

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0339.01 Jennifer Berman x3286

SENATE BILL 20-038

SENATE SPONSORSHIP

Fenberg, Winter

HOUSE SPONSORSHIP

Jaquez Lewis,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ESTABLISHMENT OF A STATEWIDE STANDARD FOR
102 THE SALE OF BIODIESEL-BLENDED DIESEL FUEL IN COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Energy Legislation Review Interim Study Committee. The bill requires that all diesel fuel sold or offered for sale in Colorado between June 1 and September 15 of each year, commencing June 1, 2021, be blended with and contain at least 5% biodiesel and that all diesel fuel sold or offered for sale in Colorado between June 1 and September 15 of each year, commencing June 1, 2023, be blended with and contain at least 10%

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

biodiesel.

The air quality control commission, in consultation with the director of the division of oil and public safety in the department of labor and employment, shall promulgate rules regarding the blending standard, including rules to establish a waiver process and to require labeling of biodiesel-blended fuel to reflect the percentage of biodiesel included in the blended fuel.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25-7-141 as
3 follows:

4 **25-7-141. Statewide biodiesel-blended fuel standard -**
5 **definitions - rules.** (1) (a) EXCEPT AS PROVIDED BY RULES
6 PROMULGATED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION:

7 (I) ON OR AFTER JUNE 1, 2021, ALL DIESEL FUEL SOLD OR OFFERED
8 FOR SALE IN COLORADO FROM JUNE 1 THROUGH SEPTEMBER 15 MUST BE
9 BLENDED WITH AND CONTAIN AT LEAST FIVE PERCENT BIODIESEL; AND

10 (II) ON OR AFTER JUNE 1, 2023, ALL DIESEL FUEL SOLD OR OFFERED
11 FOR SALE IN COLORADO FROM JUNE 1 THROUGH SEPTEMBER 15 MUST BE
12 BLENDED WITH AND CONTAIN AT LEAST TEN PERCENT BIODIESEL.

13 (b) THE COMMISSION, IN CONSULTATION WITH THE DIRECTOR:

14 (I) SHALL PROMULGATE RULES TO:

15 (A) ESTABLISH A WAIVER PROCESS BY WHICH A DISTRIBUTOR OR
16 RETAILER OF DIESEL FUEL MAY SEEK A TEMPORARY WAIVER FROM THE
17 REQUIREMENTS SET FORTH IN SUBSECTION (1)(a) OF THIS SECTION FOR
18 GOOD CAUSE SHOWN, SUCH AS DEMONSTRATING AN EXTREME DISRUPTION
19 IN THE SUPPLY OF BIODIESEL OR EXTREME WEATHER CONDITIONS; AND

20 (B) REQUIRE THE LABELING OF BIODIESEL-BLENDED FUEL TO
21 REFLECT THE PERCENTAGE OF BIODIESEL INCLUDED IN THE BLENDED FUEL;

22 AND

1 (II) MAY PROMULGATE RULES AS THE COMMISSION DEEMS
2 NECESSARY TO IMPLEMENT THIS SECTION, WHICH RULES MAY INCLUDE
3 ACCELERATING THE TIMELINE FOR INCREASING THE BLENDING STANDARD
4 OR FURTHER INCREASING THE BLENDING STANDARD.

5 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "BIODIESEL" MEANS FUEL COMPOSED OF MONO-ALKYL ESTERS
8 OF LONG CHAIN FATTY ACIDS DERIVED FROM PLANT OR ANIMAL MATTER
9 THAT MEETS THE MOST CURRENT SPECIFICATIONS FOR ASTM D6751,
10 WHICH IS THE STANDARD SPECIFICATION FOR BIODIESEL FUEL BLEND
11 STOCK (B100) FOR MIDDLE DISTILLATE FUELS, AND ASTM D7467, WHICH
12 IS THE STANDARD SPECIFICATION FOR DIESEL FUEL OIL, BIODIESEL BLEND
13 (B6 TO B20).

14 (b) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OF OIL AND
15 PUBLIC SAFETY CREATED IN SECTION 8-20-101.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2020 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.