

2016 -- H 7894

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Representatives Abney, Ruggiero, Carson, and Reilly

Date Introduced: March 09, 2016

Referred To: House Environment and Natural Resources

(DEM)

It is enacted by the General Assembly as follows:

1 SECTION 2. Sections 23-23.7-3, 23-23.7-4, 23-23.7-5 and 23-23.7-7 of the General
2 Laws in Chapter 23-23.7 entitled "Biodiesel Heating Oil Act of 2013" are hereby amended to
3 read as follows:

4 **23-23.7-3. Definitions.** -- As used in this chapter, the following words shall have the
5 following meanings:

6 (1) The term "ASTM" means American Society for Testing and Materials.

7 (2) "Biobased product" shall include the following;

8 (i) "Biobased liquid fuel" means a liquid fuel that is derived principally from renewable
9 biomass and meets the specifications or quality certification standards for use in residential,
10 commercial, or industrial heating applications established by ASTM International--ASTM D396,
11 or the appropriate successor standard, as the case may be.

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

16 (iii) "Renewable biomass" means a material, including crops and crop residues, trees and
17 tree residues, organic portions of municipal solid waste, organic portions of construction and
18 demolition debris, grease trap waste, and algae, that can be used for fuel but does not have a
19 petroleum or other fossil fuel base.

1 (3) "Director" means the director of the department of environmental management.

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

7 (5) "Fuel oil terminal" means a fuel oil storage and distribution facility that is supplied by
8 pipeline or waterborne vessel, and from which fuel oil may be distributed at a loading rack into a
9 truck, trailer, or railroad car. Fuel oil terminals may be supplied by additional means such as tank
10 trucks or railroad cars.

11 **23-23.7-4. Heating oil biobased products.** -- Notwithstanding any law, rule, regulation,
12 or order to the contrary, and in accordance with the compliance schedule established in this
13 chapter, all No. 2 distillate heating oil sold in the state for residential, commercial, or industrial
14 uses within the state, shall contain, ~~at a minimum~~ on average, the specified percentage of
15 biobased product, unless such requirement has been suspended pursuant to § 23-23.7-6. The
16 compliance schedule shall be as follows:

17 (1) Not later than July 1, 2014, all No. 2 distillate heating oil sold in the state shall
18 contain not less than two percent (2%) of a biobased product, on average.

19 (2) Not later than July 1, 2015, all No. 2 distillate heating oil sold in the state shall
20 contain not less than three percent (3%) of a biobased product, on average.

21 (3) Not later than July 1, 2016, all No. 2 distillate heating oil sold in the state shall
22 contain not less than four percent (4%) of a biobased product, on average.

23 (4) Not later than July 1, 2017, all No. 2 distillate heating oil sold in the state shall
24 contain not less than five percent (5%) of a biobased product, on average.

25 **23-23.7-5. Certification.** -- (a) ~~The blender of the biobased product at the time of sale to~~
26 ~~a distributor of~~ Each fuel oil terminal that distributes heating ~~fuel oil~~ shall provide certification
27 stating:

28 (1) That the No. 2 distillate heating fuel meets ASTM International--ASTM D396 and/or
29 the successor standard as the case may be; and

30 (2) That the biobased product used for blending meets the definition of biobased product
31 in subdivision 23-23.7-3(2); and

32 (3) The percentage of the biobased product contained in the fuel.

33 (b) The director shall create and provide to ~~blenders~~ fuel oil terminals a ~~quarterly~~
34 semiannual report form to be filed by ~~the blender~~ the fuel oil terminal with the department of

1 environmental management stating the number of gallons of biobased fuel sold and certification
2 that said gallons meet the standards set forth in this chapter.

3 **23-23.7-7. Suspension.** – (a) The governor of the state of Rhode Island may temporarily
4 suspend the requirements imposed by § 23-23.7-4 if it is determined that the physical availability
5 of biobased product heating oil which complies with these requirements is inadequate at
6 commercially reasonable prices to meet the needs of the residential, commercial, or industrial
7 uses in this state and the inadequate availability constitutes an emergency, provided ~~that the~~
8 ~~governor, shall specify in writing,~~ the period of time the suspension shall be in effect- shall be in
9 writing and shall not exceed six (6) months. Any person seeking a suspension under this
10 subsection shall submit a request in writing to the governor that provides sufficient information to
11 demonstrate that the physical availability of biobased product heating oil which complies with
12 these requirements is inadequate at commercially reasonable prices to meet the needs of the
13 residential, commercial, or industrial uses in this state and that the inadequate availability
14 constitutes an emergency.

15 (b) The director may, upon application by a fuel oil terminal, defer compliance with the
16 requirements imposed by §23-23.7-4 for a period that shall not exceed six (6) months for that fuel
17 oil terminal where compliance is not possible for good cause shown. Any fuel oil terminal
18 seeking a deferral of compliance under this subsection shall submit a request in writing to the
19 director that provides sufficient information to demonstrate why a deferral of compliance is
20 needed.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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

1 This act would add a definition for "fuel oil terminal" and establish procedures for
2 obtaining temporary suspensions from compliance when there is an inadequate supply of
3 biobased product or when good cause is shown.

4 This act would take effect upon passage.

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