

STATE OF NEW YORK

3321

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sens. KAMINSKY, 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 Assem-
bly, 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 inter-
national specification D396, or the most recent specification, a fuel
comprised of domestically-produced renewable hydrocarbon diesel with
petroleum heating oil that meets the specifications of ASTM interna-

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

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1 tional specification D975, or other specifications as determined by the
2 commissioner.

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

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

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

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

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

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

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

33 ~~[(3)]~~ (7) The governor may, by issuing an executive order, temporarily
34 suspend the applicability of this section at any time based on the
35 governor's determination, after consulting with the New York state ener-
36 gy research and development authority and the department, that meeting
37 the requirement of subdivision two of this section is not feasible due
38 to lack of adequate supply of biodiesel or that meeting the requirement
39 would result in undue financial hardship to consumers.

40 ~~[(4)]~~ (8) The requirements of this section shall not: (a) prohibit the
41 sale and use of bioheating fuel with the same or any greater percentage
42 of biodiesel blended with heating oil, or the sale and use of one
43 hundred percent biodiesel, for space and/or water heating purposes in
44 the state; and (b) preempt any laws of the city of New York with respect
45 to mandated percentage levels of biodiesel blends with heating oil
46 provided that such laws require the same or greater percentage of biod-
47 iesel blended with heating oil as required by this section.

48 § 2. This act shall take effect immediately.