



Senate Environmental Resources and Energy Committee

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Chairman

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Summary House Bill 807, P.N. 916

Prime Sponsor: Representative Sonney

Analysis

- Amends Act 78 of 2008, the Biofuel Development and In-State Production Incentive Act by adding provisions necessary for enforcement of the Act. Included are:
 - A registration requirement for any person that transfers, offers for sale or sells biodiesel or biodiesel blend for on-road use.
 - A requirement that the biodiesel blend must be created using an approved biodiesel blending method as defined in the legislation.
 - A requirement that a bill of lading or shipping manifest containing specific information be provided each time biodiesel is sold or transferred.
 - A requirement that a certificate be provided certifying that the biodiesel blend is compliant with the appropriate ASTM standard for the product.
 - Authority for the Department of Agriculture (Department) to enforce the Act by conducting unannounced inspections, taking samples of product and auditing books and records.
 - Authority for the Department to issue orders and notices, initiate criminal prosecutions, seek injunctive relief, impose civil penalties and enter into consent agreements.
- Creates a restricted account within the State Treasury to be known as the Bio-fuel Development Account.
- Money in this account is appropriated to the Department on a continuing basis for the administration and enforcement for the purposes of the Act.
 - The account will be the depository for:
 - All fines judgments and penalties collected by the Department under the Act.
 - Any interest or earnings on money in the account; and
 - Funds from any public or private sources.

Penalties

- A person who willfully and intentionally interferes with a Department employee performing duties under the Act, or who knowingly sells/transfers biodiesel blend or biodiesel subject to a stop-sale order commits a 3rd degree misdemeanor.

- Authorizes the Department to assess civil penalties of \$100-\$1,000 per day for knowing violations of the Act and establishes graduated criminal penalties for such violations.

Exceptions

- Amends the Act to provide small refiners using 100% PA Grade crude oil an exception to creating all biodiesel blend requirements higher than 2%. Additionally, an exception to all blend percentage requirements is provided for fuel stored at a nuclear power plant.

Effective Date

- This act shall take effect in 30 days.