

1 H.549

2 Introduced by Representatives Klein of East Montpelier and Krawczyk of

3 Bennington

4 Referred to Committee on

5 Date:

6 Subject: Energy; air quality; heating oil; weights and measures; sulfur content;

7 biodiesel

8 Statement of purpose: This bill proposes to require that heating oil sold in this
9 state contain less sulfur than it currently does and gradually increasing
10 percentages of biodiesel. These requirements would take effect when
11 substantially similar requirements are adopted in surrounding states or on
12 July 1, 2011, whichever is later. The requirements would be enforceable by
13 the secretary of agriculture, food and markets in the same manner as weights
14 and measures.

15 An act relating to a reduction in sulfur and an increase in biodiesel content
16 in heating oil

17 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 9 V.S.A. § 2697b is added to read:

2 § 2697b. HEATING OIL SULFUR AND BIODIESEL REQUIREMENTS

3 (a) As used in this section:

4 (1) “Biodiesel” means fuel composed of mono-alkyl esters of long chain
5 fatty acids derived from vegetable oils or animal fats, which meets both the
6 requirements for fuels and fuel additives of 40 C.F.R. Part 79 and the
7 requirements of ASTM D 6751.

8 (2) “Heating oil” means No. 2 distillate that has distillation temperatures
9 of 400 degrees Fahrenheit at the 10-percent recovery point and 640 degrees
10 Fahrenheit at the 90-percent recovery point and meets the specifications
11 defined in American Society for Testing and Materials (ASTM) Specification
12 D 396.

13 (b) Unless such requirement has been waived pursuant to subsection (f) of
14 this section, on or before July 1, 2011, all heating oil sold within the state for
15 residential, commercial, or industrial uses, including space and water heating,
16 shall have a sulfur content of 15 parts per million or less.

17 (c) Unless such requirement has been waived pursuant to subsection (f) of
18 this section, all heating oil sold within the state for residential, commercial, or
19 industrial uses, including space and water heating, by volume shall:

20 (1) on or before July 1, 2011, contain at least three percent biodiesel.

21 (2) on or before July 1, 2012, contain at least four percent biodiesel.

1 (3) on or before July 1, 2013, contain at least five percent biodiesel.

2 (d) For preblended biodiesel and heating oil, the secretary may allow a
3 dealer or seller of heating oil to demonstrate compliance with this section by
4 providing a written certification received from the wholesaler showing that the
5 content of the fuel received by the dealer or seller meets the requirements of
6 this section.

7 (e) For biodiesel and heating oil that has been blended by the dealer or
8 seller, the secretary may allow the dealer or seller of heating oil to demonstrate
9 compliance with this section by providing documentation that the content of
10 the blended fuel in each delivery load meets the requirements of this section.

11 (f) The governor, by executive order, may temporarily suspend the
12 implementation and enforcement of this section if the governor determines,
13 after consulting with the secretary and the commissioner of public service, that
14 meeting the requirements of subsections (b) and (c) of this section is not
15 feasible due to an inadequate supply of the required fuel.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on the later of the following:

18 (1) July 1, 2011.

19 (2) The date on which, through legislation, rule, agreement, or other
20 binding means, the last of the surrounding states has adopted requirements that
21 are substantially similar to or more stringent than the requirements contained in

1 Sec. 1 of this act, 9 V.S.A. § 2697b(b) and (c). For the purpose of this section,
2 the term “surrounding states” means the states of Massachusetts, New
3 Hampshire, and New York, and the term “last” requires that all three of the
4 surrounding states have adopted substantially similar or more stringent
5 requirements.