



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.

§ 1650.3. Biodiesel content in diesel fuel sold for on-road use

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

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

(2) All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth for use in on-road compression ignition engines must be blended with biodiesel so as to achieve a biodiesel blend of at least 5% biodiesel by volume one year after the in-State production volume of 100,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis as determined by the department. Biodiesel blend of less than 6% biodiesel shall comply with ASTM specification D975 or its successor standard. Biodiesel blend of 6% or more through 20% biodiesel shall comply with ASTM specification D7467 or its successor standard. Biodiesel blend of more than 20% biodiesel shall comply with standards adopted by the department through regulation until an ASTM standard is applicable.

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

(4) All diesel fuel sold or offered for sale to ultimate consumers in this Commonwealth for use in on-

road compression ignition engines must be blended with biodiesel so as to achieve a biodiesel blend of at least 20% biodiesel by volume one year after the in-State production volume of 400,000,000 gallons of biodiesel has been reached and sustained for three months on an annualized basis as determined by the department. Biodiesel blend of 20% biodiesel shall comply with ASTM specification D7467 or its successor standard. Biodiesel blend of more than 20% biodiesel shall comply with standards adopted by the department through regulation until an ASTM standard is applicable.

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

(c) Calculations.--The department, in cooperation with the Department of Environmental Protection, shall determine by June 30, 2009, and each June 30 thereafter, the name and location of each biodiesel production facility located within this Commonwealth, the amount of biodiesel produced by the biodiesel production facility in the preceding year and an amount and description of any financial assistance made available to the biodiesel production facility by the Commonwealth in the preceding year.

(d) Coal-to-liquids substitution.--Nonsulfur diesel fuel derived from coal may be used in place of biodiesel to meet the requirements of this section, provided that the fuel's carbon emissions are fully offset, either through carbon sequestration or by participation in carbon offset programs.

(e) Renewable diesel substitution.--Renewable diesel produced in this Commonwealth may be used in place of biodiesel to meet the volume standard requirements of this section, up to a maximum of 25% of the volume of biodiesel necessary to meet the Statewide mandated contents required by this act. Within 180 days of the effective date of this section, the department, in collaboration with the Department of Environmental Protection, may establish reporting requirements to ensure renewable diesel meets the requirements of this act.

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

- (1) Aviation fuel, home heating fuel oil of any grade or where prohibited by law.
- (2) Fuel stored at a nuclear power plant.
- (3) The blend percentage requirements of subsection (a)(2), (3) and (4) shall not apply to diesel fuel produced from 100% Pennsylvania grade crude oil by a small refiner, as defined by [40 CFR 80.1101\(g\)](#) (relating to definitions).

Credits 2008, July 10, P.L. 1009, No. 78, § 3, effective in 90 days [Oct. 8, 2008]. Amended **2012, July 5, P.L. 921, No. 96, § 2**, effective in 30 days [Aug. 6, 2012].