
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 471 Session of
2015

INTRODUCED BY MARSHALL, PICKETT, GODSHALL, RAPP, JAMES, BARRAR,
A. HARRIS, MILLARD, MASSER, GROVE, LAWRENCE, BLOOM, TALLMAN
AND SONNEY, FEBRUARY 12, 2015

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 12, 2015

AN ACT

1 Amending the act of July 10, 2008 (P.L.1009, No.78), entitled
2 "An act providing for the study and mandated content of
3 biofuels," further providing for definitions, for cellulosic
4 ethanol content in gasoline and for department authority and
5 responsibility; and making editorial changes.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The definition of "cellulosic ethanol" in section
9 2 of the act of July 10, 2008 (P.L.1009, No.78), known as the
10 Biofuel Development and In-State Production Incentive Act, is
11 amended to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 ["Cellulosic ethanol." The term shall have the same meaning
18 as cellulosic biofuel set forth in section 211(o)(1)(E) of the

1 Clean Air Act (69 Stat. 322, 42 U.S.C. § 7545(o)(1)(E)), as
2 amended by section 201 of the Energy Independence and Security
3 Act of 2007 (P.L. 110-140, Title II, Subtitle A, § 201, 121
4 Stat. 1519 (2007)).]

5 * * *

6 Section 2. Section 4 of the act, amended July 5, 2012
7 (P.L.921, No.96), is repealed:

8 [Section 4. Cellulosic ethanol content in gasoline.

9 (a) Cellulosic ethanol content required.--All gasoline sold
10 or offered for sale to ultimate consumers in this Commonwealth
11 must contain at least 10% cellulosic ethanol by volume as
12 determined by an appropriate Environmental Protection Agency or
13 American Society for Testing Materials standard method of
14 analysis one year after the in-State production volume of
15 350,000,000 gallons of cellulosic ethanol has been reached and
16 sustained for three months on an annualized basis as determined
17 by the department.

18 (b) Renewable fuel substitution.--A person may apply to the
19 department for approval to use renewable fuel other than
20 cellulosic ethanol to meet the requirements of this section. The
21 applicant shall demonstrate that the renewable fuel complies
22 with regulations promulgated by the department which shall
23 include, at a minimum, the following criteria:

24 (1) Meets the requirements of 40 CFR Pt. 79 (relating to
25 registration of fuels and fuel additives).

26 (2) Has an emissions profile at least as environmentally
27 protective as the cellulosic ethanol that the proposed
28 renewable fuel is replacing or can demonstrate commensurate
29 environmental or cost-effective benefits as defined by the
30 department.

1 (3) Is suitable for use in motor vehicle engines.

2 (4) Is derived from renewable resources or feedstock.

3 (c) Exception.--The requirements of this section shall not
4 apply to gasoline sold in regions of this Commonwealth where the
5 use of cellulosic ethanol would violate, conflict with or
6 otherwise exacerbate compliance with a National Ambient Air
7 Quality Standards State Implementation Plan.]

8 Section 3. Sections 5(c) and (d) and (6) (a) and (d) of the
9 act are amended to read:

10 Section 5. Department authority and responsibility.

11 * * *

12 [(c) Report.--Beginning one year from the effective date of
13 this act and each year thereafter, the Department of
14 Conservation and Natural Resources shall report on the effect,
15 if any, of in-State production of cellulosic ethanol from woody
16 biomass on forest health, condition and productivity.]

17 (d) Reduction.--The department, in consultation with the
18 Department of Environmental Protection, may suspend or modify to
19 reduce the mandated contents required by section 3 [or 4] if the
20 department determines that doing so is warranted by factors,
21 including, but not limited to, substantially increased costs to
22 consumers or insufficient quantity or distribution of biodiesel
23 [or cellulosic ethanol].

24 * * *

25 Section 6. Infrastructure reports.

26 (a) Certification.--At least six months prior to the
27 effective dates of the mandated content requirements contained
28 in [sections] section 3(a) (1), (2), (3) and (4) [and 4], the
29 department and the Department of Transportation shall jointly
30 make a certification as to whether there is sufficient

1 transportation, distribution and other necessary infrastructure,
2 including rail capability and terminal facilities, in this
3 Commonwealth to meet the requirements of this act.

4 * * *

5 (d) Insufficient infrastructure.--If any infrastructure
6 report determines that there is insufficient infrastructure in
7 place to meet any of the mandated volume standard requirements
8 contained in section 3 [or 4], that mandated content requirement
9 shall be delayed at least six months or until the department and
10 the Department of Transportation certify that sufficient
11 infrastructure is in place through the issuance of a new
12 infrastructure report, whichever is later.

13 Section 5. This act shall take effect in 60 days.