
SUBSTITUTE SENATE BILL 6508

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Rasmussen, Poulsen, Kline, McCaslin, Brown, Oke, Schmidt, Swecker, Finkbeiner and Kohl-Welles; by request of Governor Gregoire)

READ FIRST TIME 02/02/06.

1 AN ACT Relating to developing minimum renewable fuel content
2 requirements and fuel quality standards; amending RCW 19.112.020;
3 adding new sections to chapter 19.112 RCW; and creating new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 public interest to establish a market for alternative fuels in
7 Washington. Minimum renewable fuel content in our fuel supply that
8 meets appropriate fuel quality standards will reduce our dependence on
9 imports of foreign oil, provide cleaner air for our citizens, and
10 stimulate the creation of a new industry that benefits our farmers and
11 rural communities.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.112 RCW
13 to read as follows:

14 (1) By December 1, 2008, or when the director determines that a
15 predominant portion of the feedstock to satisfy the two percent
16 requirement was grown in Washington state, all diesel fuel sold or
17 offered for sale in Washington shall contain at least two percent
18 biodiesel fuel by volume.

1 (2) If the director determines that both in-state oil seed crushing
2 capacity and feedstock grown in Washington state can satisfy the two
3 percent requirement, all diesel fuel sold or offered for sale in
4 Washington must contain at least five percent biodiesel fuel by volume.
5 The director shall allow blenders and retailers six months to meet the
6 five percent requirement.

7 (3) For the purposes of this chapter, "biodiesel fuel" has the
8 meaning provided in RCW 82.29A.135.

9 (4) The director shall adopt rules for enforcing and carrying out
10 the purposes of this section.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.112 RCW
12 to read as follows:

13 (1) Beginning December 1, 2008, all gasoline sold or offered for
14 sale in Washington shall contain at least two percent denatured ethanol
15 by volume.

16 (2) If the director of ecology determines that ethanol content
17 greater than two percent will not jeopardize continued attainment of
18 the federal clean air act's national ambient air quality standard for
19 ozone pollution in Washington and the director of agriculture
20 determines that sufficient raw materials are available within
21 Washington to support economical production of ethanol at higher
22 levels, the director of agriculture may require by rule that all
23 gasoline sold or offered for sale in Washington shall contain up to a
24 maximum of ten percent of denatured ethanol by volume. The director
25 shall allow blenders and retailers six months to meet the new minimum
26 content requirement.

27 (3) The director shall adopt rules for enforcing and carrying out
28 the purposes of this section.

29 **Sec. 4.** RCW 19.112.020 and 1990 c 102 s 3 are each amended to read
30 as follows:

31 (1) This chapter shall be administered by the director or his or
32 her authorized agent. ((For the purpose of administering this
33 chapter,))

34 (2) The director shall adopt rules for maintaining standards for
35 biodiesel fuel or fuel blended with biodiesel fuel by adopting all or
36 part of the standards set forth in the Annual Book of ASTM Standards

1 and supplements (~~thereto, and revisions thereof, are adopted~~),
2 amendments, or revisions thereof, all or part of the standards set
3 forth in the National Institute of Standards and Technology (NIST)
4 Handbook 130, Uniform Laws and Regulations in the areas of legal
5 metrology and engine fuel quality rules, and any supplements,
6 amendments, or revisions thereof, together with applicable federal
7 environmental protection agency standards. If a conflict exists
8 between federal environmental protection agency standards, ASTM
9 standards, or (~~state~~) NIST standards, for purposes of uniformity,
10 federal environmental protection agency standards shall take precedence
11 over ASTM and NIST standards. (~~Any state standards adopted must be~~
12 ~~consistent with federal environmental protection agency standards and~~
13 ~~ASTM standards not in conflict with federal environmental protection~~
14 ~~agency standards.)) The department of agriculture shall not exceed ASTM
15 standards for diesel.~~

16 (3) The director may establish a fuel testing laboratory or may
17 contract with a laboratory for testing. The director may also adopt
18 rules on false and misleading advertising, labeling and posting of
19 prices, and the standards for, and identity of, motor fuels. The
20 director shall require fuel pumps offering two percent biodiesel blends
21 or two percent ethanol blends to be identified by a label stating the
22 percentage of biodiesel or ethanol.

23 NEW SECTION. Sec. 5. The director shall establish a biofuels
24 advisory committee to advise the director on implementing the minimum
25 renewable fuel content requirements, including applicability to all
26 users, and how the use of renewable fuel blends greater than two
27 percent could achieve the goals of this act. The director shall make
28 recommendations to the legislature and the governor on the
29 implementation of this act by September 1, 2007.

30 NEW SECTION. Sec. 6. A new section is added to chapter 19.112 RCW
31 to read as follows:

32 The governor, by executive order, may suspend all or portions of
33 the minimum renewable fuel content requirements in section 2 or 3 of
34 this act, or both, based on a determination that such requirements are
35 temporarily technically or economically infeasible.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 19.112 RCW
2 to read as follows:

3 (1) By November 30, 2008, the director shall make a determination
4 whether the state's diesel fuel supply is comprised of at least ten
5 percent biodiesel made predominantly from Washington feedstock, and
6 whether the goals of section 2 of this act have been achieved.

7 (2) By November 30, 2008, the director shall make a determination
8 whether the state's gasoline fuel supply is comprised of at least five
9 percent ethanol made predominantly from Washington feedstock, without
10 jeopardizing continued attainment of the federal clean air act's
11 national ambient air quality standard for ozone pollution, and whether
12 the goals of section 3 of this act have been achieved.

13 (3) By December 1, 2008, the director shall notify the governor and
14 the legislature of the findings in subsections (1) and (2) of this
15 section.

16 (4) If the findings from the director indicate that the goals of
17 section 2 or 3 of this act, or both, have been achieved, then the
18 governor shall issue an executive order declaring either section 2 or
19 3 of this act, or both, to have no application.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 19.112 RCW
21 to read as follows:

22 (1) If either or both of the goals in sections 2 and 3 of this act
23 are not achieved by November 30, 2008, the director shall monitor the
24 state's diesel and gasoline fuel supply until such time as those goals,
25 or either of them, is met.

26 (2) The director shall report to the governor and the legislature
27 November 30th of the year in which a goal is met.

28 (3) Following notification under this section that a goal has been
29 met, the governor shall prepare executive request legislation repealing
30 section 2 or 3 of this act, or both, as applicable.

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