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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1690 Session of  
2019

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INTRODUCED BY HARKINS, BURGOS, BIZZARRO, FREEMAN, HILL-EVANS AND  
NEILSON, JUNE 27, 2019

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JUNE 27, 2019

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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 biodiesel  
4 content in diesel fuel sold for on-road use, for blending,  
5 registration and other requirements and for department  
6 authority and responsibility.

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

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

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 \* \* \*

18 "Biodiesel blend." A blend of diesel fuel and biodiesel in a  
19 percentage blend to be sold or offered for sale to ultimate

1 consumers in this Commonwealth for use in on-road compression  
2 ignition engines or for use in residential or commercial heating  
3 systems.

4 \* \* \*

5 Section 2. Sections 3 heading, (a), (b) and (f) (1), 4.1(b)  
6 and 5(e) (1) (iv) are amended to read:

7 Section 3. Biodiesel content in diesel fuel sold for on-road  
8 use or for use in residential or commercial  
9 heating systems.

10 (a) Volume standards.--The following standards shall apply:

11 (1) All diesel fuel sold or offered for sale to ultimate  
12 consumers in this Commonwealth for use in on-road compression  
13 ignition engines or for use in residential or commercial  
14 heating systems must be blended with biodiesel so as to  
15 achieve a biodiesel blend of at least 2% biodiesel by volume  
16 one year after the in-State production volume of 40,000,000  
17 gallons of biodiesel has been reached and sustained for three  
18 months on an annualized basis as determined by the  
19 department. Biodiesel blend of less than 6% biodiesel shall  
20 comply with ASTM specification D975 or its successor  
21 standard. Biodiesel blend of 6% or more through 20% biodiesel  
22 shall comply with ASTM specification D7467 or its successor  
23 standard. Biodiesel blend of more than 20% biodiesel shall  
24 comply with standards adopted by the department through  
25 regulation until an ASTM standard is applicable.

26 (2) All diesel fuel sold or offered for sale to ultimate  
27 consumers in this Commonwealth for use in on-road compression  
28 ignition engines or for use in residential or commercial  
29 heating systems must be blended with biodiesel so as to  
30 achieve a biodiesel blend of at least 5% biodiesel by volume

1 one year after the in-State production volume of 100,000,000  
2 gallons of biodiesel has been reached and sustained for three  
3 months on an annualized basis as determined by the  
4 department. Biodiesel blend of less than 6% biodiesel shall  
5 comply with ASTM specification D975 or its successor  
6 standard. Biodiesel blend of 6% or more through 20% biodiesel  
7 shall comply with ASTM specification D7467 or its successor  
8 standard. Biodiesel blend of more than 20% biodiesel shall  
9 comply with standards adopted by the department through  
10 regulation until an ASTM standard is applicable.

11 (3) All diesel fuel sold or offered for sale to ultimate  
12 consumers in this Commonwealth for use in on-road compression  
13 ignition engines or for use in residential or commercial  
14 heating systems must be blended with biodiesel so as to  
15 achieve a biodiesel blend of at least 10% biodiesel by volume  
16 one year after the in-State production volume of 200,000,000  
17 gallons of biodiesel has been reached and sustained for three  
18 months on an annualized basis as determined by the  
19 department. Biodiesel blend of 10% or more through 20%  
20 biodiesel shall comply with ASTM specification D7467 or its  
21 successor standard. Biodiesel blend of more than 20%  
22 biodiesel shall comply with standards adopted by the  
23 department through regulation until an ASTM standard is  
24 applicable.

25 (4) All diesel fuel sold or offered for sale to ultimate  
26 consumers in this Commonwealth for use in on-road compression  
27 ignition engines or for use in residential or commercial  
28 heating systems must be blended with biodiesel so as to  
29 achieve a biodiesel blend of at least 20% biodiesel by volume  
30 one year after the in-State production volume of 400,000,000

1 gallons of biodiesel has been reached and sustained for three  
2 months on an annualized basis as determined by the  
3 department. Biodiesel blend of 20% biodiesel shall comply  
4 with ASTM specification D7467 or its successor standard.  
5 Biodiesel blend of more than 20% biodiesel shall comply with  
6 standards adopted by the department through regulation until  
7 an ASTM standard is applicable.

8 (b) Applicability of standards.--

9 (1) The volume standards mandated in subsection (a) (3)  
10 and (4) shall be effective only if the department, in  
11 cooperation with the Department of Transportation and the  
12 Department of Environmental Protection, makes a determination  
13 that manufacturers of diesel-fueled vehicles that are sold in  
14 this Commonwealth have indicated publicly that they will not  
15 void or withdraw vehicle engine warranties due to the use of  
16 biodiesel blends at the percentages contained in the  
17 corresponding subsection. This determination shall be  
18 published in the Pennsylvania Bulletin and transmitted to the  
19 Majority Leader and the Minority Leader of the Senate and the  
20 Majority Leader and the Minority Leader of the House of  
21 Representatives.

22 (2) The volume standards mandated in subsection (a) (3)  
23 and (4) or for use in residential or commercial heating  
24 systems, shall be effective only if the department, in  
25 cooperation with the Department of Environmental Protection,  
26 makes a determination that manufacturers of residential or  
27 commercial heating systems that are sold in this Commonwealth  
28 have indicated publicly that the manufacturer will not void  
29 or withdraw heating system warranties due to the use of  
30 biodiesel blends at the percentages contained in subsection

1 (a). The Department of Environmental Protection shall  
2 transmit notice to the Legislative Reference Bureau for  
3 publication in the Pennsylvania Bulletin, to the Majority  
4 Leader and the Minority Leader of the Senate and the Majority  
5 Leader and the Minority Leader of the House of  
6 Representatives.

7 \* \* \*

8 (f) Exceptions.--The requirements of this section shall not  
9 apply to:

10 (1) Aviation fuel[, home heating fuel oil of any grade  
11 or where prohibited by law].

12 \* \* \*

13 Section 4.1. Blending, registration and other requirements.

14 \* \* \*

15 (b) Registration requirements.--Any person that offers for  
16 sale, sells or otherwise transfers title in this Commonwealth to  
17 biodiesel blend or biodiesel for use by consumers in on-road  
18 compression ignition engines or for use in residential or  
19 commercial heating systems shall register annually with the  
20 department. Each location in this Commonwealth where the person  
21 conducts the activity shall be separately registered, but may be  
22 submitted in a single form. This subsection shall apply to in-  
23 State and out-of-State persons. The application for registration  
24 shall be on a form prescribed by the department and may be  
25 accepted electronically by the department.

26 \* \* \*

27 Section 5. Department authority and responsibility.

28 \* \* \*

29 (e) Authority.--

30 (1) The department shall have the following authority:

1           \* \* \*

2           (iv) To issue stop-sale orders with respect to all  
3 biodiesel blend and biodiesel stored, held, blended, sold  
4 or title to which is otherwise transferred or offered for  
5 sale to consumers in this Commonwealth for use in on-road  
6 compression ignition engines or for use in residential or  
7 commercial heating systems if the department determines,  
8 after sampling and analysis, that the biodiesel blend or  
9 biodiesel does not comply with the standards established  
10 under this act or the regulations promulgated under this  
11 act and would be detrimental to the operation of on-road  
12 compression ignition engines or for use in residential or  
13 commercial heating systems if used [for its] as intended  
14 [use]. The department may release the noncompliant  
15 biodiesel blend or biodiesel for sale only when the  
16 department determines the biodiesel blend or biodiesel is  
17 either brought into compliance with this act or  
18 regulations promulgated under this act or it would no  
19 longer be detrimental to the operation of on-road  
20 compression ignition engines if used for its intended  
21 use. All such biodiesel blend or biodiesel must be  
22 properly labeled as to its noncompliant characteristics  
23 if released and permitted to be sold without being  
24 brought into compliance with this act or regulations  
25 promulgated under this act. A person that knowingly  
26 sells, offers for sale or otherwise transfers title to  
27 biodiesel blend or biodiesel in this Commonwealth subject  
28 to a stop-sale order for use by consumers in on-road  
29 compression ignition engines or for use in residential or  
30 commercial heating systems commits a misdemeanor of the

1           third degree.

2           \* \* \*

3       Section 3. This act shall take effect in 60 days.