

118TH CONGRESS
2D SESSION

H. R. 10252

To direct the Administrator of the Environmental Protection Agency to amend certain regulations for purposes of the renewable fuel program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 22, 2024

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

A BILL

To direct the Administrator of the Environmental Protection Agency to amend certain regulations for purposes 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 “Cleaner Biofuels Act
5 of 2024”.

6 **SEC. 2. REVISED DEFINITION OF ADVANCED BIOFUEL.**

7 Section 211(o)(1)(B) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(B) is amended—

1 (1) in clause (i) by striking “, other than eth-
2 anol derived from corn starch,”; and

3 (2) in clause (ii)(II) by striking “(other than
4 corn starch)” and inserting “, (including corn
5 starch)”.

6 **SEC. 3. SUPPLEMENTAL RIN GENERATION FOR CERTAIN**
7 **RENEWABLE FUEL.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of enactment of this Act, the Administrator of the
10 Environmental Protection Agency shall promulgate, after
11 notice and opportunity for comment, a final rule—

12 (1) revising the regulations for carrying out the
13 Renewable Fuel Program to add to the product of
14 the formula for determining the number of gallon-
15 RINs generated for a batch of renewable fuel under
16 Section 80.1426(f), title 40, Code of Federal Regu-
17 lations Supplemental gallon-RINs according to the
18 provisions under (A) and (B), subject to the limita-
19 tions under (C), when

20 (A) the renewable fuel produced is ethanol
21 derived from cornstarch, with lifecycle green-
22 house gas emissions that are at least—

23 (i) 50 percent less than baseline
24 greenhouse gas emissions, multiply the
25 product of the formula by 0.3; or

1 (ii) 60 percent less than baseline
2 greenhouse gas emissions, multiply the
3 product of the formula by 0.4;

4 (B) the renewable fuel produced is an ad-
5 vanced biofuel with lifecycle greenhouse gas
6 emissions that are at least—

7 (i) 70 percent less than baseline
8 greenhouse gas emissions, multiply the
9 product of the formula by 0.5;

10 (ii) 80 percent less than baseline
11 greenhouse gas emissions, multiply the
12 product of the formula by 0.6;

13 (iii) 90 percent less than baseline
14 greenhouse gas emissions, multiply the
15 product of the formula by 0.7; or

16 (iv) 100 percent or greater than base-
17 line greenhouse gas emissions, multiply the
18 product of the formula by 1 times; and

19 (C) ensuring the resulting number of sup-
20 plemental gallon-RINs in (A) and (B) are
21 awarded in the same D code as the qualifying
22 fuel, are calculated separately then added to the
23 total RINs calculated in 80.1426(f), and are
24 limited by the percentage portion attributable to
25 the renewable biomass per batch;

1 (2) identifying applicability of supplemental
2 RIN generation to renewable fuels including types of
3 renewable fuels from—

4 (A) renewable biomass produced on eligible
5 acres, as verified by the Administrator;

6 (B) production processes certified by the
7 Administrator; or

8 (C) other processes or activities resulting
9 in lifecycle greenhouse gas reductions the Ad-
10 ministrator considers appropriate when used in
11 the production of such renewable fuel from re-
12 newable biomass;

13 (3) ensuring the renewable fuel obligation de-
14 termined by the Administrator accounts for the in-
15 creased availability of advanced biofuel RINs as a
16 result of subparagraphs (1) and (2) in order to
17 maintain the requirement of section
18 211(o)(2)(B)(i)(II) of the Clean Air Act (42 U.S.C.
19 7545(o)(2)) by—

20 (A) based on data reported as of 9/30, ad-
21 justing upward the subsequent year's RVO, as
22 determined by 211(o)(2)(B)(ii)–(iii), by adding
23 to the applicable Annual Volume of advanced
24 biofuel the result of—

1 (i) the total number of Supplemental
2 RINs calculated under 3(a)(1)(A)–(B) and
3 limited by (C), divided by

4 (ii) the Equivalence Value of the fuel
5 produced;

6 (B) publishing an amended RVO for the
7 following year by 11/30 if more than X percent
8 change from previously published RVO; and

9 (C) ensuring that designated Supplemental
10 RINs meet eligibility requirements by using
11 third-party auditors to complete Quality Assur-
12 ance Plan audits for feedstocks, fuels, and proc-
13 esses; and

14 (4) formalizing timelines for the pathway peti-
15 tion review and approval process by—

16 (A) setting mandatory timeframes for peti-
17 tion reviews and determinations of approvals/
18 denials, including a mandatory approval process
19 and timeframe if there is EPA inaction on a
20 pathway petition for more than X 180 days;

21 (B) publishing and making transparent the
22 lifecycle calculation methodologies, models, and
23 tools used to make pathway petition determina-
24 tions; and

(C) creating an Expanded Efficient Producer Petition Process (EEPPP) by completing the necessary lifecycle analyses and updating the Efficient Producer Petition Process' administrative pathway tools to include additional feedstocks, fuels, processes, and activities including carbon oxide sequestration and other processes, including those identified in 3(a)(2)(A)–(C).

(b) APPLICABILITY.—The revisions required by subsection (a) shall apply beginning the first calendar year that begins after the date of enactment of this Act.

SEC. 4. RESPONSIBILITIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out Section 3 of this Act, the Administrator shall—

(1) report annually to Congress on greenhouse gas emissions impacts as a result of actions taken to carry out this Act, including—

(A) the greenhouse gas emissions reductions from processes and activities identified in 3(a)(2)(A)–(C) including—

(i) the type and number of geological sequestration mechanisms used in the production of renewable fuel as certified by the Administrator;

1 (ii) the number of verified eligible
2 acres of agricultural land by region; and

3 (iii) greenhouse gas emissions reduc-
4 tions from farming on verified eligible
5 acres as compared to greenhouse gas emis-
6 sions from traditional farming practices;
7 and

8 (B) the impact of the Supplemental RINs
9 on the Renewable Fuel Program including anal-
10 ysis of the Supplemental RINs generated and
11 status of the RIN bank and market;

12 (b) In carrying out Section 3(a)(2) of this Act the
13 Administrator shall—

14 (1) confirm the eligibility of renewable fuels by
15 certifying the processes used to produce the renew-
16 able fuel from renewable biomass (2) confirm the eli-
17 gibility of renewable fuels using carbon oxide geo-
18 logical sequestration in a class VI well, in accord-
19 ance with the permitting, monitoring, recordkeeping,
20 and other requirements applicable to underground
21 injection under part C of the Safe Drinking Water
22 Act (42 U.S.C. 300h et seq.);

23 (2) verify eligible acres implementing farming
24 practices upon application by a producer in coordi-
25 nation with the Secretary of Agriculture; and

1 (3) prohibit a RIN generator from generating
2 Supplemental RINs by double counting across do-
3 mestic carbon programs the GHG benefits from
4 verified eligible acres implementing farming prac-
5 tices;

6 (c) In carrying out Section 3(a)(3) of this Act, the
7 Administrator shall—

8 (1) make required adjustments to administra-
9 tive systems EMTS to designate and identify Sup-
10 plemental RINs as distinct from other RINs; and

11 (2) publish timely monthly reports to provide
12 accurate totals of Supplemental RINs awarded; and

13 (d) In carrying out Section 3(a)(4) of this Act, the
14 Administrator shall—

15 (1) allow ethanol producers using the Supple-
16 mental RIN generation described in 3(a)(1)(A) to
17 submit an Expanded Efficient Producer Pathway
18 Petition as defined by the Administrator in
19 3(a)(4)(C); and

20 (2) allow advanced fuel producers using the
21 Supplemental RIN generation described in
22 3(a)(1)(B) to submit an Expanded Efficient Pro-
23 ducer Pathway Petition as defined by the Adminis-
24 trator in 3(a)(4)(C).

1 (e) COORDINATION.—As part of the Administrator’s
2 responsibilities under (a), the Administrator in coordina-
3 tion with the Secretary of Agriculture shall—

4 (1) identify a verification system for eligible
5 acres of agricultural land producing renewable bio-
6 mass qualified for inclusion under 3(a)(2)(A);

7 (2) establish criteria for identifying, deter-
8 mining, and assessing farming practices that reduce
9 greenhouse gas emissions associated with agricul-
10 tural production per acre of agricultural land;

11 (3) identify tools for the quantification of the
12 effects of farming practices that reduce the green-
13 house gas emissions of agricultural land including
14 the total acres on which those practices are being
15 implemented; and

16 (4) establish a method for calculating the car-
17 bon intensity score for agricultural land and proc-
18 esses that lower the greenhouse gas emissions associ-
19 ated with agricultural practices based in Argonne
20 National Laboratory’s Research & Development
21 Greenhouse gases, Regulated Emissions, and Energy
22 use in Technologies (GREET) lifecycle model and
23 associated Feedstock Carbon Intensity Calculator
24 (FD-CIC).

1 (f) REGULATIONS.—Not later than one year after the
2 date of enactment of this Act, the Administrator shall pro-
3 mulgate, after notice and opportunity for comment, a final
4 rule to carry out this section.

5 (g) APPLICABILITY.—The final rule promulgated
6 pursuant to subsection (a) shall apply beginning the first
7 calendar year that begins after the date of enactment of
8 this Act.

9 **SEC. 5 DEFINITIONS.**

10 In this Act:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Environ-
13 mental Protection Agency.

14 (2) BASELINE LIFECYCLE GREENHOUSE GAS
15 EMISSIONS.—The term “baseline lifecycle green-
16 house gas emissions” has the meaning given to such
17 term in section 211(o)(1) of the Clean Air Act (42
18 U.S.C. 7545(o)(1)).

19 (3) BATCH OF RENEWABLE FUEL.—The term
20 “batch of renewable fuel” has the meaning given to
21 such term in Section 80.1426(d) of title 40, Code of
22 Federal Regulations.

23 (4) CARBON INTENSITY SCORE.—The term
24 “carbon intensity score” means a score to be as-
25 signed by the Administrator using Argonne National

1 Laboratory's Research & Development Greenhouse
2 gases, Regulated Emissions, and Energy use in
3 Technologies (GREET) lifecycle model and associ-
4 ated Feedstock Carbon Intensity Calculator (FD-
5 CIC) for calculating such scores established under
6 Section 4(e)(2), and attributable to an acre of agri-
7 cultural land representing the amount of carbon di-
8 oxide emissions avoided with respect to such acre
9 per year, based on the farming practices imple-
10 mented on such land, which may take into consider-
11 ation the geographic region in which the farming
12 practice is implemented.

13 (5) ELIGIBLE ACRE.—The term “eligible acre”
14 means an acre of agricultural land on which farming
15 practices, meeting the criteria established under Sec-
16 tion 4(b), are implemented that result in reduced
17 greenhouse gas emissions associated with that acre
18 of agricultural land.

19 (6) GALLON-RIN.—The term “Gallon-RIN” has
20 the meaning given to such term in Section 80.1401
21 of title 40, Code of Federal Regulations.

22 (7) LIFECYCLE GREENHOUSE GAS EMIS-
23 SIONS.—

24 (A) IN GENERAL.—Subject to (B), the
25 term “lifecycle greenhouse gas emissions” has

the meaning given to such term in section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)).

(B) GREET MODEL.—The lifecycle greenhouse gas emissions shall be based on the most recent determinations under Argonne National Laboratory’s Research & Development Greenhouse gases, Regulated Emissions, and Energy use in Technologies (GREET) lifecycle model and associated Feedstock Carbon Intensity Calculator (FD–CIC), or a successor model.

(8) PERCENTAGE PORTION.—

(A) IN GENERAL.—Subject to 3(a)(C), the term “percentage portion” means the volume or mass of renewable biomass from verified eligible acres or other qualifying process or activity in a batch of renewable fuel as compared to the total volume or mass of renewable biomass in that batch of renewable fuel.

(B) CALCULATION.—the percentage portion shall be based on the ratio of renewable biomass generated from verified eligible acres or other qualifying process or activity reported for the batch of renewable fuel to all renewable biomass reported for that batch and applied after

1 determining all applicable calculations under
2 Code of Federal Regulations Section 80.1426(f)
3 of title 40, to determine the total number of
4 gallon-RINs that shall be generated for the
5 batch.

6 (9) RENEWABLE BIOMASS.—The term “renew-
7 able biomass” has the meaning given to such term
8 in section 211(o)(1) of the Clean Air Act (42 U.S.C.
9 7545(o)(1)).

10 (10) RENEWABLE FUEL.—The term “renewable
11 fuel” has the meaning given to such term in section
12 211(o)(1) of the Clean Air Act (42
13 U.S.C.7545(o)(1)).

14 (11) RENEWABLE FUEL PROGRAM.—The term
15 “Renewable Fuel Program” means the Renewable
16 Fuel Program under section 211(o) of the Clean Air
17 Act (42 U.S.C. 7545(o)).

18 (12) RENEWABLE IDENTIFICATION NUMBER
19 (RIN).—The term “Renewable Identification Num-
20 ber” has the meaning given to such term in Section
21 80.1401 of title 40, Code of Federal Regulations.

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