



General Assembly

Substitute Bill No. 118

February Session, 2010

* _____SB00118CE_____041410_____*

**AN ACT CONCERNING CONNECTICUT QUALIFIED BIODIESEL
PRODUCER GRANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 32-324 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 For the purposes of this section and sections 32-324a to 32-324f,
4 inclusive, as amended by 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, designated
7 B100, and meeting the requirements of designation D6751 of the
8 American Society for Testing and Materials.

9 (2) "Qualified biodiesel producer" means [a facility that produces
10 biodiesel,] an entity that is registered with the state of Connecticut, is
11 domiciled in Connecticut and is actively engaged in, or intends to
12 actively engage in, the production of biodiesel in Connecticut for
13 commercial purposes.

14 (3) "Qualified biodiesel distributor" means [a facility that stores and
15 distributes biodiesel,] an entity that is registered with the state of
16 Connecticut, is domiciled in Connecticut and is actively engaged in, or
17 intends to actively engage in, the storage and distribution of biodiesel

18 in Connecticut for commercial purposes.

19 Sec. 2. Section 32-324a of the general statutes is repealed and the
20 following is substituted in lieu thereof (*Effective from passage*):

21 (a) There is established an account to be known as the "Connecticut
22 qualified biodiesel producer incentive account", which shall be a
23 separate, nonlapsing account within the General Fund. The account
24 shall contain any moneys required by law to be deposited in the
25 account. The account may contain any moneys available from any
26 agency or department of the federal government or any state agency
27 for the purpose described in subsection (b) of this section. Such
28 account shall not terminate upon the lack of any funds in such account.

29 (b) The moneys in said account shall be expended by the
30 Department of Economic and Community Development for the
31 purpose of administration of the program and providing grants to
32 qualified biodiesel producers and qualified biodiesel distributors
33 pursuant to sections 32-324b to 32-324f, inclusive, as amended by this
34 act. For the purposes of implementing this grant, the Commissioner of
35 Economic and Community Development may enter into an agreement,
36 in accordance with the provisions of chapter 55a, with a person, firm,
37 corporation or other entity.

38 Sec. 3. Section 32-324b of the general statutes is repealed and the
39 following is substituted in lieu thereof (*Effective from passage*):

40 (a) A qualified biodiesel producer shall be eligible for not more than
41 sixty monthly grants from the Connecticut qualified biodiesel
42 producer incentive account, established pursuant to section 32-324a, as
43 amended by this act. The Department of Economic and Community
44 Development, in consultation with the person, firm, corporation or
45 entity selected to implement the grant pursuant to subsection (b) of
46 section 32-324a, as amended by this act, if applicable, shall determine
47 monthly grant amounts by calculating the estimated gallons of
48 biodiesel produced during the preceding month, as certified by the

49 Commissioner of Economic and Community Development, or a
50 designee, and applying such figure to the per gallon incentive credit
51 established in subsection (b) of this section. For such certification
52 purposes, a qualified biodiesel producer shall be required to provide
53 the Commissioner of Economic and Community Development only
54 with a certificate of analysis that documents compliance with the
55 critical specifications of the American Society of Testing and Materials
56 or "ASTM" standard D6751, including, but not limited to, the Tier II
57 biodiesel fuel quality protocol accepted by the Commissioner of
58 Consumer Protection.

59 (b) Each qualified biodiesel producer shall be eligible for a total
60 grant in any fiscal year equal to the following amounts: (1) For the first
61 five million gallons of biodiesel produced, thirty cents per gallon; (2)
62 for the second five million gallons of biodiesel produced, twenty cents
63 per gallon; and (3) for the third five million gallons of biodiesel
64 produced, ten cents per gallon, except in the event that all moneys
65 available for such grant program total: (A) Two hundred thousand
66 dollars or less, not more than twenty cents per gallon regardless of the
67 number of gallons of biodiesel produced, and (B) one hundred
68 thousand dollars or less, not more than ten cents per gallon, regardless
69 of the total number of gallons of biodiesel produced.

70 (c) Biodiesel produced by a qualified biodiesel producer in excess of
71 fifteen million gallons in any fiscal year shall not be eligible for a grant
72 pursuant to this section.

73 Sec. 4. Section 32-324c of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective from passage*):

75 To receive a grant pursuant to section 32-324b, as amended by this
76 act, a qualified biodiesel producer shall file an application for such
77 funds not later than fifteen days after the last day of the month for
78 which the grant is sought. The application shall include, but not be
79 limited to: (1) The location of the qualified biodiesel producer; (2) the
80 number of Connecticut citizens employed by the biodiesel producer in

81 the preceding month; (3) the number of gallons of biodiesel produced
82 during the month for which the grant is sought; (4) a copy of the
83 qualified biodiesel producer's Connecticut registration; (5) any other
84 information deemed necessary by the Commissioner of Economic and
85 Community Development to ensure that such grants shall be made
86 only to qualified biodiesel producers; and (6) satisfactory
87 documentation that the biodiesel has a net carbon energy benefit when
88 compared to the fuel it will replace. For purposes of compliance with
89 subdivisions (5) and (6) of this section, a qualified biodiesel producer
90 shall be required to provide the Commissioner of Economic and
91 Community Development only with a certificate of analysis that
92 documents compliance with the critical specifications of the American
93 Society of Testing and Materials or "ASTM" standard D6751, including,
94 but not limited to, the Tier II biodiesel fuel quality protocol accepted
95 by the Commissioner of Consumer Protection.

96 Sec. 5. Section 32-324d of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective from passage*):

98 [A qualified biodiesel producer shall be eligible for a one-time grant
99 pursuant to section 32-324a to assist with purchasing equipment or
100 constructing, modifying or retrofitting production facilities. Such grant
101 shall not exceed (1) three million dollars, and (2) twenty-five per cent
102 of the equipment or construction cost regardless of the number of
103 facilities owned by said qualified biodiesel producer.]

104 A qualified biodiesel producer that is not yet actively engaged in the
105 production of biodiesel shall be eligible for a one-time grant pursuant
106 to section 32-324a, as amended by this act, to assist with the initial
107 purchase of biodiesel production equipment or with the construction,
108 modification or retrofitting of biodiesel production facilities. Such
109 grant shall be administered to provide such qualified biodiesel
110 producer with such initial financial assistance and shall not be
111 administered as a reimbursement program. The amount of such grant
112 shall not exceed three million dollars regardless of the number of
113 facilities owned by the qualified biodiesel producer.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	32-324
Sec. 2	<i>from passage</i>	32-324a
Sec. 3	<i>from passage</i>	32-324b
Sec. 4	<i>from passage</i>	32-324c
Sec. 5	<i>from passage</i>	32-324d

ENV *Joint Favorable Subst.*

CE *Joint Favorable*