

# STATE OF NEW YORK

7512

2025-2026 Regular Sessions

## IN SENATE

April 21, 2025

Introduced by Sen. CLEARE -- 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 cesses 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~~] ASTM international specification  
24 D396 or other specifications as determined by 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-two, 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-five, 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) 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 and/or renewable hydrocarbon  
21 diesel.

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

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

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

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

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

48 § 2. This act shall take effect immediately.