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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1202 Session of  
2007

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INTRODUCED BY GERBER, GEORGE, BENNINGTON, CALTAGIRONE, CONKLIN,  
CURRY, DePASQUALE, DeWEESE, EACHUS, FABRIZIO, FREEMAN,  
GIBBONS, GOODMAN, HARHAI, HARKINS, HORNAMAN, JAMES, JOSEPHS,  
KORTZ, MAHONEY, MANDERINO, MUNDY, M. O'BRIEN, PETRONE,  
PRESTON, SANTONI, SHIMKUS, K. SMITH, M. SMITH, STABACK,  
SURRA, TANGRETTI, THOMAS, VITALI, WALKO, YUDICHAK, McCALL,  
LENTZ, R. TAYLOR, GRUCELA, SEIP AND WAGNER, MAY 24, 2007

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SENATOR ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
JULY 2, 2008

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AN ACT

1 ~~Providing for the sale of transportation fuels containing clean,~~ <—  
2 ~~renewable or alternative fuel content.~~

3 PROVIDING FOR THE STUDY AND MANDATED CONTENT OF BIOFUELS. <—

4 The General Assembly of the Commonwealth of Pennsylvania

5 hereby enacts as follows:

6 ~~Section 1. Short title.~~ <—

7 ~~This act shall be known and may be cited as the Clean Fuels~~  
8 ~~and Energy Independence Act.~~

9 ~~Section 2. Purpose.~~

10 ~~The purpose of this act is to do the following:~~

11 ~~(1) Establish mandates for renewable content in on road~~  
12 ~~transportation fuels sold at retail in this Commonwealth.~~

13 ~~(2) Improve air and water quality and reduce production~~  
14 ~~of greenhouse gases and other environmentally harmful~~  
15 ~~emissions in this Commonwealth.~~

1           ~~(3) Promote energy independence.~~

2           ~~(4) Stimulate this Commonwealth's economy by increasing~~  
3           ~~demand for homegrown alternative fuel, creating production~~  
4           ~~facility construction jobs and creating long term~~  
5           ~~manufacturing jobs.~~

6           ~~(5) Provide alternative fuel sources that can be used to~~  
7           ~~protect consumers in this Commonwealth, both individuals and~~  
8           ~~businesses, from the volatile and ever increasing costs of~~  
9           ~~traditional fuel sources.~~

10 ~~Section 3. Definitions.~~

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

14           ~~"Biodiesel." A renewable, biodegradable, mono-alkyl ester~~  
15           ~~combustible liquid fuel that meets American Society for Testing~~  
16           ~~and Materials Specification D6751 or its successor standard,~~  
17           ~~Standard Specification for Biodiesel Fuel Blend Stock (B100) for~~  
18           ~~Middle Distillate Fuels.~~

19           ~~"Department." The Department of Environmental Protection of~~  
20           ~~the Commonwealth.~~

21           ~~"Ethanol." An ethyl alcohol that has a purity of at least~~  
22           ~~99%, exclusive of added denaturants, that adheres to all of the~~  
23           ~~following standards:~~

24           ~~(1) It has been denatured in conformity with a method~~  
25           ~~approved by the Bureau of Alcohol, Tobacco, Firearms and~~  
26           ~~Explosives of the United States Department of Justice, as~~  
27           ~~specified in 27 CFR Pts. 20 (relating to distribution and use~~  
28           ~~of denatured alcohol and rum) and 21 (relating to formulas~~  
29           ~~for denatured alcohol and rum).~~

30           ~~(2) It meets all of the requirements of American Society~~

1 ~~for Testing and Materials Specification D4806 or its~~  
2 ~~successor standard, Standard Specification for Denatured Fuel~~  
3 ~~Ethanol for Blending with Gasolines for Use as Automotive~~  
4 ~~Spark Ignition Engine Fuel.~~

5 ~~"E85." A petroleum product that is a blend of denatured~~  
6 ~~ethanol and gasoline or natural gasoline that typically contains~~  
7 ~~85% ethanol by volume. E85 produced for use as a motor fuel~~  
8 ~~shall comply with American Society for Testing and Materials~~  
9 ~~Specification D5798 or its successor standard.~~

10 ~~Section 4. Biodiesel content in diesel fuel sold in this~~  
11 ~~Commonwealth.~~

12 ~~(a) Volume standards. The following standards shall apply:~~

13 ~~(1) All diesel fuel sold or offered for sale in this~~  
14 ~~Commonwealth must contain at least 2% biodiesel by volume,~~  
15 ~~one year after in State production volume of 30 million~~  
16 ~~gallons of biodiesel has been reached and sustained for three~~  
17 ~~months on an annualized basis.~~

18 ~~(2) All diesel fuel sold or offered for sale in this~~  
19 ~~Commonwealth must contain at least 5% biodiesel by volume,~~  
20 ~~one year after in State production volume of 75 million~~  
21 ~~gallons of biodiesel has been reached and sustained for three~~  
22 ~~months on an annualized basis.~~

23 ~~(3) All diesel fuel sold or offered for sale in this~~  
24 ~~Commonwealth must contain at least 10% biodiesel by volume,~~  
25 ~~one year after in State production volume of 150 million~~  
26 ~~gallons of biodiesel has been reached and sustained for three~~  
27 ~~months on an annualized basis, provided vehicle manufacturers~~  
28 ~~recognize engine warranties associated with the use of~~  
29 ~~biodiesel blends 10% or greater.~~

30 ~~(4) All diesel fuel sold or offered for sale in this~~

1 ~~Commonwealth must contain at least 20% biodiesel by volume,~~  
2 ~~one year after in State production volume of 300 million~~  
3 ~~gallons of biodiesel has been reached and sustained for three~~  
4 ~~months on an annualized basis, provided vehicle manufacturers~~  
5 ~~recognize engine warranties associated with the use of~~  
6 ~~biodiesel blends 20% or greater.~~

7 ~~(b) Exception. The requirements of subsection (a) shall not~~  
8 ~~apply to aviation fuel or where prohibited by law.~~

9 ~~(c) Coal to liquids substitution. Nonsulfur diesel fuel~~  
10 ~~derived from coal can be used in place of biodiesel to meet the~~  
11 ~~requirements of this section provided the fuel's carbon~~  
12 ~~emissions are fully offset, either through carbon sequestration~~  
13 ~~or by participating in carbon offset programs as provided by~~  
14 ~~section 6(b)(1).~~

15 ~~Section 5. Ethanol content in gasoline sold in this~~  
16 ~~Commonwealth.~~

17 ~~(a) Ethanol content required. All gasoline sold or offered~~  
18 ~~for sale in this Commonwealth, except gasoline sold for use as~~  
19 ~~aviation fuel or as prohibited by law, must contain at least 10%~~  
20 ~~ethanol by volume as determined by an appropriate United States~~  
21 ~~Environmental Protection Agency or American Society for Testing~~  
22 ~~and Materials standard method of analysis within one year after~~  
23 ~~the following conditions have been met:~~

24 ~~(1) An in State production volume of 200 million gallons~~  
25 ~~of ethanol has been reached and sustained for three months on~~  
26 ~~an annualized basis.~~

27 ~~(2) The department and the Department of Transportation~~  
28 ~~have made a determination, after a public hearing process,~~  
29 ~~that infrastructure sufficient to accommodate the~~  
30 ~~distribution and sale of gasoline containing 10% ethanol by~~

1 ~~volume is in place Statewide. In making this determination~~  
2 ~~the department and the Department of Transportation shall~~  
3 ~~assess rail capability Statewide, including terminal~~  
4 ~~facilities capable of handling volumes of ethanol sufficient~~  
5 ~~to meet the requirements of this act.~~

6 ~~(b) Reporting required. If the department and the~~  
7 ~~Department of Transportation determine that the necessary~~  
8 ~~infrastructure is not in place Statewide under subsection~~  
9 ~~(a)(2), the agencies shall, within 60 days following the~~  
10 ~~determination and annually thereafter, if necessary, report to~~  
11 ~~the Governor and the General Assembly as follows:~~

12 ~~(1) Identify areas where necessary infrastructure is not~~  
13 ~~in place.~~

14 ~~(2) Describe actions planned or being taken to install~~  
15 ~~the necessary infrastructure.~~

16 ~~(3) Identify any impediments to the installation of the~~  
17 ~~necessary infrastructure.~~

18 ~~(4) Make recommendations for the installation of the~~  
19 ~~necessary infrastructure.~~

20 ~~(c) Construction. Nothing in this section shall prohibit~~  
21 ~~the sale of E85 or gasoline with concentrations of ethanol~~  
22 ~~greater than 10%.~~

23 ~~Section 6. Agency responsibilities.~~

24 ~~(a) Department of Agriculture. With the exception of~~  
25 ~~section 4(c), the Department of Agriculture shall ensure~~  
26 ~~compliance with this act and, in consultation with the~~  
27 ~~department and the Department of Transportation, promulgate~~  
28 ~~regulations as necessary to enforce the requirements of this~~  
29 ~~act.~~

30 ~~(b) Department.~~

1           ~~(1) The department shall promulgate and ensure~~  
2           ~~compliance with regulations for achieving the carbon offset~~  
3           ~~requirements of section 4(c).~~

4           ~~(2) The department shall conduct a study to evaluate the~~  
5           ~~effects this act has on the ability of this Commonwealth to~~  
6           ~~attain and maintain the National Ambient Air Quality~~  
7           ~~Standards.~~

8           ~~Section 7. Effective date.~~

9           ~~This act shall take effect immediately.~~

10          SECTION 1. SHORT TITLE. ←

11           THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE BIOFUEL  
12           DEVELOPMENT AND IN-STATE PRODUCTION INCENTIVE ACT.

13          SECTION 2. DEFINITIONS.

14           THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
15           HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
16           CONTEXT CLEARLY INDICATES OTHERWISE:

17           "BIODIESEL." A RENEWABLE, BIODEGRADABLE, MONO ALKYL ESTER  
18           COMBUSTIBLE LIQUID FUEL THAT MEETS AMERICAN SOCIETY FOR TESTING  
19           AND MATERIALS SPECIFICATION D-6751-02, OR ITS SUCCESSOR  
20           STANDARD, BIODIESEL FUEL (B100) BLEND STOCK FOR DISTILLATE  
21           FUELS.

22           "CELLULOSIC ETHANOL." THE TERM SHALL HAVE THE SAME MEANING  
23           AS CELLULOSIC BIOFUEL SET FORTH IN SECTION 211(O)(1)(E) OF THE  
24           CLEAN AIR ACT (69 STAT. 322, 42 U.S.C. § 7545(O)(1)(E)), AS  
25           AMENDED BY SECTION 201 OF THE ENERGY INDEPENDENCE AND SECURITY  
26           ACT OF 2007 (P.L. 110-140, TITLE II, SUBTITLE A, § 201, 121  
27           STAT. 1519 (2007)).

28           "DEPARTMENT." THE DEPARTMENT OF AGRICULTURE OF THE  
29           COMMONWEALTH.

30           "NONPETROLEUM RENEWABLE RESOURCES." VEGETABLE OILS, ANIMAL

1 FATS OR ANIMAL WASTES.

2 "RENEWABLE DIESEL." A NONESTER DIESEL FUEL OR FUEL BLENDING  
3 COMPONENT DERIVED FROM NONPETROLEUM RENEWABLE RESOURCES THAT  
4 MEETS ALL OF THE FOLLOWING CRITERIA:

5 (1) IS USED TO REPLACE OR REDUCE THE QUANTITY OF FOSSIL  
6 FUELS PRESENT IN FUELS SOLD TO THE CONSUMER.

7 (2) IS REGISTERED UNDER 40 CFR PT. 79 (RELATING TO  
8 REGISTRATION OF FUELS AND FUEL ADDITIVES) FOR MOTOR VEHICLE  
9 FUELS OR FUEL ADDITIVES.

10 (3) MEETS AN ESTABLISHED AMERICAN SOCIETY FOR TESTING  
11 AND MATERIALS SPECIFICATION, SUCH AS D975 FOR DIESEL FUELS OR  
12 D396 FOR FUEL OILS.

13 (4) IS COMPATIBLE FOR USE IN ENGINES AND EQUIPMENT  
14 DESIGNED TO RUN ON CONVENTIONAL PETROLEUM DIESEL FUELS.

15 (5) IS DERIVED FROM RENEWABLE CONTENT AT THE PERCENTAGES  
16 REQUIRED BY THIS ACT.

17 SECTION 3. BIODIESEL CONTENT IN DIESEL FUEL SOLD FOR ON-ROAD  
18 USE.

19 (A) VOLUME STANDARDS.--THE FOLLOWING STANDARDS SHALL APPLY:

20 (1) ALL DIESEL FUEL SOLD OR OFFERED FOR SALE TO ULTIMATE  
21 CONSUMERS IN THIS COMMONWEALTH FOR USE IN ON-ROAD COMPRESSION  
22 IGNITION ENGINES MUST CONTAIN AT LEAST 2% BIODIESEL BY VOLUME  
23 ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF 40,000,000  
24 GALLONS OF BIODIESEL HAS BEEN REACHED AND SUSTAINED FOR THREE  
25 MONTHS ON AN ANNUALIZED BASIS AS DETERMINED BY THE  
26 DEPARTMENT.

27 (2) ALL DIESEL FUEL SOLD OR OFFERED FOR SALE TO ULTIMATE  
28 CONSUMERS IN THIS COMMONWEALTH FOR USE IN ON-ROAD COMPRESSION  
29 IGNITION ENGINES MUST CONTAIN AT LEAST 5% BIODIESEL BY VOLUME  
30 ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF 100,000,000

1 GALLONS OF BIODIESEL HAS BEEN REACHED AND SUSTAINED FOR THREE  
2 MONTHS ON AN ANNUALIZED BASIS AS DETERMINED BY THE  
3 DEPARTMENT.

4 (3) ALL DIESEL FUEL SOLD OR OFFERED FOR SALE TO ULTIMATE  
5 CONSUMERS IN THIS COMMONWEALTH FOR USE IN ON-ROAD COMPRESSION  
6 IGNITION ENGINES MUST CONTAIN AT LEAST 10% BIODIESEL BY  
7 VOLUME ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF  
8 200,000,000 GALLONS OF BIODIESEL HAS BEEN REACHED AND  
9 SUSTAINED FOR THREE MONTHS ON AN ANNUALIZED BASIS AS  
10 DETERMINED BY THE DEPARTMENT.

11 (4) ALL DIESEL FUEL SOLD OR OFFERED FOR SALE TO ULTIMATE  
12 CONSUMERS IN THIS COMMONWEALTH FOR USE IN ON-ROAD COMPRESSION  
13 IGNITION ENGINES MUST CONTAIN AT LEAST 20% BIODIESEL BY  
14 VOLUME ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF  
15 400,000,000 GALLONS OF BIODIESEL HAS BEEN REACHED AND  
16 SUSTAINED FOR THREE MONTHS ON AN ANNUALIZED BASIS AS  
17 DETERMINED BY THE DEPARTMENT.

18 (B) APPLICABILITY OF STANDARDS.--THE VOLUME STANDARDS  
19 MANDATED IN SUBSECTION (A)(3) AND (4) SHALL BE EFFECTIVE ONLY IF  
20 THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF  
21 TRANSPORTATION AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
22 MAKES A DETERMINATION THAT MANUFACTURERS OF DIESEL-FUELED  
23 VEHICLES THAT ARE SOLD IN THIS COMMONWEALTH HAVE INDICATED  
24 PUBLICLY THAT THEY WILL NOT VOID OR WITHDRAW VEHICLE ENGINE  
25 WARRANTIES DUE TO THE USE OF BIODIESEL BLENDS AT THE PERCENTAGES  
26 CONTAINED IN THE CORRESPONDING SUBSECTION. THIS DETERMINATION  
27 SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN AND TRANSMITTED  
28 TO THE MAJORITY LEADER AND THE MINORITY LEADER OF THE SENATE AND  
29 THE MAJORITY LEADER AND THE MINORITY LEADER OF THE HOUSE OF  
30 REPRESENTATIVES.

1 (C) CALCULATIONS.--THE DEPARTMENT, IN COOPERATION WITH THE  
2 DEPARTMENT OF ENVIRONMENTAL PROTECTION, SHALL DETERMINE BY JUNE  
3 30, 2009, AND EACH JUNE 30 THEREAFTER, THE NAME AND LOCATION OF  
4 EACH BIODIESEL PRODUCTION FACILITY LOCATED WITHIN THIS  
5 COMMONWEALTH, THE AMOUNT OF BIODIESEL PRODUCED BY THE BIODIESEL  
6 PRODUCTION FACILITY IN THE PRECEDING YEAR AND AN AMOUNT AND  
7 DESCRIPTION OF ANY FINANCIAL ASSISTANCE MADE AVAILABLE TO THE  
8 BIODIESEL PRODUCTION FACILITY BY THE COMMONWEALTH IN THE  
9 PRECEDING YEAR.

10 (D) COAL-TO-LIQUIDS SUBSTITUTION.--NONSULFUR DIESEL FUEL  
11 DERIVED FROM COAL MAY BE USED IN PLACE OF BIODIESEL TO MEET THE  
12 REQUIREMENTS OF THIS SECTION, PROVIDED THAT THE FUEL'S CARBON  
13 EMISSIONS ARE FULLY OFFSET, EITHER THROUGH CARBON SEQUESTRATION  
14 OR BY PARTICIPATION IN CARBON OFFSET PROGRAMS.

15 (E) RENEWABLE DIESEL SUBSTITUTION.--RENEWABLE DIESEL  
16 PRODUCED IN THIS COMMONWEALTH MAY BE USED IN PLACE OF BIODIESEL  
17 TO MEET THE VOLUME STANDARD REQUIREMENTS OF THIS SECTION, UP TO  
18 A MAXIMUM OF 25% OF THE VOLUME OF BIODIESEL NECESSARY TO MEET  
19 THE STATEWIDE MANDATED CONTENTS REQUIRED BY THIS ACT. WITHIN 180  
20 DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT, IN  
21 COLLABORATION WITH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
22 MAY ESTABLISH REPORTING REQUIREMENTS TO ENSURE RENEWABLE DIESEL  
23 MEETS THE REQUIREMENTS OF THIS ACT.

24 (F) EXCEPTION.--THE REQUIREMENTS OF THIS SECTION SHALL NOT  
25 APPLY TO AVIATION FUEL, HOME HEATING FUEL OR WHERE PROHIBITED BY  
26 LAW.

27 SECTION 4. CELLULOSIC ETHANOL CONTENT IN GASOLINE.

28 (A) CELLULOSIC ETHANOL CONTENT REQUIRED.--ALL GASOLINE SOLD  
29 OR OFFERED FOR SALE TO ULTIMATE CONSUMERS IN THIS COMMONWEALTH  
30 MUST CONTAIN AT LEAST 10% CELLULOSIC ETHANOL BY VOLUME AS

1 DETERMINED BY AN APPROPRIATE ENVIRONMENTAL PROTECTION AGENCY OR  
2 AMERICAN SOCIETY FOR TESTING MATERIALS STANDARD METHOD OF  
3 ANALYSIS ONE YEAR AFTER THE IN-STATE PRODUCTION VOLUME OF  
4 350,000,000 GALLONS OF CELLULOSIC ETHANOL HAS BEEN REACHED AND  
5 SUSTAINED FOR THREE MONTHS ON AN ANNUALIZED BASIS AS DETERMINED  
6 BY THE DEPARTMENT.

7 (B) RENEWABLE FUEL SUBSTITUTION.--A PERSON MAY APPLY TO THE  
8 DEPARTMENT FOR APPROVAL TO USE RENEWABLE FUEL OTHER THAN  
9 CELLULOSIC ETHANOL TO MEET THE REQUIREMENTS OF THIS SECTION. THE  
10 APPLICANT SHALL DEMONSTRATE THAT THE RENEWABLE FUEL COMPLIES  
11 WITH REGULATIONS PROMULGATED BY THE DEPARTMENT WHICH SHALL  
12 INCLUDE, AT A MINIMUM, THE FOLLOWING CRITERIA:

13 (1) MEETS THE REQUIREMENTS OF 40 CFR PT. 79 (RELATING TO  
14 REGISTRATION OF FUELS AND FUEL ADDITIVES).

15 (2) HAS AN EMISSIONS PROFILE AT LEAST AS ENVIRONMENTALLY  
16 PROTECTIVE AS THE CELLULOSIC ETHANOL THAT THE PROPOSED  
17 RENEWABLE FUEL IS REPLACING OR CAN DEMONSTRATE COMMENSURATE  
18 ENVIRONMENTAL OR COST-EFFECTIVE BENEFITS AS DEFINED BY THE  
19 DEPARTMENT.

20 (3) IS SUITABLE FOR USE IN MOTOR VEHICLE ENGINES.

21 (4) IS DERIVED FROM RENEWABLE RESOURCES OR FEEDSTOCK.

22 (C) EXCEPTION.--THE REQUIREMENTS OF THIS SECTION SHALL NOT  
23 APPLY TO GASOLINE SOLD IN REGIONS OF THIS COMMONWEALTH WHERE THE  
24 USE OF CELLULOSIC ETHANOL WOULD VIOLATE, CONFLICT WITH OR  
25 OTHERWISE EXACERBATE COMPLIANCE WITH A NATIONAL AMBIENT AIR  
26 QUALITY STANDARDS STATE IMPLEMENTATION PLAN.

27 SECTION 5. AGENCY RESPONSIBILITIES.

28 (A) COMPLIANCE.--WITH THE EXCEPTION OF SECTION 3(D), THE  
29 DEPARTMENT SHALL ENSURE COMPLIANCE WITH THIS ACT AND, IN  
30 CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION AND THE

1 DEPARTMENT OF ENVIRONMENTAL PROTECTION, SHALL PROMULGATE  
2 REGULATIONS AS NECESSARY TO IMPLEMENT AND ENFORCE THE  
3 REQUIREMENTS OF THIS ACT.

4 (B) ENVIRONMENTAL QUALITY BOARD.--THE ENVIRONMENTAL QUALITY  
5 BOARD SHALL PROMULGATE REGULATIONS AS NECESSARY TO ENSURE  
6 COMPLIANCE WITH THE CARBON OFFSET REQUIREMENTS OF SECTION 3(D).

7 (C) REPORT.--BEGINNING ONE YEAR FROM THE EFFECTIVE DATE OF  
8 THIS ACT AND EACH YEAR THEREAFTER, THE DEPARTMENT OF  
9 CONSERVATION AND NATURAL RESOURCES SHALL REPORT ON THE EFFECT,  
10 IF ANY, OF IN-STATE PRODUCTION OF CELLULOSIC ETHANOL FROM WOODY  
11 BIOMASS ON FOREST HEALTH, CONDITION AND PRODUCTIVITY.

12 (D) REDUCTION.--THE DEPARTMENT, IN CONSULTATION WITH THE  
13 DEPARTMENT OF ENVIRONMENTAL PROTECTION, MAY SUSPEND OR MODIFY TO  
14 REDUCE THE MANDATED CONTENTS REQUIRED BY SECTION 3 OR 4 IF THE  
15 DEPARTMENT DETERMINES THAT DOING SO IS WARRANTED BY FACTORS,  
16 INCLUDING, BUT NOT LIMITED TO, SUBSTANTIALLY INCREASED COSTS TO  
17 CONSUMERS OR INSUFFICIENT QUANTITY OR DISTRIBUTION OF BIODIESEL  
18 OR CELLULOSIC ETHANOL.

19 SECTION 6. INFRASTRUCTURE REPORTS.

20 (A) CERTIFICATION.--AT LEAST SIX MONTHS PRIOR TO THE  
21 EFFECTIVE DATES OF THE MANDATED CONTENT REQUIREMENTS CONTAINED  
22 IN SECTIONS 3(A)(1), (2), (3) AND (4) AND 4, THE DEPARTMENT AND  
23 THE DEPARTMENT OF TRANSPORTATION SHALL JOINTLY MAKE A  
24 CERTIFICATION AS TO WHETHER THERE IS SUFFICIENT TRANSPORTATION,  
25 DISTRIBUTION AND OTHER NECESSARY INFRASTRUCTURE, INCLUDING RAIL  
26 CAPABILITY AND TERMINAL FACILITIES, IN THIS COMMONWEALTH TO MEET  
27 THE REQUIREMENTS OF THIS ACT.

28 (B) HEARING.--THE DEPARTMENT AND THE DEPARTMENT OF  
29 TRANSPORTATION SHALL CONDUCT AT LEAST THREE PUBLIC HEARINGS  
30 ACROSS THIS COMMONWEALTH FOR EACH REPORT REQUIRED UNDER THIS

1 ACT.

2 (C) POSTING.--THE INFRASTRUCTURE REPORTS SHALL BE SUBMITTED  
3 TO THE GENERAL ASSEMBLY AND POSTED AND MAINTAINED ON EACH  
4 DEPARTMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

5 (D) INSUFFICIENT INFRASTRUCTURE.--IF ANY INFRASTRUCTURE  
6 REPORT DETERMINES THAT THERE IS INSUFFICIENT INFRASTRUCTURE IN  
7 PLACE TO MEET ANY OF THE MANDATED VOLUME STANDARD REQUIREMENTS  
8 CONTAINED IN SECTION 3 OR 4, THAT MANDATED CONTENT REQUIREMENT  
9 SHALL BE DELAYED AT LEAST SIX MONTHS, OR UNTIL THE DEPARTMENT  
10 AND THE DEPARTMENT OF TRANSPORTATION CERTIFY THAT SUFFICIENT  
11 INFRASTRUCTURE IS IN PLACE THROUGH THE ISSUANCE OF A NEW  
12 INFRASTRUCTURE REPORT, WHICHEVER IS LATER.

13 SECTION 7. NATIONAL AMBIENT AIR QUALITY STANDARDS IMPACT STUDY.

14 (A) CONTRACTS.--THE DEPARTMENT OF ENVIRONMENTAL PROTECTION  
15 SHALL CONTRACT WITH AN INDEPENDENT THIRD PARTY CERTIFIED IN  
16 CONDUCTING AMBIENT AIR QUALITY STUDIES TO DETERMINE THE IMPACT  
17 OF THIS ACT ON THE COMMONWEALTH'S ABILITY TO ACHIEVE AND  
18 MAINTAIN THE NATIONAL AMBIENT AIR QUALITY STANDARDS.

19 (B) STUDY.--THE STUDY REQUIRED UNDER SUBSECTION (A) SHALL BE  
20 COMPLETED NO LATER THAN DECEMBER 31, 2009.

21 (C) SUBMISSION AND POSTING.--THE STUDY REQUIRED UNDER  
22 SUBSECTION (A) SHALL BE SUBMITTED TO THE GENERAL ASSEMBLY AND  
23 POSTED AND MAINTAINED ON THE DEPARTMENT OF ENVIRONMENTAL  
24 PROTECTION'S PUBLICLY ACCESSIBLE INTERNET WEBSITE.

25 (D) FUNDING.--THE DEPARTMENT OF ENVIRONMENTAL PROTECTION IS  
26 AUTHORIZED TO UTILIZE UP TO \$200,000 OF FUNDS CONTAINED IN THE  
27 CLEAN AIR FUND TO PAY FOR THE STUDY REQUIRED BY THIS SECTION.

28 SECTION 20. EFFECTIVE DATE.

29 THIS ACT SHALL TAKE EFFECT IN 90 DAYS.