

**2013 -- H 5802 SUBSTITUTE A AS AMENDED**

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LC01390/SUB A  
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**STATE OF RHODE ISLAND**

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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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 American Society for 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 D396,

1 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.

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

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

16 **23-23.7-4. Heating oil biobased products.** – (a) Notwithstanding any law, rule,  
17 regulation, or order to the contrary, and in accordance with the compliance schedule established  
18 in this chapter, all No. 2 distillate heating oil sold in the state for residential, commercial, or  
19 industrial uses within the state, shall contain, at a minimum, the specified percentage of biobased  
20 product, unless such requirement has been suspended pursuant to section 23-23.7-6. The  
21 compliance schedule shall be as follows:

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

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

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

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

30 **23-23.7-5. Certification.** – (a) The blender of the biobased product at the time of sale to  
31 a distributor of heating fuel shall provide certification stating:

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

34 (2) That the biobased product used for blending meets the definition of biobased product

1 in subdivision 23-23.7-3(2); and

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

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

6 **23-23.7-6. Enforcement.** – It shall be the responsibility of the director of the department  
7 of environmental management to administer and enforce this chapter.

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

14 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

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- 1           This act would enact the Biodiesel Heating Oil Act of 2013, which would require that all
- 2   No. 2 distillate heating oil sold in the state contain a specified percentage of a biobased product.
- 3           This act would take effect upon passage.

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Presented by