

STATE OF NEW YORK

8469

IN SENATE

March 4, 2022

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed 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 Assembly, do enact as follows:

1 Section 1. Section 19-0327 of the environmental conservation law, as
2 amended by chapter 750 of the laws of 2021, paragraph (b) of subdivision
3 1 and subdivision 9 as amended by chapter 5 of the laws of 2022, is
4 amended to read as follows:

5 § 19-0327. Bioheating fuel requirements.

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

8 (a) "Biodiesel" shall mean a fuel, designated B100, that meets the
9 requirements of the ASTM international specification D6751.

10 (b) "Renewable Hydrocarbon Diesel" shall mean a North American-pro-
11 duced fuel derived from vegetable oils, animal fats, and other renewable
12 feedstocks that meet the requirements of ASTM international specifica-
13 tion D975. Renewable hydrocarbon shall not include any fuel from co-pro-
14 cessed biomass 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 requirements of the ASTM
17 international specification D396, a fuel comprised of domestically-pro-
18 duced renewable hydrocarbon diesel with petroleum heating oil that meets
19 the specifications of ASTM international specification D975, or other
20 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 requirements of the ATSM international specification D396 or
24 other specifications as determined by the commissioner.

25 (e) "Feedstock" shall mean soybean oil, oil from annual cover crops,
26 algal oil, biogenic waste oils, fats or greases, or non-food grade corn
27 oil, provided that the commissioner may, by rules and regulations, modi-

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

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1 fy the definition of feedstock based on the vegetable oils, animal fats
2 or cellulosic biomass listed in table 1 of 40 C.F.R. § 80.1426.

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

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

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

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

19 (6) On or after July first, two thousand thirty-five, all heating oil
20 sold for use in any building within the state shall be bioheating fuel
21 that contains at least fifty percent biodiesel and/or renewable hydro-
22 carbon diesel.

23 (7) The minimum content requirements of this section shall not apply
24 to kerosene.

25 [~~(7)~~] (8) The governor may, by issuing an executive order, temporarily
26 suspend the applicability of this section at any time based on the
27 governor's determination, after consulting with the New York state ener-
28 gy research and development authority and the department, that meeting
29 the requirement of subdivision two of this section is not feasible due
30 to lack of adequate supply of biodiesel or that meeting the requirement
31 would result in financial hardship to consumers.

32 [~~(8)~~] (9) The requirements of this section shall not: (a) prohibit the
33 sale and use of bioheating fuel with the same or any greater percentage
34 of biodiesel blended with heating oil, or the sale and use of one
35 hundred percent biodiesel, for space and/or water heating purposes in
36 the state; and (b) preempt any laws of the city of New York with respect
37 to mandated percentage levels of biodiesel blends with heating oil
38 provided that such laws require the same or greater percentage of biod-
39 iesel blended with heating oil as required by this section.

40 [~~(9)~~] (10) No bioheating fuel shall be sold to a customer that would
41 void the manufacturer's warranty for that burner or boiler type unless
42 the bioheat provider warranties in writing to the customer that the use
43 of such bioheating fuel will be covered to the extent and time limits of
44 the warranty then covering such burner or boiler.

45 § 2. This act shall take effect immediately.