



General Assembly

Amendment

January Session, 2009

LCO No. 8573

SB0101908573SD0

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 section 2 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) "Sufficient in-state production of biodiesel" means at least fifty
14 per cent of the annual mandated volume of biodiesel, as determined
15 by the most recent data available from the Energy Information
16 Administration of the United States Department of Energy, is available
17 from in-state producers based upon the combined nameplate capacity
18 of such producers; and

19 (5) "Board" means the Biodiesel Fuel Advisory Board established
20 under section 2 of this act.

21 (b) Except as provided in subsections (c) to (d), inclusive, of this
22 section, any diesel fuel or number two heating oil sold in the state
23 shall: (1) Not later than July 1, 2010, be a biodiesel blend containing not
24 less than two per cent biodiesel, (2) not later than July 1, 2011, be a
25 biodiesel blend containing not less than three per cent biodiesel, (3) not
26 later than July 1, 2012, be a biodiesel blend containing not less than
27 four per cent biodiesel, and (4) on and after July 1, 2013, be a biodiesel
28 blend containing not less than five per cent biodiesel.

29 (c) Not later than three months prior to each implementation date
30 set forth in subdivisions (1) to (4), inclusive, of subsection (b) of this
31 section, the Commissioner of Consumer Protection, in consultation
32 with the Biodiesel Fuel Advisory Board established under section 3 of
33 this act, shall, within available appropriations, determine whether
34 there is sufficient in-state production of biodiesel to comply with each
35 such implementation date. If the commissioner determines that such
36 production is not sufficient due to a lack of supply, blending facilities
37 or fuel quality assurances, the commissioner, in consultation with the
38 board, may delay the applicable implementation date for a period not
39 to exceed one year, provided the commissioner (1) no later than three
40 business days after such determination, publishes a notice specifying
41 the duration for such delay on the department's Internet web site, and
42 (2) not later than thirty days after such publication, reports, in
43 accordance with the provisions of section 11-4a of the general statutes,
44 the reasons for such delay to the joint standing committees of the
45 General Assembly having cognizance of matters relating to the

46 environment, general law and energy and technology.

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

64 (e) The Commissioner of Consumer Protection may exempt any
65 diesel or heating oil retailer from the requirements of subsection (b) of
66 this section if the commissioner determines biodiesel is not available at
67 such retailer's traditional points of supply.

68 Sec. 2. (NEW) (*Effective from passage*) (a) There is established a
69 Biodiesel Fuel Advisory Board consisting of eleven members: (1) The
70 Commissioner of Consumer Protection or a designee, who shall serve
71 as chairperson of the board; (2) the Commissioner of Environmental
72 Protection, or a designee; (3) the Secretary of the Office of Policy and
73 Management, or a designee; (4) one member representing biofuel
74 dealers who engages in the retail sale of number two heating oil in the
75 state, appointed by the president pro tempore of the Senate; (5) one
76 member representing biofuel dealers who engages in the retail sale of
77 diesel fuel in the state, appointed by the speaker of the House of
78 Representatives; (6) one member representing in-state biodiesel

79 producers, appointed by the majority leader of the Senate; (7) one
80 member representing wholesale biodiesel heating oil distributors
81 operating within the state, appointed by the majority leader of the
82 House of Representatives; (8) one member from a state-wide biofuel
83 trade association, appointed by the minority leader of the Senate; (9)
84 one member from a state-wide retail oil dealer trade association,
85 appointed by the minority leader of the House of Representatives; (10)
86 one member representing a biodiesel fuel terminal owner or operator,
87 appointed by the Governor; and (11) one member representing a fuel
88 terminal owner or operator, appointed by the Governor. All appointed
89 members of the board shall serve in accordance with the provisions of
90 section 4-1a of the general statutes.

91 (b) The board shall investigate, advise and make recommendations
92 to the Commissioner of Consumer Protection concerning an effective
93 strategy for implementing the provisions of section 1 of this act.

94 (c) The board shall investigate and develop a strategy to increase the
95 use of advanced biofuels as alternatives to conventional carbon-based
96 fuels by the state, its agencies and political subdivisions, and all
97 consumers of number two heating oil and diesel fuel in the state. Such
98 strategy shall include, but not be limited to, consideration of the
99 following: (1) Financing mechanisms for advanced biofuels, including
100 grants, loans and other incentive programs, (2) vehicles using
101 advanced biofuels, (3) fuel quality testing facilities, (4) distribution
102 infrastructure, (5) technical assistance, and (6) supply availability. Not
103 later than February 1, 2010, and annually thereafter, the board shall
104 make recommendations concerning such strategy, in accordance with
105 the provisions of section 11-4a of the general statutes, to the joint
106 standing committees of the General Assembly having cognizance of
107 matters relating to the environment, general law and energy and
108 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>from passage</i> | New section |