

# STATE OF NEW YORK

6344--A

2019-2020 Regular Sessions

## IN SENATE

June 5, 2019

Introduced by Sens. KAMINSKY, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

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

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

(a) "Biodiesel" shall mean a fuel, designated B100, that meets the ~~[specifications]~~ requirements of the ~~[American Society for Testing and Materials designation]~~ ASTM international specification D6751 ~~[composed exclusively of mono-alkyl esters of long chain fatty acids derived from feedstock]~~, or the most recent specification.

(b) "Renewable Hydrocarbon Diesel" shall mean a domestically-produced fuel derived from ~~[vegetable oils, animal fats, and other renewable feedstocks]~~ an eligible feedstock that ~~[meet]~~ meets the ~~[most recent specifications]~~ requirements of ASTM international specification D975, or the most recent specification. Renewable hydrocarbon shall not include any fuel from co-processed biomass with a feedstock that is not biomass.

(c) "Bioheating fuel" shall mean a fuel comprised of biodiesel ~~[blend- ed with petroleum heating]~~ or renewable hydrocarbon diesel that is blended with heating oil that meets the ~~[specifications]~~ requirements of the ~~[American Society for Testing and Materials designation]~~ ASTM international specification D396, or the most recent specification, a fuel

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

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1 comprised of domestically-produced renewable hydrocarbon diesel with  
2 petroleum heating oil that meets the specifications of ASTM interna-  
3 tional specification D975, or other specifications as determined by the  
4 commissioner.

5 (d) "Heating oil" shall mean petroleum oil refined for the purpose of  
6 use as fuel for combustion in a space and/or water heating system that  
7 meets the [~~specifications~~] requirements of the [~~American Society for~~  
8 ~~Testing and Materials designation~~] ATSM international specification D396  
9 or [~~other specifications as determined by the commissioner~~] the most  
10 recent specification.

11 (e) "Feedstock" shall mean soybean oil, canola oil, oil from annual  
12 cover crops, algal oil, biogenic waste oils, fats or greases, or non-  
13 food grade corn oil, provided that the commissioner may, by rules and  
14 regulations, modify the definition of feedstock based on the vegetable  
15 oils, animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. §  
16 80.1426.

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

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

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

29 (5) On or after July first, two thousand thirty, all heating oil sold  
30 for use in any building within the state shall be bioheating fuel that  
31 contains at least twenty percent biodiesel and/or renewable hydrocarbon  
32 diesel.

33 (6) The minimum content requirements of this section shall not apply  
34 to kerosene.

35 [~~(3)~~] (7) The governor may, by issuing an executive order, temporarily  
36 suspend the applicability of this section at any time based on the  
37 governor's determination, after consulting with the New York state ener-  
38 gy research and development authority and the department, that meeting  
39 the requirement of subdivision two of this section is not feasible due  
40 to lack of adequate supply of biodiesel or that meeting the requirement  
41 would result in undue financial hardship to consumers.

42 [~~(4)~~] (8) The requirements of this section shall not: (a) prohibit the  
43 sale and use of bioheating fuel with the same or any greater percentage  
44 of biodiesel blended with heating oil, or the sale and use of one  
45 hundred percent biodiesel, for space and/or water heating purposes in  
46 the state; and (b) preempt any laws of the city of New York with respect  
47 to mandated percentage levels of biodiesel blends with heating oil  
48 provided that such laws require the same or greater percentage of biod-  
49 iesel blended with heating oil as required by this section.

50 § 2. This act shall take effect immediately.