
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 774 Session of
2013

INTRODUCED BY GROVE, STERN, MOUL, CUTLER, CAUSER, BAKER,
EVERETT, AUMENT, HARKINS, C. HARRIS, GINGRICH, SAYLOR,
BARRAR, BLOOM, EVANKOVICH, KAUFFMAN, M. K. KELLER, LAWRENCE,
MARSHALL, BENNINGHOFF, GILLEN, GABLER, DENLINGER, SWANGER,
MILLER AND SANKEY, FEBRUARY 25, 2013

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 25, 2013

AN ACT

1 Amending the act of July 10, 2008 (P.L.1009, No.78), entitled
2 "An act providing for the study and mandated content of
3 biofuels," further providing for definitions, for cellulosic
4 ethanol content in gasoline and for department authority and
5 responsibility; and making editorial changes.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "cellulosic ethanol" in section
9 2 of the act of July 10, 2008 (P.L.1009, No.78), known as the
10 Biofuel Development and In-State Production Incentive Act, is
11 amended to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 ["Cellulosic ethanol." The term shall have the same meaning

1 as cellulosic biofuel set forth in section 211(o) (1) (E) of the
2 Clean Air Act (69 Stat. 322, 42 U.S.C. § 7545(o) (1) (E)), as
3 amended by section 201 of the Energy Independence and Security
4 Act of 2007 (P.L. 110-140, Title II, Subtitle A, § 201, 121
5 Stat. 1519 (2007)).]

6 * * *

7 Section 2. Section 4 of the act, amended July 5, 2012
8 (P.L.921, No.96), is repealed:

9 [Section 4. Cellulosic ethanol content in gasoline.

10 (a) Cellulosic ethanol content required.--All gasoline sold
11 or offered for sale to ultimate consumers in this Commonwealth
12 must contain at least 10% cellulosic ethanol by volume as
13 determined by an appropriate Environmental Protection Agency or
14 American Society for Testing Materials standard method of
15 analysis one year after the in-State production volume of
16 350,000,000 gallons of cellulosic ethanol has been reached and
17 sustained for three months on an annualized basis as determined
18 by the department.

19 (b) Renewable fuel substitution.--A person may apply to the
20 department for approval to use renewable fuel other than
21 cellulosic ethanol to meet the requirements of this section. The
22 applicant shall demonstrate that the renewable fuel complies
23 with regulations promulgated by the department which shall
24 include, at a minimum, the following criteria:

25 (1) Meets the requirements of 40 CFR Pt. 79 (relating to
26 registration of fuels and fuel additives).

27 (2) Has an emissions profile at least as environmentally
28 protective as the cellulosic ethanol that the proposed
29 renewable fuel is replacing or can demonstrate commensurate
30 environmental or cost-effective benefits as defined by the

1 department.

2 (3) Is suitable for use in motor vehicle engines.

3 (4) Is derived from renewable resources or feedstock.

4 (c) Exception.--The requirements of this section shall not
5 apply to gasoline sold in regions of this Commonwealth where the
6 use of cellulosic ethanol would violate, conflict with or
7 otherwise exacerbate compliance with a National Ambient Air
8 Quality Standards State Implementation Plan.]

9 Section 3. Section 5(c) and (d) of the act, amended July 5,
10 2012 (P.L.921, No.96), are amended to read:

11 Section 5. Department authority and responsibility.

12 * * *

13 [(c) Report.--Beginning one year from the effective date of
14 this act and each year thereafter, the Department of
15 Conservation and Natural Resources shall report on the effect,
16 if any, of in-State production of cellulosic ethanol from woody
17 biomass on forest health, condition and productivity.]

18 (d) Reduction.--The department, in consultation with the
19 Department of Environmental Protection, may suspend or modify to
20 reduce the mandated contents required by section 3 [or 4] if the
21 department determines that doing so is warranted by factors,
22 including, but not limited to, substantially increased costs to
23 consumers or insufficient quantity or distribution of biodiesel
24 [or cellulosic ethanol].

25 * * *

26 Section 4. Section 6(a) and (d) of the act are amended to
27 read:

28 Section 6. Infrastructure reports.

29 (a) Certification.--At least six months prior to the
30 effective dates of the mandated content requirements contained

1 in [sections] section 3(a)(1), (2), (3) and (4) [and 4], the
2 department and the Department of Transportation shall jointly
3 make a certification as to whether there is sufficient
4 transportation, distribution and other necessary infrastructure,
5 including rail capability and terminal facilities, in this
6 Commonwealth to meet the requirements of this act.

7 * * *

8 (d) Insufficient infrastructure.--If any infrastructure
9 report determines that there is insufficient infrastructure in
10 place to meet any of the mandated volume standard requirements
11 contained in section 3 [or 4], that mandated content requirement
12 shall be delayed at least six months or until the department and
13 the Department of Transportation certify that sufficient
14 infrastructure is in place through the issuance of a new
15 infrastructure report, whichever is later.

16 Section 5. This act shall take effect in 60 days.