



## States' Biofuels Statutes

### STATE OF PENNSYLVANIA

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#).*

*Current through the 2014 Legislative Session of the Pennsylvania State Legislature.*

#### § 1647.3.1. Biomass-based diesel production incentives

**(a) Incentives.**--The department shall expend up to \$5,300,000 annually from the fund unless the balance of the fund is less than \$5,300,000 on the first day of the fiscal year, in which case the department shall expend up to one-third of the balance of the fund:

(1) As a production incentive of 75¢ per gallon for biomass-based diesel produced in this Commonwealth beginning July 1, 2008, and sold in this Commonwealth for commercial transportation purposes or for residential heating. In the case of biomass-based diesel, this incentive shall be available through June 30, 2011. If the total monthly amount of production incentives applied for by all qualified applicants exceeds the remaining amount available for those incentives, then the incentive shall be prorated among all qualified applicants. An individual qualified biomass-based diesel producer shall not receive more than \$1,900,000 in incentives in any one fiscal year. For purposes of this section, all facilities under common ownership shall be counted as a single facility.

(2) A producer of biomass-based diesel in this Commonwealth shall file for the production incentive on a monthly basis on a form furnished by the department. The form shall require the producer to submit proof of production of the biomass-based diesel and the number of gallons sold during the previous calendar month and such other information as the department deems appropriate. A biomass-based diesel producer shall also submit a certificate of analysis from an accredited laboratory for every 500,000 gallons of biomass-based diesel produced showing that the biodiesel meets the ASTM Specification D6751, Standard Specification for Biodiesel Fuel Blend Stock (B100) for Middle Distillate Fuels or its successor standard.

**(b) Exception.**--A qualified biomass-based diesel producer who receives an incentive under this section shall not be eligible to receive an incentive under section 3.1

**Credits** 2004, Nov. 29, P.L. 1376, No. 178, § 3.1, added 2008, July 10, P.L. 1891, No. 2 (Spec. Sess. No. 1), § 3, imd. effective.