



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.

§ 1650.4.1. Blending, registration and other requirements

(a) Blending requirements.--The following requirements shall apply:

- (1) Biodiesel blend shall be created using an approved biodiesel blending method.
- (2) Biodiesel blend created in this Commonwealth for transfer, offer for sale or sale in this Commonwealth shall be created using an approved biodiesel blending method at such time when and place where the diesel fuel is loaded out of the petroleum load rack terminal.
- (3) Biodiesel blend created outside of and imported into this Commonwealth shall not be transferred, offered for sale or sold in this Commonwealth unless it has been created using an approved biodiesel blending method.
- (4) Diesel fuel imported into this Commonwealth shall be blended with biodiesel to create biodiesel blend by an approved biodiesel blending method before the diesel fuel may be sold or offered for sale or use within this Commonwealth.

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

(c) Bill of lading.--

- (1) Each time biodiesel blend is sold, offered for sale or title to which is otherwise transferred by a person other than a retailer for ultimate sale to consumers in this Commonwealth, a bill of lading or shipping manifest meeting the requirements of paragraph (2) shall be provided to the person that receives the biodiesel blend.
- (2) The bill of lading or shipping manifest required under paragraph (1) shall:

(i) Include a certification by the person that created the biodiesel blend stating that it was created by an approved biodiesel blending method and that the information contained in the bill of lading or shipping manifest is true and correct. The certification shall be subject to the penalties under 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(ii) Contain the following information:

(A) The name and location of the person that created the biodiesel blend and, if the biodiesel blend was created in this Commonwealth, the registration number assigned by the department to the subject location.

(B) The biodiesel content, stated as volume percentage, based upon an ASTM “Bxx” designation where “xx” denotes the volume percentage biodiesel included in the blended product.

(C) The ASTM specification of the biodiesel used in the biodiesel blend.

(D) The grade and ASTM specification of the diesel fuel.

(E) The ASTM specification of the biodiesel blend.

(F) The total gallons of biodiesel blend sold, offered for sale or title to which is otherwise being transferred.

(3) A retailer selling, offering to sell or otherwise transferring title to a biodiesel blend shall retain a copy of the bill of lading or shipping manifest required under paragraph (1) for a period of one year from receipt of the biodiesel blend or for a longer period of time, if the bill of lading or shipping manifest is part of an enforcement action initiated during the one-year period. The bill of lading or shipping manifest must remain at the facility where the biodiesel blend has been offered for sale, sold or title to which has otherwise been transferred at least until the biodiesel blend physically leaves the facility, after which it may be retained at the corporate headquarters of the retailer. Failure by a retailer to make a copy of a bill of lading or shipping manifest immediately available to the department for inspection at the facility where the biodiesel blend was offered for sale, sold or title to which was otherwise transferred shall not be deemed a violation of this act if the copy is submitted to the department within two business days following the inspection.

(d) Certification.--

(1) Any time biodiesel is sold, offered for sale or title to which is otherwise transferred in this Commonwealth for use in biodiesel blend, the person selling, offering for sale or otherwise transferring title to the biodiesel shall provide a certification stating that the biodiesel is compliant with the definition and quality standards for biodiesel under this act. The certification shall also contain the name and location of the person that manufactured the biodiesel and, if the biodiesel was manufactured in this Commonwealth, the registration number assigned by the department to the subject location and shall be subject to the penalties of 18 Pa.C.S. § 4904.

(2) A copy of the certification required under paragraph (1) shall be provided to any person that receives the biodiesel and the person that blends the biodiesel with the diesel fuel to create the

biodiesel blend. The person providing the certification and each person that receives a copy of the certification shall retain a copy of the certification for a period of one year from the delivery of the biodiesel or for a longer period of time, if part of an enforcement action initiated during the one-year period.

Credits 2008, July 10, P.L. 1009, No. 78, § 4.1, added 2012, July 5, P.L. 921, No. 96, § 3, effective in 30 days [Aug. 6, 2012].