

2019 -- H 5447

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

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

Introduced By: Representatives Ruggiero, McEntee, Craven, Amore, and Serodio

Date Introduced: February 14, 2019

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. 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.**

5 As used in this chapter, the following words shall have the 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.**

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

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.

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.

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.

25 (5) Not later than July 1, 2020, all No. 2 distillate heating oil sold in the state shall
26 contain not less than seven percent (7%) of a biobased product, at a minimum.

27 (6) Not later than July 1, 2021, all No. 2 distillate heating oil sold in the state shall
28 contain not less than nine percent (9%) of a biobased product, at a minimum.

29 (7) Not later than July 1, 2022, all No. 2 distillate heating oil sold in the state shall
30 contain not less than eleven percent (11%) of a biobased product, at a minimum.

31 (8) Not later than July 1, 2023, all No. 2 distillate heating oil sold in the state shall
32 contain not less than thirteen percent (13%) of a biobased product, at a minimum.

33 (9) Not later than July 1, 2024, all No. 2 distillate heating oil sold in the state shall
34 contain not less than fifteen percent (15%) of a biobased product, at a minimum.

1 (10) Not later than July 1, 2025, all No. 2 distillate heating oil sold in the state shall
2 contain not less than seventeen percent (17%) of a biobased product, at a minimum.

3 (11) Not later than July 1, 2026, all No. 2 distillate heating oil sold in the state shall
4 contain not less than nineteen percent (19%) of a biobased product, at a minimum.

5 **23-23.7-5. Certification.**

6 (a) The blender of the biobased product at the time of sale to a distributor of heating fuel,
7 and each fuel oil terminal that distributes heating oil shall provide certification stating:

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

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

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

13 (b) The director shall create and provide to blenders and fuel terminals a quarterly report
14 form to be filed by the blender and by the fuel terminal with the department of environmental
15 management stating the number of gallons of biobased fuel sold and certification that said gallons
16 meet the standards set forth in this chapter.

17 **23-23.7-7. Suspension.**

18 (a) The governor of the state of Rhode Island may temporarily suspend the requirements
19 imposed by § 23-23.7-4 if it is determined that the physical availability of biobased product
20 heating oil which complies with these requirements is inadequate at commercially reasonable
21 prices to meet the needs of the residential, commercial, or industrial uses in this state and the
22 inadequate availability constitutes an emergency; ~~provided, that the governor, shall specify in~~
23 ~~writing, the period of time the suspension shall be in effect~~ the period of time the suspension shall
24 be in effect shall be in writing and shall not exceed six (6) months. Any person seeking a
25 suspension under this subsection shall submit a request in writing to the governor that provides
26 sufficient information to demonstrate that the physical availability of biobased product heating oil
27 which complies with these requirements is inadequate at commercially reasonable prices to meet
28 the needs of the residential, commercial, or industrial uses in this state and that the inadequate
29 availability constitutes an emergency.

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

1 [needed.](#)

2 SECTION 2. 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 require ever increasing requirements of biobased product in No. 2
2 distillate heating oil. By July 1, 2020, seven percent (7%) of No. 2 distillate heating oil shall be
3 biobased product. This would increase annually until July 1, 2026, when nineteen percent (19%)
4 would be biobased product in No. 2 heating oil. The act would provide for the suspension of this
5 requirement in limited circumstances.

6 This act would take effect upon passage.

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