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Sponsors:	David Yassky, Gale A. Brewer, Lewis A. Fidler, Alan J. Gerson, Letitia James, G. Oliver Koppell, Annabel Palma, John C. Liu, Peter F. Vallone, Jr., Melissa Mark-Viverito, Vincent J. Gentile				
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Int. No. 599

By Council Members Yassky, Brewer, Fidler, Gerson, James, Koppell, Palma, Liu, Vallone Jr., Mark-Viverito and Gentile

A Local Law to amend the administrative code of the city of New York, in relation to the use of bioheat in New York City.

Be it enacted by the Council as follows:

Section 1. This law shall be known and may be cited as the “Bioheat Act of 2007”.

§2. Subchapter 5 of chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-673.4 to read as follows:

§ 20-673.4 Sale of heating oil for private use. a. Definitions. For purposes of this section only, the following terms shall have the following meanings:

1. “Biodiesel” shall mean a fuel comprised exclusively of mono-alkyl esters of long

chain fatty acids derived from vegetable oils or animal fats, designated B100 (pure biodiesel), and meeting the specifications of the American Society of Testing and Materials designation D 6751.

2. “Bioheat” shall mean a fuel comprised of biodiesel blended with conventional heating oil, which meets the specifications of the American Society of Testing and Materials designation D 396 or D 975.

3. “Heating oil” shall mean oil manufactured for the purpose of use as fuel for combustion in a heating system.

4. “Heating oil retailer” shall mean any person or entity in the business of selling heating oil for use in buildings in New York city.

5. “Heating system” shall mean a system that generates heat and distributes it to various rooms of a building.

b. Sales after May 31, 2009 and before June 1, 2011. No heating oil retailer shall sell any heating oil after May 31, 2009 and before June 1, 2011, unless such heating oil is bioheat containing not less than five percent biodiesel.

c. Sales after May 31, 2011 and before June 1, 2013. No heating oil retailer shall sell any heating oil after May 31, 2011 and before June 1, 2013, unless such heating oil is bioheat containing not less than ten percent biodiesel.

d. Sales after May 31, 2013. No heating oil retailer shall sell any heating oil after May 31, 2013, unless such heating oil is bioheat containing not less than twenty percent biodiesel.

§3. Subdivision b of section 20-674 of subchapter 5 of chapter 4 of title 20 of the administrative code of the city of New York is amended to read as follows:

b. Any person who violates the provisions of section 20-673.1 or section 20-673.4 of this subchapter or any rules or regulations promulgated thereunder shall be liable for a civil penalty of not less than five hundred dollars nor more than ten thousand dollars.

§4. Section 6-301 of subchapter 1 of chapter 3 of title 6 of the administrative code of the city of New York is amended by adding new paragraphs 36 through 39 to read as follows:

(36)“Biodiesel” shall mean a fuel comprised exclusively of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100 (pure biodiesel), and meeting the specifications of the American Society of Testing and Materials designation D 6751.

(36)“Bioheat” shall mean a fuel comprised of biodiesel blended with conventional heating oil, which meets the specifications of the American Society of Testing and Materials designation D 396 or D 975.

(36)“Heating oil” shall mean oil manufactured for the purpose of use as fuel for combustion in a heating system.

(36)“Heating system” shall mean a system that generates heat and distributes it to various rooms of a building.

§5. Chapter 3 of title 6 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

SUBCHAPTER 7

Bioheat

§6-317 Bioheat.

§6-317 Bioheat. a. (1) Beginning on January 1, 2009, all heating oil purchased for use in any building owned and operated by the city shall be bioheat containing not less than ten percent biodiesel.

(2) Beginning on January 1, 2011, all heating oil purchased for use in any building owned and operated by the city shall be bioheat containing not less than twenty percent biodiesel.

b. Subdivision b of section 6-303 of this chapter shall not apply to this subchapter.

§6. This local law shall take effect immediately upon its enactment.

6/19/07 12:00 p.m.