

STATE OF NEW YORK

5817

2023-2024 Regular Sessions

IN SENATE

March 17, 2023

Introduced by Sen. PARKER -- 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"~~] "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 derived from vegetable oils, animal fats, and other renewable~~
14 ~~feedstocks that meet the requirements of ASTM international specifica-~~
15 ~~tion D975. Renewable hydrocarbon shall not include any fuel from co-pro-~~
16 ~~cessed biomass with a feedstock that is not biomass.~~

17 ~~(e)~~] "Bioheating fuel" shall mean a fuel, designated B100, comprised
18 of [~~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~~] R100
21 with petroleum heating oil that meets the specifications of ASTM inter-
22 national specification D975, or other specifications as determined by
23 the commissioner.

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

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

LBD01634-02-3

1 system that meets the requirements of the [~~ATSM~~] ASTM international
2 specification D396 or other specifications as determined by the commis-
3 sioner.

4 [~~(e)~~] (d) "Feedstock" shall mean soybean oil, oil from annual cover
5 crops, algal oil, biogenic waste oils, fats or greases, or non-food
6 grade corn oil, provided that the commissioner may, by rules and regu-
7 lations, modify the definition of feedstock based on the vegetable oils,
8 animal fats or cellulosic biomass listed in table 1 of 40 C.F.R. §
9 80.1426.

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

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

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

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

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

25 (7) 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~~] biofuel or that meeting the
31 requirement would result in financial hardship to consumers.

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

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

46 § 2. This act shall take effect immediately.