

STATE OF NEW YORK

8134

2019-2020 Regular Sessions

IN ASSEMBLY

June 4, 2019

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
bioheating fuel requirements

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 19-0327 of the environmental conservation law, as
2 added by chapter 315 of the laws of 2017, is amended to read as follows:
3 § 19-0327. Bioheating fuel requirements.

4 (1) Definitions. For the purpose of this section, the following terms
5 shall have the following meanings:

6 (a) "Biodiesel" shall mean a fuel, designated B100, that meets the
7 specifications of [~~the American Society for Testing and Materials design-~~
8 ~~ation~~] ASTM D6751 composed exclusively of mono-alkyl esters of long
9 chain fatty acids derived from feedstock.

10 (b) "Renewable Hydrocarbon Diesel" shall mean a domestically-produced
11 fuel derived from vegetable oils, animal fats, and other renewable
12 feedstocks that meet the most recent specifications of ASTM D975.
13 Renewable hydrocarbon shall not include any fuel from co-processed biom-
14 ass with a feedstock that is not biomass.

15 (c) "Bioheating fuel" shall mean a fuel comprised of biodiesel blended
16 with petroleum heating oil that meets the specifications of [~~the Ameri-~~
17 ~~can Society for Testing and Materials designation~~] ASTM D396, a fuel
18 comprised of domestically-produced renewable hydrocarbon diesel with
19 petroleum heating oil that meets the specifications of ASTM D975, or
20 other specifications as determined by the commissioner.

21 (d) "Heating oil" shall mean petroleum oil refined for the purpose of
22 use as fuel for combustion in a space and/or water heating system that
23 meets the specifications of [~~the American Society for Testing and Mate-~~
24 ~~rials designation~~] ASTM D396 or other specifications as determined by
25 the commissioner.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (e) "Feedstock" shall mean soybean oil, oil from annual cover crops,
2 algal oil, biogenic waste oils, fats or greases, or non-food grade corn
3 oil, provided that the commissioner may, by rules and regulations, modi-
4 fy the definition of feedstock based on the vegetable oils, animal fats
5 or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

6 (2) On and after July first, two thousand eighteen, all heating oil
7 sold for use in any building within the counties of Nassau, Suffolk and
8 Westchester shall be bioheating fuel that contains at least five percent
9 biodiesel and/or renewable hydrocarbon diesel.

10 (3) On or after July first, two thousand twenty-one, all heating oil
11 sold for use in any building within the state shall be bioheating fuel
12 that contains at least five percent biodiesel and/or renewable hydrocar-
13 bon diesel.

14 (4) On or after July first, two thousand twenty-six, all heating oil
15 sold for use in any building within the state shall be bioheating fuel
16 that contains at least ten percent biodiesel and/or renewable hydrocar-
17 bon diesel.

18 (5) The minimum content requirements of this section shall not apply
19 to kerosene.

20 [~~(3)~~] (6) The governor may, by issuing an executive order, temporarily
21 suspend the applicability of this section at any time based on the
22 governor's determination, after consulting with the New York state ener-
23 gy research and development authority and the department, that meeting
24 the requirement of subdivision two of this section is not feasible due
25 to lack of adequate supply of biodiesel or that meeting the requirement
26 would result in undue financial hardship to consumers.

27 [~~(4)~~] (7) The requirements of this section shall not: (a) prohibit the
28 sale and use of bioheating fuel with the same or any greater percentage
29 of biodiesel blended with heating oil, or the sale and use of one
30 hundred percent biodiesel, for space and/or water heating purposes in
31 the state; and (b) preempt any laws of the city of New York with respect
32 to mandated percentage levels of biodiesel blends with heating oil
33 provided that such laws require the same or greater percentage of biod-
34 iesel blended with heating oil as required by this section.

35 § 2. This act shall take effect immediately.