

2010 -- S 2521

LC01606

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO HEALTH AND SAFETY -- ULTRA LOW SULFUR AND BIODIESEL
HEATING OIL

Introduced By: Senators Sosnowski, Felag, Tassoni, Walaska, and McCaffrey

Date Introduced: February 11, 2010

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 23.7

4 ULTRA LOW SULFUR AND BIODIESEL HEATING OIL ACT OF 2010

5 **23-23.7-1. Title.** – This chapter shall be known and may be cited as the “Ultra Low
6 Sulfur and Biodiesel Heating Oil Act of 2010.”

7 **23-23.7-2. Statement of intention and purpose.** – The intent and purpose of this chapter
8 is to encourage the production of bio-fuels in the State of Rhode Island, to help create jobs in the
9 emerging bio-fuel industry, to improve air quality, to reduce Rhode Island greenhouse gas
10 emissions, to promote the installation and use of more efficient heating equipment and to become
11 more energy independent by requiring heating oil in the State of Rhode Island to contain
12 biodiesel-blended heating oil and by lowering the sulfur content of heating oil sold in the state.

13 **23-23.7-3. Definitions.** – As used in this chapter the following words shall have the
14 following meanings:

15 (1) “Heating oil” means heating fuel or fuel oil used for heating residential, commercial,
16 or industrial properties, including No. 1 distillate, No. 2 distillate, No. 6 distillate, a liquid
17 blended with No. 1 distillate, No. 2 distillate, or No. 6 distillate with a three percent (3%) sulfate
18 level, or a five percent (5%) bio-based liquid fuel that meets the specifications or quality

1 certification standards for use in residential, commercial, or industrial heating applications
2 established by ASTM International.

3 (2) “Bio-based product” shall include the following:

4 (i) “Bio-based liquid fuel” means a liquid fuel that is derived principally from renewable
5 biomass and meets the specifications or quality certification standards for use in residential,
6 commercial, or industrial heating applications established by ASTM International – ASTM
7 D6751, or the appropriate successor standard, as the case may be.

8 (ii) “Biodiesel fuel” means the monoalkyl esters of long chain fatty acids derived from
9 plant or animal matters which meet the registration requirements for fuels and fuel additives
10 established by the United States Environmental Protection Agency under section 211 of the Clean
11 Air Act, 42 U.S.C. s. 7545, and the requirements of ASTM International –ASTM D6751.

12 (iii) “Renewal biomass” means a material, including crops and crop residues, trees and
13 tree residues, organic portions of municipal solid waste, organic portions of construction and
14 demolition debris, grease trap waste, and algae, that can be used for fuel but does not have a
15 petroleum or other fossil fuel base. This definition does not include oil derived from palm trees.

16 (iv) “Renewable diesel fuel” means diesel fuel derived from biomass using a thermal
17 depolymerization process which meets the registration requirements for fuels and fuel additives as
18 established by the United States Environmental Protection Agency under section 211 of the Clean
19 Air Act, 42 U.S.C. s. 7545, and the requirements of ASTM International –ASTM D396

20 **23-23.7.4. Heating oil – Bio-based products.** – Notwithstanding any law, rule,
21 regulation, or order to the contrary, and in accordance with the compliance schedule established
22 in this chapter, all heating oil sold in the state for residential, commercial, or industrial uses
23 within the state, shall contain at a minimum the specified percentage of bio-based product, unless
24 such requirement has been suspended pursuant to section 23-23.7-6. The compliance schedule
25 shall be as follows:

26 (1) Not later than July 1, 2010, all heating oil sold in the state shall contain not less than
27 two percent (2%) of a bio-based product.

28 (2) Not later than July 1, 2011, all heating oil sold in the state shall contain not less than
29 three percent (3%) of a bio-based product.

30 (3) Not later than July 1, 2012, all heating oil sold in the state shall contain not less than
31 four percent (4%) of a bio-based product.

32 (4) Not later than July 1, 2013, and thereafter, all heating oil sold in the state shall contain
33 not less than five percent (5%) of a bio-based product.

34 **23-23.7-5. Heating oil – Sulfur content.** – Notwithstanding any law, rule, regulation or

1 order to the contrary the amount of sulfur content of all heating oil, with the exception of No. 6
2 distillate, sold for residential, commercial or industrial heating uses within the state shall not
3 exceed the following percentages by weight unless such requirement has been suspended
4 pursuant to section 23-23.7-6: On or after July 1, 2011, the amount of sulfur content of heating oil
5 shall not exceed fifty parts per million (50 ppm) and as of July 1, 2014 and thereafter fifteen parts
6 per million (15 ppm).

7 **23-23.7-6. Effective dates.** – The effective dates set forth within this chapter shall not
8 take effect and may not be enforced until the last of the States of Connecticut and Massachusetts
9 adopt requirements substantially similar to this state to ensure an adequate supply bio-based
10 product and/or ultra low sulfur heating oil is available to the businesses and consumers of the
11 state.

12 **23-23.7-7. Physical availability.** – The governor of Rhode Island may temporarily
13 suspend the requirements imposed by sections 23-23.7-4 and 23.-23.7-5 if it is determined that
14 the physical availability of bio-based product and/or ultra low sulfur heating oil which complies
15 with these requirements is inadequate at commercially reasonable prices to meet the needs of the
16 residential, commercial or industrial uses in this state and the inadequate availability constitutes
17 an emergency, provided that the governor, shall specify in writing the period of time the
18 suspension shall be in effect.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- ULTRA LOW SULFUR AND BIODIESEL
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1 This act would create a new chapter called the Ultra Low Sulfur and Biodiesel Heating
2 Oil Act which would require that all heating oil sold in the state would contain at a minimum a
3 specified percentage of bio-based product in a certain compliance schedule and it would regulate
4 the amount of sulfur content in heating oil.

5 This act would take effect upon passage.

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