

2013 -- H 5802

=====
LC01390
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

—————
A N A C T

RELATING TO HEALTH AND SAFETY - BIODIESEL HEATING OIL ACT OF 2013

Introduced By: Representatives Handy, Ruggiero, Walsh, Ajello, and Tanzi

Date Introduced: February 28, 2013

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 23.7

4 BIODIESEL HEATING OIL ACT OF 2013

5 **23-23.7-1. Short title.** – This chapter shall be known and may be cited as the "Biodiesel
6 Heating Oil Act of 2013."

7 **23-23.7-2. Statement of intent and purpose.** – The intent and purpose of this chapter is
8 to encourage the production of biofuels in the state of Rhode Island, to help create jobs in the
9 emerging biofuel industry, to improve air quality, to reduce Rhode Island greenhouse gas
10 emissions, to promote the installation and use of more efficient heating equipment and to promote
11 more energy independence by requiring heating oil sold in the state of Rhode Island to contain
12 biodiesel-blended heating oil.

13 **23-23.7-3. Definitions.** – As used in this chapter, the following words shall have the
14 following meanings:

15 (1) The term "ASTM" means ASTM International.

16 (2) "Biobased product" shall include the following:

17 (i) "Biobased liquid fuel" means a liquid fuel that is derived principally from renewable
18 biomass and meets the specifications or quality certification standards for use in residential,
19 commercial, or industrial heating applications established by ASTM International - ASTM

1 D6751, or the appropriate successor standard, as the case may be.

2 (ii) "Biodiesel fuel" means the monoalkyl esters of long chain fatty acids derived from
3 plant or animal matters which meet the registration requirements for fuels and fuel additives
4 established by the United States environmental protection agency under section 211 of the clean
5 air act, 42 U.S.C. section 7545, and the requirements of ASTM International - ASTM D6751.

6 (iii) "Renewable biomass" means a material, including crops and crop residues, trees and
7 tree residues, organic portions of municipal solid waste, organic portions of construction and
8 demolition debris, grease trap waste, and algae, that can be used for fuel but does not have a
9 petroleum or other fossil fuel base. This definition does not include oil derived from palm trees.

10 (iv) "Renewable diesel fuel" means diesel fuel derived from biomass using a thermal
11 depolymerization process which meets the requirements of ASTM International - ASTM D975 or
12 D396.

13 (3) "Heating oil" means heating fuel or fuel oil used for heating residential, commercial,
14 or industrial properties, including No. 1 distillate, No. 2 distillate, No. 6 distillate, a liquid blended
15 with No. 1 distillate, No. 2 distillate, or No. 6 distillate with a three percent (3%) sulfate level, or
16 a five percent (5%) biobased liquid fuel that meets the specifications or quality certification
17 standards for use in residential, commercial, or industrial heating applications established by
18 ASTM International.

19 **23-23.7-4. Heating oil biobased products.** – (a) Notwithstanding any law, rule,
20 regulation, or order to the contrary, and in accordance with the compliance schedule established
21 in subsection (b) of this section, all heating oil sold in the state for residential, commercial, or
22 industrial uses within the state, shall contain, at a minimum, the specified percentage of biobased
23 product, unless such requirement has been suspended pursuant to section 23-23.7-5.

24 (b) Not later than July 1, 2014, and thereafter, all heating oil sold in the state shall contain
25 not less than five percent (5%) of a biobased product.

26 **23-23.7-5. Suspension.** – The governor of the state of Rhode Island may
27 temporarily suspend the requirements imposed by section 23-23.7-4 if it is determined that the
28 physical availability of biobased product heating oil which complies with these requirements is
29 inadequate at commercially reasonable prices to meet the needs of the residential, commercial, or
30 industrial uses in this state and the inadequate availability constitutes an emergency, provided that
31 the governor, shall specify in writing, the period of time the suspension shall be in effect.

1 SECTION 2. This act shall take effect upon passage.

=====
LC01390
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY - BIODIESEL HEATING OIL ACT OF 2013

- 1 This act would enact the Biodiesel Heating Oil Act of 2013, which would require that all
- 2 heating oil sold in the state contain five percent (5%) of a biobased product.
- 3 This act would take effect upon passage.

=====
LC01390
=====