

EPA Announces Notice of Proposed Rulemaking: RFS Pathways II and Technical Amendments to the RFS2 Standards

The Environmental Protection Agency (EPA) is announcing a proposed rulemaking for modifications to the Renewable Fuel Standard program, E15 misfueling mitigation regulations, ultra low sulfur diesel survey requirements as well as other technical amendments.

Elements of this Notice

EPA is proposing to amend certain elements of the renewable fuels standard (RFS) program regulations. The proposed amendments will facilitate the introduction of new renewable fuels as well as improve implementation of the program. This proposal includes various new renewable fuel pathways that will enhance the ability of the biofuels industry to supply advanced biofuels, including cellulosic biofuels, to the market.

EPA is proposing to allow renewable diesel, renewable naphtha, and renewable electricity (used in electric vehicles) produced from landfill biogas to generate cellulosic or advanced biofuel RINs. Renewable compressed natural gas (CNG)/liquefied natural gas (LNG) produced from landfill biogas are also proposed to generate cellulosic RINs. EPA is also proposing to allow butanol that meets the 50% GHG emission reduction threshold to qualify as advanced biofuel. The rulemaking also proposes a clarification regarding the definition of crop residue to include corn kernel fiber and proposes an approach to determining the volume of cellulosic renewable identification numbers (RINs) produced from various cellulosic feedstocks. Further, this proposal discusses and seeks comment on the potential to allow for commingling of compliant products at the retail facility level as long as the environmental performance of the commingled fuels would not be detrimental. The action also addresses “nameplate capacity” issues for certain production facilities that do not claim exemption from the 20% GHG reduction threshold. Several other amendments to the RFS program are included.

EPA is also proposing various changes to the E15 misfueling mitigation regulations at 40 CFR Part 80, Subpart N. Among the E15 changes proposed are technical corrections and amendments to sections dealing with labeling, E15 surveys, product transfer documents, and prohibited acts. We also propose to amend the definitions in order to address a concern about the rounding of test results for ethanol content violations.

Finally, EPA is proposing changes to the survey requirements associated with the ultra-low sulfur diesel (ULSD) program. These changes to the ULSD survey will reduce the burden on industry in terms of number of samples they must collect.

Health and Environmental Impacts

There will be no adverse health or environmental impact as a result of these proposed changes.

Gasoline Supply Benefits

This action may provide additional flexibility to the regulated community by proposing to facilitate the introduction of new renewable fuels under the RFS2 program and have come at the suggestion of industry stakeholders.

For More Information

You can access the rule and related documents on EPA's Office of Transportation and Air Quality (OTAQ) Web site at:

www.epa.gov/otaq/fuels/renewablefuels/regulations.htm

For more information on this rule, please contact Joe Sopata at:

U.S. Environmental Protection Agency
Office of Transportation and Air Quality (6406J)
1200 Pennsylvania Avenue NW
Washington, DC 20460
(202) 343-9034
E-mail: sopata.joe@epa.gov