

2012 -- S 2189

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO HEALTH AND SAFETY

Introduced By: Senators Sosnowski, McCaffrey, Algiere, and Walaska

Date Introduced: January 24, 2012

Referred To: Senate Environment & Agriculture

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 ULTRA-LOW SULFUR AND BIODIESEL HEATING OIL ACT OF 2012

5 **23-23.7--1. Short title.** – This chapter shall be known and may be cited as the “Ultra-  
6 Low Sulfur and Biodiesel Heating Oil Act of 2012.”

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

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 American Society of Testing and Materials.

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. s.7545, and the requirements of ASTM International – ASTM D6751.

6 (3) "Heating oil" means heating fuel or fuel oil used for heating residential, commercial,  
7 or industrial properties, including No. 1 distillate, No. 2 distillate, or No. 6 distillate, a liquid  
8 blended with No. 1 distillate, No. 2 distillate, or No. 6 distillate with a three percent (3%) sulfate  
9 level, or a five percent (5%) bio-based liquid fuel that meets the specifications or quality  
10 certification standards for use in residential, commercial, or industrial heating applications  
11 established by ASTM International.

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

16 (5) "Renewable diesel fuel" means diesel fuel derived from biomass using a thermal  
17 depolymerization process which meets the registration requirements for fuels and fuel additives  
18 of the United States Environmental Protection Agency under section 211 of the Clean Air Act, 42  
19 U.S.C.s.7545, and the requirements of ASTM International – ASTM D975 or D396.

20 **23-23.7--4. Heating Oil biobased products - Notwithstanding any law, rule, regulation,**  
21 **or order to the contrary, and in accordance with the compliance schedule established in this**  
22 **chapter, all heating oil sold in the state for residential, commercial, or industrial uses within the**  
23 **state, shall contain at a minimum the specified percentage of biobased product, unless such**  
24 **requirement has been suspended pursuant to section 23-23.7-6. The compliance schedule shall be**  
25 **as follows:**

26 (1) Not later than July 1, 2012, all heating oil sold in the state shall contain not less than  
27 two percent (2%) of a biobased product.

28 (2) Not later than July 1, 2013, all heating oil sold in the state shall contain not less than  
29 three percent (3%) of a biobased product.

30 (3) Not later than July 1, 2014, all heating oil sold in the state shall contain not less than  
31 four percent (4%) of a biobased product.

32 (4) Not later than July 1, 2015 and thereafter, all heating oil sold in the state shall contain  
33 not less than five percent (5%) of a biobased product.

34 **23-23.7--5. Heating Oil – sulfur content – (a) Notwithstanding any law, rule, regulation**

1 or order to the contrary the amount of sulfur content of all heating oil, with the exception of No. 6  
2 distillate, sold for residential, commercial or industrial heating uses within the state shall not  
3 exceed the following percentages by weight unless such requirement has been suspended  
4 pursuant to section 23-23.7-6: On or after July 1, 2013, the amount of sulfur content of heating oil  
5 shall not exceed fifty (50) parts per million and as of July 1, 2014 and thereafter fifteen (15) parts  
6 per million.

7 **23-23.7--6. Suspension** – The governor may temporarily suspend the requirements  
8 imposed by sections 23-23.7-3 and 23-23.7-4 if it is determined that the physical availability of  
9 biobased product and/or ultra-low sulfur heating oil which complies with these requirements is  
10 inadequate at commercially reasonable prices to meet the needs of the residential, commercial or  
11 industrial uses in this state and the inadequate availability constitutes an emergency, provided that  
12 the governor shall specify in writing the period of time the suspension shall be in effect.

13 **23-23.7--7. Effective date** – The effective dates set forth within this chapter shall not  
14 take effect and may not be enforced until both Connecticut and Massachusetts adopt requirements  
15 substantially similar to this state to ensure that an adequate supply of bio-based product and/or  
16 ultra-low sulfur heating oil is available to the businesses and consumers of this state.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY

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1           This act would create the Ultra-Low Sulfur and Biodiesel Heating Oil Act of 2012 in  
2 order to encourage the production of bio-fuels in the state, create jobs in the emerging bio-fuel  
3 industry, improve air quality and promote energy independence.

4           This act would take effect upon passage.

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