



General Assembly

Amendment

January Session, 2021

LCO No. 10018



Offered by:

REP. ARCONTI, 109th Dist.
REP. FERRARO, 117th Dist.
SEN. NEEDLEMAN, 33rd Dist.
SEN. FORMICA, 20th Dist.

To: Subst. House Bill No. 6412

File No. 54

Cal. No. 77

"AN ACT CONCERNING A LOW-CARBON FUEL BLEND OF HEATING OIL AND THE ESTABLISHMENT OF A BIOHEAT ADVISORY BOARD."

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

3 "Section 1. Section 16a-21b of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) For purposes of this section:

6 (1) "Heating oil" means heating fuel that meets the American Society
7 of Testing Materials or "ASTM" standard D396 or the "ASTM" standard
8 D6751;

9 (2) ["Biodiesel blend" means a fuel comprised of mono-alkyl esters of

10 long chain fatty acids derived from vegetable oils or animal fats that
11 meets the most recent version of ASTM International designation
12 D6751;] "Low-carbon fuel blend" means a fuel meeting the standards for
13 advanced biofuels under the federal Renewable Fuel Standard Program,
14 requiring a fifty per cent reduction in lifecycle greenhouse gas
15 emissions, including, but not limited to, qualifying biodiesel meeting
16 the most recent version of ASTM International designation D6751; and

17 (3) "Sold" means the wholesale sale made to a retailer or the retail sale
18 made to an end-user consumer. [;]

19 [(4) "Commissioner" means the Commissioner of Consumer
20 Protection, or the commissioner's designee; and

21 (5) "Sufficient in-state production of biodiesel" means fifty per cent of
22 the annual mandated volume of biodiesel, as determined by the most
23 recent data available from the Energy Information Administration of the
24 United States Department of Energy, is available from in-state
25 producers based upon the combined nameplate capacity of such
26 producers.]

27 (b) [(1)] Subject to the provisions of [subdivision (2) of this subsection
28 and subsections (d) and (f)] subsection (d) of this section, [(A)] (1) not
29 later than July 1, [2011] 2022, all heating oil sold in this state shall be a
30 [biodiesel blend] low-carbon fuel blend containing not less than [two]
31 five per cent biodiesel, [(B)] (2) not later than July 1, [2012] 2025, all
32 heating oil sold in this state shall be a [biodiesel blend] low-carbon fuel
33 blend containing not less than [five] ten per cent biodiesel, [(C)] (3) not
34 later than July 1, [2015] 2030, all heating oil sold in this state shall be a
35 [biodiesel blend] low-carbon fuel blend containing not less than [ten]
36 fifteen per cent biodiesel, [(D)] (4) not later than July 1, [2017] 2034, all
37 heating oil sold in this state shall be a [biodiesel blend] low-carbon fuel
38 blend containing not less than [fifteen] twenty per cent biodiesel, and
39 [(E)] (5) not later than July 1, [2020] 2035, all heating oil sold in this state
40 shall be a [biodiesel blend] low-carbon fuel blend containing not less
41 than [twenty] fifty per cent biodiesel.

42 [(2) The provisions of subparagraphs (A) to (E), inclusive, of
43 subdivision (1) of this subsection shall not take effect until the states of
44 New York, Massachusetts and Rhode Island each have adopted
45 requirements that are substantially similar to the provisions of
46 subparagraphs (A) to (E), inclusive, of subdivision (1) of this
47 subsection.]

48 (c) Unless the [commissioner issues a waiver] Commissioner of
49 Energy and Environmental Protection waives the requirements of
50 subsection (b) of this section pursuant to subsection [(f)] (d) of this
51 section, any [biodiesel] low-carbon fuel blended with heating oil shall
52 be produced in accordance with industry-accepted quality control
53 standards. A certificate of analysis that verifies conformity with the
54 critical specifications of designation D6751 of ASTM International, as
55 defined by the National Biodiesel Accreditation Program, or other
56 applicable ASTM specification for low-carbon fuel blends, shall be
57 provided by the marketers or producers of any such [biodiesel] low-
58 carbon fuel prior to the blending of such [biodiesel] low-carbon fuel
59 with heating oil. [The Department of Consumer Protection, within
60 available appropriations, shall verify that biodiesel offered for sale in
61 this state conforms to the critical specifications of designation D6751 of
62 ASTM International, as defined by the National Biodiesel Accreditation
63 Program, and to the biodiesel fuel quality compliance protocol currently
64 accepted by the Department of Consumer Protection.]

65 (d) The Commissioner of Energy and Environmental Protection may
66 temporarily waive the requirements of subsection (b) of this section if
67 the commissioner determines that, at any time, such requirements (1)
68 are not feasible due to a lack of adequate supply of biodiesel, or (2)
69 would result in a financial hardship to consumers.

70 (e) Not later than July 1, 2022, the Commissioner of Energy and
71 Environmental Protection may adopt regulations, in accordance with
72 chapter 54, concerning the requirement of retailers of heating oil to
73 disclose the percentage of low-carbon fuel blend contained in the home
74 heating oil delivered to consumers or an approximate range of such

75 percentage.

76 [(d) On or before April 1, 2011, and on or before April 1, 2012, the
77 Commissioner of Consumer Protection, in consultation with the
78 Distillate Advisory Board established pursuant to subsection (e) of this
79 section, shall, within available appropriations, determine whether there
80 is sufficient in-state production of biodiesel, to comply with the
81 provisions of subparagraphs (A) and (B) of subdivision (1) of subsection
82 (b) of this section, respectively. If the commissioner determines that such
83 production is not sufficient, the commissioner, in consultation with the
84 board, may delay the implementation date contained in said
85 subparagraph until July 1, 2012, or earlier, and July 1, 2013, or earlier,
86 respectively, provided the commissioner: (1) Not later than three
87 business days after such determination, posts a notice specifying the
88 duration of such delay on the department's Internet web site, and (2) not
89 later than thirty days after such posting, reports, in accordance with the
90 provisions of section 11-4a, the reasons for such delay to the joint
91 standing committees of the General Assembly having cognizance of
92 matters relating to the environment, general law and energy and
93 technology.

94 (e) (1) There is established a Distillate Advisory Board. Such board
95 shall be located in the Department of Consumer Protection and shall
96 consist of the following members appointed by the Commissioner of
97 Consumer Protection: (A) Two representatives of the producers or
98 suppliers of biodiesel in this state, (B) two representatives of the retail
99 heating oil industry in this state, and (C) two representatives of the
100 wholesale distillate supply industry in this state. Each member of the
101 board shall serve at the pleasure of the commissioner and without
102 compensation. No funds shall be allocated or made available to the
103 board.

104 (2) The board shall advise the commissioner on industry and market
105 progress in meeting and enabling compliance with the requirements of
106 subsections (b) and (c) of this section.

107 (f) (1) The Commissioner of Consumer Protection, upon the receipt of
108 a petition submitted by the Distillate Advisory Board in compliance
109 with the provisions of subdivision (2) of this subsection, shall
110 temporarily waive the requirements of subsections (b) and (c) of this
111 section when: (A) The United States Department of Energy authorizes a
112 release from the Northeast Heating Oil Reserve, (B) there is an
113 inadequate supply of low-sulfur distillate products, or (C) there is an
114 inadequate supply of biodiesel blending stocks or an operational
115 problem that affects the supply of biodiesel blending stocks. Any such
116 waiver shall be for a period of not less than thirty days and not more
117 than forty-five days, provided such waiver may be renewed after the
118 expiration of such period of time.

119 (2) Any petition from the Distillate Advisory Board that requests a
120 waiver of any requirement of subsection (b) or (c) of this section shall
121 include, at a minimum: (A) A statement of the immediate threat to the
122 health and safety of the citizens of this state posed by the inadequate
123 supply of low-sulfur distillate products, biodiesel blending stocks or
124 operational problems that affect the supply of biodiesel blending stocks,
125 as applicable, (B) the cause and nature of such inadequate supply or
126 operational problem, as applicable, (C) the expected duration of such
127 inadequate supply or operational problem, and (D) as applicable, a
128 description of any alternative distillate supply that temporarily is
129 needed to take the place of the applicable distillate supply described in
130 subsection (b) or (c) of this section. Not later than three business days
131 after receipt of any such petition, the commissioner shall issue a waiver
132 of the requirements of subsection (b) or (c) of this section, as applicable.

133 (g) Not later than February 1, 2012, and each year thereafter, the
134 Commissioner of Consumer Protection, in consultation with the
135 Distillate Advisory Board, shall submit a report, in accordance with the
136 provisions of section 11-4a, to the joint standing committees of the
137 General Assembly having cognizance of matters relating to energy and
138 the environment on the progress in meeting the requirements of this
139 section and on any effect that such requirements may have on the price
140 or supply of heating oil in this state.]

141 Sec. 2. Section 16a-3d of the general statutes is amended by adding
142 subsection (e) as follows (*Effective July 1, 2021*):

143 (NEW) (e) For the Comprehensive Energy Strategy next approved
144 after October 1, 2021, and every Comprehensive Energy Strategy
145 prepared thereafter, the Commissioner of Energy and Environmental
146 Protection shall consider (1) the reductions in greenhouse gas emissions
147 resulting from low-carbon fuel blends used in home heating oil on a life-
148 cycle basis, (2) possible contributions to the state's greenhouse gas
149 emissions mandated levels, pursuant to section 22a-200a, in connection
150 with the reduction of greenhouse gas emissions on a life-cycle basis, (3)
151 the ability of a thermal portfolio standard to further reductions in
152 greenhouse gas emissions on a life-cycle basis, and (4) the relative value
153 of the reductions in greenhouse gas emissions on a life-cycle basis
154 achieved by biodiesel and other low-carbon fuel blends used currently
155 in the state compared with the value of future projected greenhouse gas
156 emissions reductions achieved by the retail heating oil industry on a life-
157 cycle basis five, ten, and twenty years into the future using the
158 Department of Energy and Environmental Protections'
159 contemporaneous projection of renewable energy utilized."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	16a-21b
Sec. 2	<i>July 1, 2021</i>	16a-3d