



States' Biofuels Statutes

STATE OF TEXAS

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 Texas State Legislature.

§ 16.001. Definitions

In this chapter:

- (1) "Account" means the fuel ethanol, renewable methane, biodiesel, and renewable diesel production account.
- (2) "ASTM" means the American Society for Testing and Materials.
- (3) "Biodiesel" means a motor fuel that:
 - (A) meets the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency under Section 211 of the federal Clean Air Act (42 U.S.C. Section 7545);
 - (B) is mono-alkyl esters of long chain fatty acids derived from vegetable oils and animal fats;
 - (C) meets the requirements of ASTM specification D-6751;
 - (D) is intended for use in engines that are designed to run on conventional, petroleum-derived diesel fuel; and
 - (E) is derived from agricultural products, vegetable oils, recycled greases, biomass, or animal fats or the wastes of those products or fats.
- (4) "Fuel ethanol" means ethyl alcohol that:
 - (A) has a purity of at least 99 percent, exclusive of added denaturants;
 - (B) has been denatured in conformity with a method approved by the Bureau of Alcohol, Tobacco, Firearms, and Explosives of the United States Department of Justice;
 - (C) meets the requirements of ASTM D4806, the standard specification for ethanol used as a motor fuel; and
 - (D) is produced exclusively from agricultural products or by-products or municipal solid waste.

(4-a) "Renewable methane" means methane gas derived from animal waste or an agricultural byproduct, including creamery or fruit waste or corn silage.

(5) "Office" means the Texas Economic Development and Tourism Office.

(6) "Producer" means a person who operates a fuel ethanol, renewable methane, biodiesel, or renewable diesel plant in this state.

(7) "Renewable diesel" means a motor fuel that:

(A) meets the registration requirements for fuels and fuel additives established by the United States Environmental Protection Agency under Section 211 of the federal Clean Air Act (42 U.S.C. Section 7545);

(B) is a hydrocarbon;

(C) meets the requirements of ASTM specification D-975;

(D) is intended for use in engines that are designed to run on conventional, petroleum-derived diesel fuel; and

(E) is derived from agricultural products, vegetable oils, recycled greases, biomass, or animal fats or the wastes of those products or fats.

§ 16.005. Fee on Fuel Ethanol, Renewable Methane, Biodiesel, and Renewable Diesel Production

<Text of subsec. (a), as added by Acts 2009, 81st Leg., ch. 1295, § 8>

(a) The office shall impose a fee on each producer in an amount equal to 3.2 cents for each gallon of fuel ethanol or MMBtu of renewable methane and 1.6 cents for each gallon of biodiesel produced in each registered plant operated by the producer.

<Text of subsec. (a), as added by Acts 2009, 81st Leg., ch. 1312, § 10>

(a) The office shall impose a fee on each producer in an amount equal to 3.2 cents for each gallon of fuel ethanol, biodiesel, or renewable diesel produced in each registered plant operated by the producer.

(b) For each fiscal year, the office may not impose fees on a producer for more than 18 million gallons of fuel ethanol, biodiesel, or renewable diesel or MMBtu of renewable methane produced at any one registered plant.

(c) The office shall transfer the fees collected under this section to the comptroller for deposit to the credit of the account.

(d) The office may not impose fees on a producer for fuel ethanol, renewable methane, biodiesel, or renewable diesel produced at a registered plant after the 10th anniversary of the date production from the plant begins.

(e) The office may enter into an interagency contract with the department authorizing the department to impose and collect fees on behalf of the office under this section.