



General Assembly

Amendment

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LCO No. 8415

SB0101908415SD0

Offered by:

SEN. MEYER, 12th Dist.

REP. ROY, 119th Dist.

To: Subst. Senate Bill No. 1019

File No. 985

Cal. No. 293

"AN ACT REQUIRING BIODIESEL-BLENDED HEATING OIL AND DIESEL FUEL."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2009*) (a) As used in this
4 section and sections 2 and 3 of this act:

5 (1) "Biodiesel" means a fuel comprised of mono-alkyl esters of long
6 chain fatty acids derived from vegetable oils or animal fats which
7 meets the most recent version of designation D6751 of ASTM
8 International;

9 (2) "Heating oil" means a fuel which meets the requirements of
10 designation D396 of ASTM International;

11 (3) "Diesel fuel" means a fuel which meets the requirements of
12 designation D975 of ASTM International;

13 (4) "Retail sale" means the sale of heating oil or diesel fuel to an end
14 user that involves either the brokerage of such transaction or the
15 exchange of money or monetary value;

16 (5) "Wholesale sale" means the sale of heating oil or diesel fuel to
17 persons who sell heating oil or diesel fuel to end users;

18 (6) "Sufficient in-state production of biodiesel" means at least fifty
19 per cent of the annual mandated volume of biodiesel, as determined
20 by the most recent data available from the Energy Information
21 Administration of the United States Department of Energy, is available
22 from in-state producers based upon the combined nameplate capacity
23 of such producers; and

24 (7) "Board" means the Biodiesel Fuel Advisory Board established
25 under section 3 of this act.

26 (b) Except as provided in subsection (c) of this section, the first
27 wholesale sale of any diesel fuel or number two heating oil sold in the
28 state shall: (1) Not later than July 1, 2010, be a biodiesel blend
29 containing not less than two per cent biodiesel, (2) not later than July 1,
30 2011, be a biodiesel blend containing not less than three per cent
31 biodiesel, (3) not later than July 1, 2012, be a biodiesel blend containing
32 not less than four per cent biodiesel, and (4) on and after July 1, 2013,
33 be a biodiesel blend containing not less than five per cent biodiesel.

34 (c) Not later than three months prior to each implementation date
35 set forth in subdivisions (1) to (4), inclusive, of subsection (b) of this
36 section, the Commissioner of Consumer Protection, in consultation
37 with the Biodiesel Fuel Advisory Board established under section 3 of
38 this act, shall, within available appropriations, determine whether
39 there is sufficient in-state production of biodiesel to comply with each
40 such implementation date. If the commissioner determines that such
41 production is not sufficient due to a lack of supply, blending facilities
42 or fuel quality assurances, the commissioner, in consultation with the
43 board, may delay the applicable implementation date for a period not
44 to exceed one year, provided the commissioner (1) no later than three

45 business days after such determination, publishes a notice specifying
46 the duration for such delay on the department's Internet web site, and
47 (2) not later than thirty days after such publication, reports, in
48 accordance with the provisions of section 11-4a of the general statutes,
49 the reasons for such delay to the joint standing committees of the
50 General Assembly having cognizance of matters relating to the
51 environment, general law and energy and technology.

52 (d) The Commissioner of Consumer Protection, in consultation with
53 the Biodiesel Fuel Advisory Board, may suspend any of the
54 requirements of subsection (b) of this section if the commissioner
55 determines (1) the physical availability or quality of biodiesel blended
56 heating oil or biodiesel blended diesel fuel which meets such
57 requirements is inadequate to meet the needs of residential,
58 commercial or industrial users in this state and such inadequate
59 physical availability constitutes an adverse situation, or (2) during a
60 period of not less than thirty days, the state average wholesale price of
61 biodiesel exceeds the state average wholesale price of ultra low sulfur
62 diesel or number two heating oil by more than fifty per cent, provided
63 the commissioner specifies, in writing, the period of time such
64 suspension shall be in effect and reports, in accordance with the
65 provisions of section 11-4a of the general statutes, the reasons for such
66 suspension to the joint standing committees of the General Assembly
67 having cognizance of matters relating to the environment, general law
68 and energy and technology.

69 Sec. 2. (NEW) (*Effective October 1, 2009*) (a) As of the date on which
70 the last of the states of New York, Massachusetts and Rhode Island
71 requires the first retail sale of any diesel fuel or number two heating oil
72 sold to be a biodiesel blend containing not less than two per cent
73 biodiesel, the first retail sale of any diesel fuel or number two heating
74 oil sold in the state shall be a biodiesel blend containing not less than
75 two per cent biodiesel.

76 (b) As of the date on which the last of the states of New York,
77 Massachusetts and Rhode Island requires the first retail sale of any

78 diesel fuel or number two heating oil sold to be a biodiesel blend
79 containing not less than three per cent biodiesel, the first retail sale of
80 any diesel fuel or number two heating oil sold in the state shall be a
81 biodiesel blend containing not less than three per cent biodiesel.

82 (c) As of the date on which the last of the states of New York,
83 Massachusetts and Rhode Island requires the first retail sale of any
84 diesel fuel or number two heating oil sold to be a biodiesel blend
85 containing not less than four per cent biodiesel, the first retail sale of
86 any diesel fuel or number two heating oil sold in the state shall be a
87 biodiesel blend containing not less than four per cent biodiesel.

88 (d) As of the date on which the last of the states of New York,
89 Massachusetts and Rhode Island requires the first retail sale of any
90 diesel fuel or number two heating oil sold to be a biodiesel blend
91 containing not less than five per cent biodiesel, the first retail sale of
92 any diesel fuel or number two heating oil sold in the state shall be a
93 biodiesel blend containing not less than five per cent biodiesel.

94 (e) The Commissioner of Consumer Protection, in consultation with
95 the Biodiesel Fuel Advisory Board established under section 3 of this
96 act, may suspend any of the requirements of subsections (a) to (d),
97 inclusive, of this section, if the commissioner determines (1) the
98 physical availability or quality of biodiesel blended heating oil or
99 biodiesel blended diesel fuel which meets such requirements is
100 inadequate to meet the needs of residential, commercial or industrial
101 users in this state and such inadequate physical availability constitutes
102 an adverse situation, or (2) during a period of not less than thirty days,
103 the state average wholesale price of biodiesel exceeds the state average
104 wholesale price of ultra low sulfur diesel or number two heating oil by
105 more than fifty per cent, provided the commissioner specifies, in
106 writing, the period of time such suspension shall be in effect and
107 reports the reasons for such suspension, in accordance with the
108 provisions of section 11-4a of the general statutes, to the joint standing
109 committees of the General Assembly having cognizance of matters
110 relating to the environment, general law and energy and technology.

111 Sec. 3. (NEW) (*Effective from passage*) (a) There is established a
112 Biodiesel Fuel Advisory Board consisting of ten members: (1) The
113 Commissioner of Consumer Protection or a designee, who shall serve
114 as chairperson of the board; (2) the Commissioner of Environmental
115 Protection, or a designee; (3) the Secretary of the Office of Policy and
116 Management, or a designee; (4) one member representing biofuel
117 dealers who engages in the retail sale of number two heating oil in the
118 state, appointed by the president pro tempore of the Senate; (5) one
119 member representing biofuel dealers who engages in the retail sale of
120 diesel fuel in the state, appointed by the speaker of the House of
121 Representatives; (6) one member representing in-state biodiesel
122 producers, appointed by the majority leader of the Senate; (7) one
123 member representing wholesale biodiesel heating oil distributors
124 operating within the state, appointed by the majority leader of the
125 House of Representatives; (8) one member from a state-wide biofuel
126 trade association, appointed by the minority leader of the Senate; (9)
127 one member from a state-wide retail oil dealer trade association,
128 appointed by the minority leader of the House of Representatives; and
129 (10) one member representing a biodiesel fuel terminal owner or
130 operator, appointed by the Governor. All appointed members of the
131 board shall serve in accordance with the provisions of section 4-1a of
132 the general statutes.

133 (b) The board shall investigate, advise and make recommendations
134 to the Commissioner of Consumer Protection concerning an effective
135 strategy for implementing the provisions of sections 1 and 2 of this act.

136 (c) The board shall investigate and develop a strategy to increase the
137 use of advanced biofuels as alternatives to conventional carbon-based
138 fuels by the state, its agencies and political subdivisions, and all
139 consumers of number two heating oil and diesel fuel in the state. Such
140 strategy shall include, but not be limited to, consideration of the
141 following: (1) Financing mechanisms for advanced biofuels, including
142 grants, loans and other incentive programs, (2) vehicles using
143 advanced biofuels, (3) fuel quality testing facilities, (4) distribution
144 infrastructure, (5) technical assistance, and (6) supply availability. Not

145 later than February 1, 2010, and annually thereafter, the board shall
146 make recommendations concerning such strategy, in accordance with
147 the provisions of section 11-4a of the general statutes, to the joint
148 standing committees of the General Assembly having cognizance of
149 matters relating to the environment, general law and energy and
150 technology."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>from passage</i>	New section