

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1652 Session of
2011

INTRODUCED BY GROVE, MOUL, METZGAR, AUMENT, BARRAR, BLOOM,
CREIGHTON, CUTLER, EVERETT, GABLER, GODSHALL, KAUFFMAN,
LAWRENCE, MILLER, PYLE, ROAE, SAYLOR, SWANGER AND DENLINGER,
JUNE 13, 2011

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JUNE 13, 2011

AN ACT

1 Amending the act of July 10, 2008 (P.L.1009, No.78), entitled
2 "An act providing for the study and mandated content of
3 biofuels," further providing for definitions, for cellulosic
4 ethanol content in gasoline and for agency responsibilities;
5 and making editorial changes.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "cellulosic ethanol" in section
9 2 of the act of July 10, 2008 (P.L.1009, No.78), known as the
10 Biofuel Development and In-State Production Incentive Act, is
11 amended to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 ["Cellulosic ethanol." The term shall have the same meaning
18 as cellulosic biofuel set forth in section 211(o)(1)(E) of the

1 Clean Air Act (69 Stat. 322, 42 U.S.C. § 7545(o)(1)(E)), as
2 amended by section 201 of the Energy Independence and Security
3 Act of 2007 (P.L. 110-140, Title II, Subtitle A, § 201, 121
4 Stat. 1519 (2007)).]

5 * * *

6 Section 2. Section 4 of the act is repealed:

7 [Section 4. Cellulosic ethanol content in gasoline.

8 (a) Cellulosic ethanol content required.--All gasoline sold
9 or offered for sale to ultimate consumers in this Commonwealth
10 must contain at least 10% cellulosic ethanol by volume as
11 determined by an appropriate Environmental Protection Agency or
12 American Society for Testing Materials standard method of
13 analysis one year after the in-State production volume of
14 350,000,000 gallons of cellulosic ethanol has been reached and
15 sustained for three months on an annualized basis as determined
16 by the department.

17 (b) Renewable fuel substitution.--A person may apply to the
18 department for approval to use renewable fuel other than
19 cellulosic ethanol to meet the requirements of this section. The
20 applicant shall demonstrate that the renewable fuel complies
21 with regulations promulgated by the department which shall
22 include, at a minimum, the following criteria:

23 (1) Meets the requirements of 40 CFR Pt. 79 (relating to
24 registration of fuels and fuel additives).

25 (2) Has an emissions profile at least as environmentally
26 protective as the cellulosic ethanol that the proposed
27 renewable fuel is replacing or can demonstrate commensurate
28 environmental or cost-effective benefits as defined by the
29 department.

30 (3) Is suitable for use in motor vehicle engines.

1 (4) Is derived from renewable resources or feedstock.

2 (c) Exception.--The requirements of this section shall not
3 apply to gasoline sold in regions of this Commonwealth where the
4 use of cellulosic ethanol would violate, conflict with or
5 otherwise exacerbate compliance with a National Ambient Air
6 Quality Standards State Implementation Plan.]

7 Section 3. Sections 5(c) and (d) and 6(a) and (d) of the act
8 are amended to read:

9 Section 5. Agency responsibilities.

10 * * *

11 [(c) Report.--Beginning one year from the effective date of
12 this act and each year thereafter, the Department of
13 Conservation and Natural Resources shall report on the effect,
14 if any, of in-State production of cellulosic ethanol from woody
15 biomass on forest health, condition and productivity.]

16 (d) Reduction.--The department, in consultation with the
17 Department of Environmental Protection, may suspend or modify to
18 reduce the mandated contents required by section 3 [or 4] if the
19 department determines that doing so is warranted by factors,
20 including, but not limited to, substantially increased costs to
21 consumers or insufficient quantity or distribution of biodiesel
22 [or cellulosic ethanol].

23 Section 6. Infrastructure reports.

24 (a) Certification.--At least six months prior to the
25 effective dates of the mandated content requirements contained
26 in [sections] section 3(a)(1), (2), (3) and (4) [and 4], the
27 department and the Department of Transportation shall jointly
28 make a certification as to whether there is sufficient
29 transportation, distribution and other necessary infrastructure,
30 including rail capability and terminal facilities, in this

1 Commonwealth to meet the requirements of this act.

2 * * *

3 (d) Insufficient infrastructure.--If any infrastructure
4 report determines that there is insufficient infrastructure in
5 place to meet any of the mandated volume standard requirements
6 contained in section 3 [or 4], that mandated content requirement
7 shall be delayed at least six months or until the department and
8 the Department of Transportation certify that sufficient
9 infrastructure is in place through the issuance of a new
10 infrastructure report, whichever is later.

11 Section 4. This act shall take effect in 60 days.