

**SULFUR & BIOHEAT REQUIREMENTS FOR No. 2 HEATING OIL IN THE NORTHEAST & MID-ATLANTIC STATES**

Send updates to Jim Collura [jim.collura@nefi.com](mailto:jim.collura@nefi.com) 202-441-8857

*Updated: 6-30-2015 (1:30pm ET)*

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State	Sulfur	Bio-blend	Waiver Procedures	Important Notes
<p><b>Connecticut</b>                      Contact: Chris Herb, CEMA  <a href="mailto:chris@ctema.com">chris@ctema.com</a>                      Updated June 25, 2014</p>	<p><b>Previous:</b> 2,000-3,000 PPM   <b>July 1, 2014:</b> 500 PPM   <b>July 1, 2018:</b> 15 PPM</p>	<p><b>NOTE:</b> The below requirements were only go into effect if neighboring states establish similar requirements:</p> <p><b>July 1, 2011:</b> 2% blend   <b>July 1, 2012:</b> 5% Blend   <b>July 1, 2015:</b> 10% Blend   <b>July 1, 2017:</b> 15% Blend   <b>July 1, 2020:</b> 20% Blend</p>	<p><b>Sulfur Waiver:</b> DEEP Commissioner may suspend for up to 90 days sulfur requirement to address supply shortages. Requests must be submitted in writing to the Bureau of Air Management, Director of Engineering &amp; Enforcement and must include a detailed statement describing the reason for the fuel shortage and the acute nature of the shortage (a fuel shortage may be of a type for firing in a particular emission source or generally throughout the state); a statement that the acute nature of the shortage is the only reason for the request; and a signature of a responsible official as described in RCSA §22a-174-2a(a). The DEEP commissioner shall notify within five days. Can be preempted when a Governor declares that an energy or fuel supply emergency exists.</p> <p><b>Bioheat Waiver:</b> The Dept. of Consumer Protection can temporarily waive bio- blending requirements after receiving a petition from the Distillate Advisory Board for no less than 30 days and no more than 45 days. The waiver may be renewed if needed. (The state's Bioheat requirements only go into effect if MA, RI and NYS establish similar requirements).</p>	<p><i>Per sulfur regulations Table 19b-1:</i></p> <p><b>Residual oil (or bio-blend)</b>  <b>July 1, 2014:</b> 10,000 PPM  <b>July 1, 2018:</b> 3,000 PPM</p> <p><b>Aviation fuel (used in a stationary source)</b>  <b>July 1, 2014:</b> 3,000 PPM  <b>July 1, 2014:</b> 15 PPM</p> <p><b>Kerosene</b>  <b>July 1, 2014:</b> 400 PPM  <b>July 1, 2018:</b> 15 PPM</p> <p><b>For complete details:</b>                      Sulfur law: <a href="#">296 CGS §16a-21a</a>                      Sulfur regulations (adoption <a href="#">notice</a> 12/23/2013): <a href="#">RCSA §22a-174-19b</a>                      Bioheat law: <a href="#">296 CGS §16a-21b</a>                      New as of 5/21/14 – <a href="#">DEEP Guidance document</a>                      New as of 6/25/14 – <a href="#">Conditional Waiver</a></p>
<p><b>Delaware</b>                      Contact: Ellen Valentino, MAPDA  <a href="mailto:ellen@mapda.org">ellen@mapda.org</a>                      Updated March 20, 2014</p>	<p><b>Current (New Castle County Only):</b> 10,000 PPM   <b>Current (State):</b> 3,000 PPM   <b>July 1, 2016:</b> 15 PPM</p>	<p>None.</p>	<p>Unknown.</p>	<p><i>Sulfur regulations also require:</i></p> <p><b>Residual fuel</b>  <b>July 1, 2016:</b> 5,000 PPM</p> <p><b>“Other Fuel”</b>  <b>July 1, 2016:</b> 10,000 PPM</p> <p><b>For complete details:</b>                      Sulfur regulations (finalized 7/11/2013): <a href="#">7 Del.C. §1108</a></p>
<p><b>District of Columbia</b>                      Contact: Ellen Valentino, MAPDA  <a href="mailto:ellen@mapda.org">ellen@mapda.org</a>                      Updated July 7, 2014</p>	<p><b>Current:</b> 10,000 PPM   <b>Proposed (6/20/14):</b>  <b>July 1, 2016:</b> 500 PPM   <b>July 1, 2018:</b> 15 PPM</p>	<p>None.</p>	<p><b>Sulfur Waiver:</b> The Department of the Environment, with concurrence of the U.S. EPA may temporarily suspend or increase the sulfur limits in the event there are supply constraints. The request must be made in writing and must state the reason compliant fuel is not available and the duration of the waiver requested. Non-compliant No. 2 Fuel Oil and lighter fuels under such a waiver may not exceed 500PPM (see proposed rule Sections 801.5 and 801.6).</p>	<p><b>Proposed Sulfur Rule:</b> <a href="#">Notice #4959336</a> was published on June 20, 2014 and applies to No. 2 and lighter fuels. Comments are due July 19th. A public hearing was held July 28, 2014 (<a href="#">Notice #4968066</a>). The proposed rule also lowers sulfur content for heavy fuel oil as follows:</p> <p><b>No. 4 Fuel Oil</b>  <b>July 1, 2016:</b> 2,500PPM</p> <p><b>No. 5 Fuel Oil</b>  <b>July 1, 2016:</b> Banned (no known users in DC)</p>

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<p><b>Maine</b> Contact: Jamie Py, MEMA <a href="mailto:Jamie@MaineEnergyMarketers.com">Jamie@MaineEnergyMarketers.com</a> Updated June 16, 2015</p>	<p><b>Current:</b> 3,000-5,000 PPM <b>July 1, 2016:</b> 50 PPM <i>(Repealed on 5/10/15)</i> <b>July 1, 2018:</b> 15 PPM*</p>	<p><b>None.</b> An April, 2011 state-mandated study did not recommend a bio mandate but suggested coordination nationally and regionally on related policies moving forward.</p>	<p>Unknown.</p>	<p><b>*Update (6/16/2015):</b> The Maine Legislature approved <a href="#">HP416</a> which eliminates the 50 PPM requirement on July 1, 2016 and moves the 15 PPM from January 1 to July 1, 2018 to conform to other New England states. <b>Became law on May 10, 2015</b> (Public Law 66, LD 603). There are also sulfur requirements for <b>residual oil</b> affecting certain areas.</p> <p><b>For complete details:</b> Sulfur law: <a href="#">38 MRS §603-A</a> (Pending amendment per Public Law 66)</p>
<p><b>Maryland</b> Contact: Ellen Valentino, MAPDA <a href="mailto:ellen@mapda.org">ellen@mapda.org</a> Updated Nov. 13, 2014</p>	<p><b>Current:</b> None <b>Nov. 1, 2014:</b> 2,000 PPM <b>July 1, 2016:</b> 500 PPM</p>	<p><b>July 1, 2008:</b> At least 50% of the oilheat equipment in use in state buildings is required to use at least a 5% biofuel blend. There is also a tax credit for the use of Bioheat fuels(see "important notes" on the right).</p>	<p>Unknown.</p>	<p><b>Approved sulfur regulations</b> <a href="#">amend COMAR 03.03.05.04</a> effective Oct. 13, 2014 and apply to both No. 1 and No. 2 Fuel Oils.</p> <p><b>Bioheat Law:</b> <a href="#">Md. STATE FINANCE AND PROCUREMENT Code Ann. § 14-408</a></p> <p><b>Bioheat Tax Credit:</b> Individuals &amp; businesses may claim a tax credit of 3 cpq for 5% Bioheat blend, up to the lesser of \$500 or state income taxes for the year. The credit is available for the tax years beginning on or after Jan. 1, 2008, but before Jan. 1, 2018, and remains effective for 10 years, through June 30, 2018. See: <a href="#">Md. TAX-GENERAL Code Ann. § 10-727 (Summary)</a></p>
<p><b>Massachusetts</b> Contact: Michael Ferrante, MEMA <a href="mailto:mferrante@massoilheat.org">mferrante@massoilheat.org</a> Updated June 16, 2015</p>	<p><b>Previous:</b> 3,000 PPM <b>July 1, 2014:</b> 500 PPM <b>July 1, 2018:</b> 15 PPM</p>	<p>A 2008 Bioheat law <b>has not been implemented.</b></p> <p><b>July 1, 2010:</b> 2% Blend <b>July 1, 2011:</b> 3% Blend <b>July 1, 2012:</b> 4% Blend <b>July 1, 2013:</b> 5% Blend</p> <p><b>Proposed (6/16/2015):</b> A renewable energy tax credit is under discussion in Massachusetts that could promote blending of biodiesel into heating oil.</p>	<p><b>Sulfur waiver:</b> While there is no formal process under either the statute or existing regulations, the Governor has general authority to declare statewide emergencies. In the event of a supply shortage or other emergency, it is believed he will likely consult with state regulators and neighboring governors regarding possible suspension of sulfur requirements. MEMA has asked for additional guidance from DEP regarding the formalities or requesting such a waiver and other issues pertaining to the stat's HO sulfur reduction regulations.</p> <p><b>Bioheat Waiver:</b> No explicit waiver authority was provided in the underlying statute. The law does allow delay of implementation due to "lack of supply, lack of blending facilities or unreasonable cost" (as mentioned, it has indeed been delayed and has neither been implemented nor enforced).</p>	<p>There are also new sulfur requirements for <b>residual oil</b> affecting certain areas (see sulfur regulations for details).</p> <p><b>For complete details:</b> Sulfur regulations: <a href="#">310 CMR 7.05</a> Bioheat law: <a href="#">MGL ch.94 §249H1/2(3)</a> <b>Note:</b> Both a DEP Guidance Document and a Conditional Waiver were issued immediately prior to the July 1, 2014 compliance date but are no longer available online.</p>

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<p><b>New Hampshire</b>                  Contact: Bob Scully, OHCNH  <a href="mailto:RJSculley@nhoilheat.com">RJSculley@nhoilheat.com</a>                  Updated June 16, 2015</p>	<p><b>Current:</b> 4,000 PPM   <b>Changes pending</b> (See notes)</p>	<p><b>None.</b></p>		<p><b>Update (6/16/2015):</b> The NH Legislature has approved <a href="#">SB208</a> and the Governor signed it on May 7, 2015. It establishes a committee to study the sulfur content of liquid fuels. The committee must submit its findings and make recommendations to the Governor and legislature on or before November 1, 2016.</p>
<p><b>New Jersey</b>                  Contact: Eric DeGesero, FMANJ  <a href="mailto:edegesero@fmanj.org">edegesero@fmanj.org</a>                  Updated March 20, 2014</p>	<p><b>Previous:</b> 2,000-3,000 PPM   <b>July 1, 2014:</b> 500 PPM   <b>July 1, 2016:</b> 15 PPM</p>	<p><b>None.</b> Bioheat legislation (S-2268) was introduced on July 18, 2013 but was not approved by the state legislature.</p>	<p>Unknown.</p>	<p><b>Sulfur regulations:</b> <a href="#">N.J.A.C. 7:27-9.2</a> also require:   <b>No. 4 Fuel Oil</b>  <b>July 1, 2014:</b> 2,500 PPM   <b>No. 5, No. 6 and Heavier Fuel Oil</b>  <b>July 1, 2014:</b> 5,000 PPM</p>
<p><b>New York State</b>                  Contact: Michael Trunzo                  Michael.Trunzo@nefi.com                  Updated June 30, 2015</p>	<p><b>Previous:</b> 2,500-5,000   <b>July 1, 2012:</b> 15 PPM*</p> <p><small>*Per New York State law signed on 7/20/2010. Prior to that the sulfur limit was 2,000 PPM.</small></p>	<p><b>Legislation recently debated by State Assembly</b> (See notes)</p>	<p><b>Sulfur Waiver:</b> The governor may temporarily suspend sulfur requirements by executive order and at any time based on the determination, after consulting with NYSERDA, that compliance is not feasible due to lack of adequate supply.</p>	<p><b>Bioheat Tax Credit:</b> New York renewed a tax credit through 12/31/2016 that offers one cent per percent of biofuel used in heating oil up to a maximum of 20 cents per gallon.</p> <p><b>Pending Bioheat Legislation –</b> A Bioheat bill <a href="#">A.07906</a> first cleared the legislature in 2013 but was vetoed on 1/10/2014 citing “financial impact” on the state budget due to an existing tax credit.</p> <p><b>Updated 6/30/2015 –</b> Another Bioheat bill <a href="#">A.06070A</a> would have established a 2% blending requirement statewide as of July 1, 2017. The Dept. of Environmental Conservation, in conjunction with NYSERDA, would also be required to produce a study of biodiesel cost and supply by Dec.1, 2016. The legislature would have had to review the findings of the study prior to implementation. The bill was approved by the NYS Assembly 117-22 but stalled in the Senate due to politics and procedure (not because of the bill’s policy goals).</p> <p><b>Sulfur law:</b> <a href="#">UCC Law §19-0325</a></p>

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<p><b>New York City</b>                  Contact: Rocco Lacertosa, NYOHA  <a href="mailto:rlacertosa@nyoha.org">rlacertosa@nyoha.org</a>                  Updated June 30, 2015</p>	<p>Same as New York State</p>	<p><b>Oct. 1, 2012:</b> 2% Blend                  (Applies to No. 2, 4 &amp; 6)</p>	<p><b>Bioheat Waiver:</b> The commissioner may provide waivers for certain types of boilers (or bioheating fuel for use with that boiler) if there is: (1) insufficient supply of needed bioheating fuel; (2) a high price for bioheating fuel that is at least 15% more than the price of a comparable fuel oil grade of 100% petroleum heating oil; (3) use of bioheating fuel would void manufacturer warranty; or (4) there is no applicable ASTM standard or other standard with respect to the bioheating fuel for the purposes of receiving bids and enforcing contracts.</p> <p><b>Other Waivers:</b> Exemptions from NYC requirements for No. 4 and No. 6 oils are provided in the form of "compliance agreements" issued by the DEP.</p>	<p><b>Sulfur Law:</b> <a href="#">NYC DEP Rule (5/11)</a> also requires:</p> <p><b>No. 4 Residual Oil</b>  <b>Oct. 1, 2012:</b> 1,500 PPM</p> <p><b>Phase-out of No. 6 Residual Oil</b>  <b>July 1, 2015:</b> Use is no longer permitted, must switch to either ULS No. 2 or LS No. 4 Fuel Oil.</p> <p><b>Phase-out of No. 4 Residual Oil</b>                  January 1, 2030: Use no longer permitted. Must have converted to cleaner fuel or obtained an extension via NYC DEP "compliance agreement"</p> <p><b>Bioheat Law:</b> <a href="#">NYC Local Law 43-2010 (8/2010)</a></p>
<p><b>Pennsylvania</b>                  Contact: John Kulik  <a href="mailto:joviku@aol.com">joviku@aol.com</a>                  Updated March 20, 2014</p>	<p><b>Current:</b> 2,000-5,000 PPM*   <b>July 1, 2016:</b> 500 PPM                   *varies by in-state region.</p>	<p><b>None.</b></p>	<p><b>Sulfur Waiver:</b> The DEQ may suspend or increase maximum sulfur content if it (A) receives a written request that includes the subject air basin, the reason that the fuel is not "reasonably available," and the duration of time for which the waiver is sought along with relevant justifications; (B) determines there is insufficient supply due to events that could not have been "reasonably foreseen or prevented" and are not due to a "lack of prudent planning" by the distributor; or (C) request is approved in writing prior to the transfer of noncompliant fuel oil into or with the air basin. The waiver to suspend or increase the allowable sulfur content is limited to 60 days.</p>	<p><i>For ASTM D396 compliant fuels, the sulfur regulations also require:</i></p> <p><b>No. 4 Fuel Oil</b>  <b>July 1, 2016:</b> 2,500 PPM</p> <p><b>No. 5, No. 6 and heavier Fuel Oil</b>  <b>July 1, 2016:</b> 5,000 PPM</p> <p><b>For complete details:</b>                  Sulfur regulations: <a href="#">25 Pa. Code §123.22</a></p>
<p><b>Philadelphia (City)</b>                  Contact: John Kulik  <a href="mailto:joviku@aol.com">joviku@aol.com</a>                  Updated July 30, 2014</p>	<p><b>Previous:</b> 2,000 PPM   <b>July 1, 2015:</b> 15 PPM</p>	<p><b>None.</b></p>	<p>Unknown.</p>	<p><b>Sulfur law (Bill No. 140510)</b> signed by Mayor on July 15, 2014 applies to "No. 2 and lighter" Fuel Oil. It also requires the following:</p> <p><b>No. 4 Fuel Oil</b>  <b>July 1, 2015:</b> 2,500 PPM</p> <p><b>No. 5, No. 6 and Heavier Fuel Oil</b>  <b>July 1, 2015:</b> 5,000 PPM</p>

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<p><b>Rhode Island</b>                  Roberta Fagan, OHIRI  <a href="mailto:roberta@ohi.necoxmail.com">roberta@ohi.necoxmail.com</a>                  Updated June 30, 2015</p>	<p><b>Previous:</b> 5,000 PPM  <b>July 1, 2014:</b> 500 PPM  <b>July 1, 2018:</b> 15 PPM</p>	<p><b>July 1, 2014:</b> 2% Blend  <b>July 1, 2015:</b> 3% Blend  <b>July 1, 2016:</b> 4% Blend  <b>July 1, 2017:</b> 5% Blend</p>	<p><b>Sulfur Waivers:</b> The Director may, upon application, defer compliance where it is not possible because of breakdowns or malfunction of equipment, acts of God, other unavoidable casualties or for good cause shown; provided that the order shall not defer compliance for more than three months. The Director shall notify the Administrator within five business days after issuing an order deferring compliance with subsection 8.2.1 (see subsection 8.7).</p> <p><b>Bioheat Waiver:</b> The Governor may temporarily suspend the requirements if it is determined that the physical availability of bio-based heating oil 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."</p>	<p><i>Sulfur regulations also require:</i>  <b>Residual oil (or bio-blend)</b>  <b>July 1, 2018:</b> 5,000 PPM</p> <p><b>For complete details:</b>                  Sulfur regulations (Effective June 24, 2014): <a href="#">APC Regulation No. 8</a>                  Bioheat law: <a href="#">23 RIGL §23-23.7</a></p>
<p><b>Vermont</b>                  Matt Cota, VFDA  <a href="mailto:matt@vermontfuel.com">matt@vermontfuel.com</a>                  Updated June 16, 2014</p>	<p><b>Previous:</b> 20,000 PPM  <b>July 1, 2014:</b> 500 PPM  <b>July , 2018:</b> 15 PPM</p>	<p><b>NOTE:</b> Implementation has been delayed until surrounding states establish similar requirements.</p> <p><b>July 1, 2012:</b> 3% Blend  <b>July 1, 2015:</b> 5% Blend  <b>July 1, 2016:</b> 7% Blend</p>	<p><b>Bioheat &amp; Sulfur Waivers:</b> The Governor, by executive order, may temporarily suspend implementation and enforcement of the sulfur or biodiesel blending requirements if it is determined, after consulting with the DEC Secretary and Public Services Commissioner, that the mandate is not feasible due to an inadequate supply of the required fuel.</p>	<p><i>The sulfur regulations also require:</i></p> <p><b>No. 4 Residual oil</b>  <b>July 1, 2018:</b> 2,500 PPM</p> <p><b>No. 5 &amp; No. 6 Residual oil</b>  <b>July 1, 2018:</b> 5,000 PPM</p> <p><b>For complete details:</b>                  Sulfur &amp; Bioheat Law: <a href="#">10 VSA §585</a>                  Sulfur Regulations: <a href="#">APCR §5-221(1)</a> (pp. 30-35)                  New as of 6/16/14: <a href="#">DEC/VFDA Guidance Doc</a></p>

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