



States' Biofuels Statutes

STATE OF RHODE ISLAND

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 2013 Legislative Session of the Rhode Island General Assembly.

§ 23-23.7-1. Short title

This chapter shall be known and may be cited as the “Biodiesel Heating Oil Act of 2013.”

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-2. Statement of intent and purpose

The intent and purpose of this chapter is to encourage the production of biofuels in the state of Rhode Island, to help create jobs in the emerging biofuel industry, to improve air quality, to reduce Rhode Island greenhouse gas emissions, to promote the installation and use of more efficient heating equipment and to promote more energy independence by requiring heating oil sold in the state of Rhode Island to contain biodiesel-blended heating oil.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-3. Definitions

As used in this chapter, the following words shall have the following meanings:

(1) The term “ASTM” means American Society for Testing and Materials.

(2) “Biobased product” shall include the following:

(i) “Biobased liquid fuel” means a liquid fuel that is derived principally from renewable biomass and meets the specifications or quality certification standards for use in residential, commercial, or industrial heating applications established by ASTM International--ASTM D396, or the appropriate successor standard, as the case may be.

(ii) “Biodiesel fuel” means the monoalkyl esters of long chain fatty acids derived from plant or animal matters which meet the registration requirements for fuels and fuel additives established by the United States environmental protection agency under section 211 of the clean air act, [42 U.S.C. § 7545](#), and the requirements of ASTM International--ASTM D6751.

(iii) “Renewable biomass” means a material, including crops and crop residues, trees and tree residues, organic portions of municipal solid waste, organic portions of construction and demolition debris, grease trap waste, and algae, that can be used for fuel but does not have a petroleum or other fossil fuel base.

(3) “Director” means the director of the department of environmental management.

(4) “Heating oil” means fuel or fuel oil used for heating residential, commercial, or industrial properties, including No. 1 distillate, No. 2 distillate, a liquid blended with No. 1 distillate, No. 2 distillate, or a five percent (5%) biobased liquid fuel that meets the specifications or quality certification standards for use in residential, commercial, or industrial heating applications established by ASTM International.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-4. Heating oil biobased products

Notwithstanding any law, rule, regulation, or order to the contrary, and in accordance with the compliance schedule established in this chapter, all No. 2 distillate heating oil sold in the state for residential, commercial, or industrial uses within the state, shall contain, at a minimum, the specified percentage of biobased product, unless such requirement has been suspended pursuant to [§ 23-23.7-6](#). The compliance schedule shall be as follows:

(1) Not later than July 1, 2014, all No. 2 distillate heating oil sold in the state shall contain not less than two percent (2%) of a biobased product.

(2) Not later than July 1, 2015, all No. 2 distillate heating oil sold in the state shall contain not less than three percent (3%) of a biobased product.

(3) Not later than July 1, 2016, all No. 2 distillate heating oil sold in the state shall contain not less than four percent (4%) of a biobased product.

(4) Not later than July 1, 2017, all No. 2 distillate heating oil sold in the state shall contain not less than five percent (5%) of a biobased product.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-5. Certification

(a) The blender of the biobased product at the time of sale to a distributor of heating fuel shall provide certification stating:

(1) That the No. 2 distillate heating fuel meets ASTM International--ASTM D396 and/or the successor standard as the case may be; and

(2) That the biobased product used for blending meets the definition of biobased product in subdivision 23-23.7-3(2); and

(3) The percentage of the biobased product contained in the fuel.

(b) The director shall create and provide to blenders a quarterly report form to be filed by the blender with the department of environmental management stating the number of gallons of biobased fuel sold and certification that said gallons meet the standards set forth in this chapter.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-6. Enforcement

It shall be the responsibility of the director of the department of environmental management to administer and enforce this chapter.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.

§ 23-23.7-7. Suspension

The governor of the state of Rhode Island may temporarily suspend the requirements imposed by [§ 23-23.7-4](#) if it is determined that the physical availability of biobased product heating oil which complies with these requirements is inadequate at commercially reasonable prices to meet the needs of the residential, commercial, or industrial uses in this state and the inadequate availability constitutes an emergency, provided that the governor, shall specify in writing, the period of time the suspension shall be in effect.

Credits [P.L. 2013, ch. 150, § 1](#), eff. July 11, 2013; [P.L. 2013, ch. 221, § 1](#), eff. July 11, 2013.