

STATE OF NEW YORK

9014--A

IN SENATE

May 4, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- 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:

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"~~] "Biofuel" shall mean a fuel, designated B100 or
9 R100, that meets the requirements of the ASTM international specifica-
10 tion D6751 or the requirements of the ASTM international specification
11 D975.

12 (b) "Renewable Hydrocarbon Diesel" shall mean a North American-pro-
13 duced fuel, designated R100, derived from vegetable oils, animal fats,
14 and other renewable feedstocks that meet the requirements of ASTM inter-
15 national specification D975. Renewable hydrocarbon shall not include any
16 fuel from co-processed biomass with a feedstock that is not biomass.

17 (c) "Bioheating fuel" shall mean a fuel, designated B100, comprised of
18 [~~biodiesel~~] biofuel blended with petroleum heating oil that meets the
19 requirements of the ASTM international specification D396, a fuel
20 comprised of domestically-produced renewable hydrocarbon diesel with
21 petroleum heating oil that meets the specifications of ASTM interna-
22 tional specification D975, or other specifications as determined by the
23 commissioner.

24 (d) "Heating oil" shall mean petroleum oil refined for the purpose of
25 use as fuel for combustion in a space and/or water heating system that

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

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1 meets the requirements of the [~~ATSM~~] ASTM international specification
2 D396 or other specifications as determined by the commissioner.

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

8 (2) On and after July first, two thousand eighteen, all heating oil
9 sold for use in any building within the counties of Nassau, Suffolk and
10 Westchester shall be bioheating fuel that contains at least five percent
11 [~~biodiesel~~] biofuel.

12 (3) On or after July first, two thousand twenty-two, all heating oil
13 sold for use in any building within the state shall be bioheating fuel
14 that contains at least five percent [~~biodiesel~~] biofuel.

15 (4) On or after July first, two thousand twenty-five, all heating oil
16 sold for use in any building within the state shall be bioheating fuel
17 that contains at least ten percent [~~biodiesel~~] biofuel.

18 (5) On or after July first, two thousand thirty, all heating oil sold
19 for use in any building within the state shall be bioheating fuel that
20 contains at least twenty percent [~~biodiesel~~] biofuel.

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

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

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

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

44 § 2. This act shall take effect immediately.