23 structure used or installed with grant funds provided
24 under this section shall be certified by the Underwriters

1 Laboratory as infrastructure that distributes blends with
 2 an ethanol content of 25 percent or greater.

3 “(g) FUNDING.—

4 “(1) FEDERAL SHARE.—The Federal share of
 5 the total cost of carrying out a project awarded a
 6 grant under this section shall not exceed 75 percent.

7 “(2) MAXIMUM PERCENTAGE FOR CERTAIN AC-
 8 TIVITIES.—An eligible entity receiving a grant under
 9 this section shall ensure that Federal funds do not
 10 exceed—

11 “(A) 75 percent of the per pump cost
 12 for—

13 “(i) pumps that can dispense a range
 14 of ethanol blends of E85 or lower (new
 15 pumps or retrofit of existing pumps); and

16 “(ii) dedicated E15 or E85 pumps
 17 (new pumps or retrofit of existing pumps);

18 “(B) 50 percent of the terminal cost for
 19 terminals with B100 capabilities; or

20 “(C) 25 percent of the per tank cost for
 21 new storage tanks and related equipment asso-
 22 ciated with new facilities or additional capacity
 23 other than replacement of existing storage
 24 tanks and related equipment associated with ex-
 25 isting facilities.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
 2 is authorized to be appropriated to the Secretary to carry
 3 out this section \$100,000,000 for each of fiscal years 2021
 4 through 2025.”.

5 **SEC. 3. REPEAL OF E15 FUEL DISPENSER LABELING RE-**
 6 **QUIREMENTS.**

7 (a) IN GENERAL.—Not later than 90 days after the
 8 date of enactment of this Act, the Administrator of the
 9 Environmental Protection Agency (referred to in this Act
 10 as the “Administrator”) shall finalize the proposed rule
 11 of the Administrator entitled “E15 Fuel Dispenser Label-
 12 ing and Compatibility With Underground Storage Tanks”
 13 (86 Fed. Reg. 5094 (January 19, 2021)) with respect to
 14 the amendments proposed to be made by that rule to part
 15 80 of title 40, Code of Federal Regulations (as in effect
 16 on the date of enactment of this Act).

17 (b) REQUIREMENTS.—In carrying out subsection (a),
 18 the Administrator shall ensure that the final rule required
 19 under that subsection—

- 20 (1) eliminates the E15 labeling requirement;
- 21 (2) is published in the Federal Register; and
- 22 (3) is, to the extent practicable, in compliance
- 23 with all applicable provisions of chapter 5 of title 5,
- 24 United States Code (commonly known as the “Ad-

1 ministrative Procedures Act”) and all other provi-
 2 sions of law relating to rulemaking procedures.

3 (c) COLLABORATION.—In carrying out this section,
 4 the Administrator shall collaborate with the Chair of the
 5 Federal Trade Commission to harmonize the rule required
 6 under subsection (a) with related automotive fuel rating
 7 labeling requirements under section 306.10 of title 16,
 8 Code of Federal Regulations (or successor regulations).

9 (d) REPORT.—Not later than 180 days after the Ad-
 10 ministrator finalizes the rule required under subsection
 11 (a), the Administrator shall submit to the Committees on
 12 Agriculture, Nutrition, and Forestry, Energy and Natural
 13 Resources, and Environment and Public Works of the
 14 Senate and the Committees on Agriculture, Energy and
 15 Commerce, and Science, Space, and Technology of the
 16 House of Representatives a report that summarizes the
 17 major activities taken to carry out subsections (a) and (b).

18 **SEC. 4. UPDATES TO UNDERGROUND STORAGE TANK COM-**
 19 **PATIBILITY REQUIREMENTS.**

20 (a) IN GENERAL.—Not later than 90 days after the
 21 date of enactment of this Act, the Administrator shall fi-
 22 nalize the proposed rule of the Administrator entitled
 23 “E15 Fuel Dispenser Labeling and Compatibility With
 24 Underground Storage Tanks” (86 Fed. Reg. 5094 (Janu-
 25 ary 19, 2021)) with respect to the amendments proposed

1 to be made by that rule to parts 280 and 281 of title 40,
2 Code of Federal Regulations (as in effect on the date of
3 enactment of this Act).

4 (b) REQUIREMENTS.—In carrying out subsection (a),
5 the Administrator shall ensure that the final rule required
6 under that subsection—

7 (1) is published in the Federal Register; and

8 (2) is, to the extent practicable, in compliance
9 with all applicable provisions of chapter 5 of title 5,
10 United States Code (commonly known as the “Ad-
11 ministrative Procedures Act”) and all other provi-
12 sions of law relating to rulemaking procedures.

13 (c) REPORT.—Not later than 180 days after the Ad-
14 ministrator finalizes the rule required under subsection
15 (a), the Administrator shall submit to the Committees on
16 Agriculture, Nutrition, and Forestry, Energy and Natural
17 Resources, and Environment and Public Works of the
18 Senate and the Committees on Agriculture, Energy and
19 Commerce, and Science, Space, and Technology of the
20 House of Representatives a report that summarizes the
21 major activities taken to carry out subsections (a) and (b).

○