

117TH CONGRESS
1ST SESSION

H. R. 5899

To direct the Administrator of the Environmental Protection Agency to provide for the generation of Renewable Identification Numbers under the renewable fuel program for electricity from renewable biomass, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2021

Mr. GARAMENDI 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 provide for the generation of Renewable Identification Numbers under the renewable fuel program for electricity from renewable biomass, 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 “Biomass and Biogas
5 for Electric Vehicles Act”.

1 **SEC. 2. RENEWABLE ELECTRICITY UNDER THE RENEW-**
2 **ABLE FUEL PROGRAM.**

3 (a) IN GENERAL.—The Administrator shall, with re-
4 spect to electricity from renewable biomass used as a
5 transportation fuel—

6 (1) provide for the generation of Renewable
7 Identification Numbers under the renewable fuel
8 program in accordance with the maximum quotas
9 determined under subsection (b)(3) (except as pro-
10 vided in subsection (c)); and

11 (2) allow only the operator of a registered facil-
12 ity to generate Renewable Identification Numbers
13 with respect to such electricity.

14 (b) REQUIREMENTS.—

15 (1) ESTIMATE.—In carrying out subsection (a),
16 the Administrator shall estimate the total electricity
17 usage attributable to transportation fuel for electric
18 vehicles in the United States.

19 (2) DATA SOURCES.—In carrying out this sub-
20 section, the Administrator shall use—

21 (A) data from the Energy Information Ad-
22 ministration;

23 (B) data from the Department of Trans-
24 portation;

25 (C) vehicle registration data from each
26 State;

1 (D) Federal or State pilot programs for
2 determining vehicle miles traveled or average
3 fuel economy for electric vehicles;

4 (E) information on electric vehicle tax
5 credits from the Internal Revenue Service; and

6 (F) other information the Administrator
7 determines appropriate.

8 (3) QUOTA FOR REGISTERED FACILITIES.—In
9 carrying out subsection (a), the Administrator shall,
10 for each calendar year, set a maximum quota for the
11 Renewable Identification Numbers that may be gen-
12 erated by a registered facility that does not exceed
13 lesser of—

14 (A) the maximum design capacity of such
15 facility; or

16 (B) the quantity of electricity equal to—

17 (i) the share of electricity generated
18 by the registered facility from renewable
19 biomass relative to the total quantity of
20 electricity generated by all registered facili-
21 ties from renewable biomass during such
22 calendar year; multiplied by

23 (ii) the estimate under paragraph (1)
24 for such calendar year.

1 (4) RETIREMENT.—In carrying out this section,
2 the Administrator shall, for each calendar year, re-
3 quire a registered facility to retire any Renewable
4 Identification Numbers generated in excess of the
5 cumulative maximum quota for such registered facil-
6 ity under paragraph (3) by a compliance deadline set
7 annually by the Administrator.

8 (c) EXCEPTION.—The Administrator shall not apply
9 the provisions of this section in the case of a registered
10 facility that has a written contract or affidavit for the sale
11 or use of a specific quantity of electricity from renewable
12 biomass for use as a transportation fuel.

13 (d) TIMELY REVIEW OF PETITIONS AND REGISTRA-
14 TIONS.—The Administrator shall review and make a de-
15 termination for pathway petitions and registration re-
16 quests—

17 (1) in the case of a complete pathway petition
18 or registration request, by not later than the day
19 that is 365 days after the date of submission of such
20 petition or request (irrespective of whether the final
21 rule required by subsection (g) has been promul-
22 gated as of such day); and

23 (2) in the case of other pathway petitions and
24 registration requests, in a timely and expeditious
25 manner.

1 (e) PUBLIC DISCLOSURE.—The Administrator shall
2 publish on the public internet website of the Environ-
3 mental Protection Agency, and update each calendar year
4 on a quarterly basis, the following:

5 (1) With respect to each pathway petition that
6 is pending, approved, or denied on or after the date
7 of enactment of this Act:

8 (A) The date such pathway petition is sub-
9 mitted to the Environmental Protection Agency.

10 (B) The date any fee assessed pursuant to
11 subsection (f) is collected by the Environmental
12 Protection Agency.

13 (C) The date the Administrator determines
14 that such pathway petition is complete.

15 (D) The date such pathway petition is ap-
16 proved or denied by the Administrator.

17 (2) With respect to each registration request
18 that is pending, approved, or denied on or after the
19 date of enactment of this Act:

20 (A) The date such registration request is
21 submitted to the Environmental Protection
22 Agency.

23 (B) The date any fee assessed pursuant to
24 subsection (f) is collected by the Environmental
25 Protection Agency.

1 (C) The date the Administrator determines
2 that such registration request is complete.

3 (D) The date such registration request is
4 approved or denied by the Administrator.

5 (f) FEES.—

6 (1) ASSESSMENT AND COLLECTION.—The Ad-
7 ministrator may assess and collect a fee, in amounts
8 determined by the Administrator necessary to cover
9 the costs described in paragraph (2), from the oper-
10 ator of a facility that submits, updates, or renews—

11 (A) a pathway petition; or

12 (B) a registration request.

13 (2) USE OF FEES.—A fee assessed and col-
14 lected pursuant to paragraph (1) shall be available,
15 without further appropriation or fiscal year limita-
16 tion, for use by the Administrator for the costs of—

17 (A) reviewing pathway petitions, including
18 any associated costs for personnel;

19 (B) reviewing registration requests, includ-
20 ing any associated costs for personnel; and

21 (C) otherwise carrying out this Act.

22 (3) REFUND.—If the Administrator has not
23 completed a review of a complete pathway petition or
24 registration request for which a fee has been as-
25 sessed and collected pursuant to paragraph (1) not

1 later than 12 months after the date of such collec-
2 tion—

3 (A) the operator of a facility that sub-
4 mitted such pathway petition or registration re-
5 quest may request a refund of such fee;

6 (B) not later than 90 days after receiving
7 such request, the Administrator shall issue a
8 full refund of such fee; and

9 (C) the Administrator shall complete re-
10 view and disposition of such pathway petition or
11 registration request without imposing any fur-
12 ther fee under this section for such process.

13 (4) WAIVER.—The Administrator may, at the
14 Administrator’s discretion, waive the fee under para-
15 graph (1)—

16 (A) for an electric utility that is wholly
17 owned by a State, territorial, or Tribal govern-
18 ment (including any political subdivision there-
19 of); or

20 (B) if the Administrator determines that
21 such waiver is in the public interest.

22 (g) RULE.—Not later than 2 years after the date of
23 enactment of this Act, the Administrator shall, for pur-
24 poses of carrying out this Act, promulgate a final rule re-

1 vising the regulations issued under section 211(o) of the
2 Clean Air Act (42 U.S.C. 7545(o)).

3 (h) DEFINITIONS.—

4 (1) IN GENERAL.—In this Act:

5 (A) ADMINISTRATOR.—The term “Admin-
6 istrator” means the Administrator of the Envi-
7 ronmental Protection Agency.

8 (B) ELECTRIC UTILITY.—The term “elec-
9 tric utility” has the meaning given such term in
10 section 3(22) of the Federal Power Act (16
11 U.S.C. 796(22)).

12 (C) PATHWAY PETITION.—The term
13 “pathway petition” means a petition for ap-
14 proval of a fuel pathway that has electricity
15 from renewable biomass as a fuel type under
16 the renewable fuel program.

17 (D) REGISTERED FACILITY.—The term
18 “registered facility” means a facility that is
19 registered under the renewable fuel program for
20 a fuel pathway that has electricity from renew-
21 able biomass as a fuel type under such pro-
22 gram.

23 (E) REGISTRATION REQUEST.—The term
24 “registration request” means a request for reg-
25 istration of a facility producing electricity from

1 renewable biomass under an approved fuel
2 pathway under the renewable fuel program.

3 (F) RENEWABLE BIOMASS.—The term “re-
4 newable biomass” has the meaning given such
5 term in section 211(o) of the Clean Air Act (42
6 U.S.C. 7545(o)) and regulations thereunder (or
7 any successor regulations).

8 (G) RENEWABLE FUEL PROGRAM.—The
9 term “renewable fuel program” means the re-
10 newable fuel program under section 211(o) of
11 the Clean Air Act (42 U.S.C. 7545(o)).

12 (H) TRANSPORTATION FUEL.—The
13 “transportation fuel” has the meaning given
14 such term in section 211(o)(1) of the Clean Air
15 Act (42 U.S.C. 7545(o)(1)) and regulations
16 thereunder (or any successor regulations).

17 **SEC. 3. ELIMINATION OF RESTRICTION ON RENEWABLE**
18 **BIOMASS FROM FEDERAL FORESTLANDS.**

19 Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C.
20 7545(o)(1)(I)) is amended—

21 (1) in clause (i), by striking “non-federal”; and

22 (2) in clause (ii), by striking “that are from
23 non-federal forestlands, including forestlands” and
24 inserting “from forestlands, including those on pub-
25 lic lands and those”.

1 **SEC. 4. TECHNICAL CORRECTIONS.**

2 (a) Section 211(o)(1)(G) of the Clean Air Act (42
3 U.S.C. 7545(o)(1)(G)) is amended by inserting “and” be-
4 fore “sulfur hexafluoride”.

5 (b) Subparagraph (C) of section 211(o)(11) of the
6 Clean Air Act (42 U.S.C. 7545(o)(11)) is amended to read
7 as follows:

8 “(C) the impacts of the requirements de-
9 scribed in subparagraph (B) of paragraph (2)
10 on each individual and entity described in sub-
11 paragraph (A)(iii)(I), (A)(iv), or (B)(ii)(V) of
12 paragraph (2).”.

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