

**CHART 1. “CHEAT SHEET”**

*(Showing current state requirements as of May 17, 2016)*

<b>LOW SULFUR &amp; BIODIESEL BLENDING REQUIREMENTS IN THE NORTHEAST/MID-ATLANTIC</b>										
All data is listed for No. 2 Fuel Oil. Compliance dates are July 1 of that year unless otherwise specified. Cities are listed in <i>italics</i> .										
	Previous Sulfur	2010	2011	2012	2013	2014	2015	2016	2017	2018+
New York State	2,500-5,000ppm			15ppm						
<i>New York City (Bioheat)</i>				2% Bio						
<i>Philadelphia, PA (Sulfur)</i>	2,000ppm						15ppm			
Delaware	3,000-10,000ppm							15ppm		
New Jersey	2,000-3,000ppm					500ppm		15ppm		
Maryland	No limit*					2,000ppm		500ppm		
Pennsylvania	2,000-5,000ppm							500ppm		
Massachusetts	3,000ppm					500ppm				15ppm
Rhode Island (Sulfur)	5,000ppm					500ppm				15ppm
Rhode Island (Bioheat)						2% Bio	3% Bio	4% Bio	5% Bio	
Vermont	20,000ppm					500ppm				15ppm
Connecticut	20,000ppm					500ppm				15ppm
Maine	3,000-5,000ppm									15ppm
New Hampshire	4,000ppm									15ppm†
<i>Washington, DC</i>	10,000ppm									15ppm
*Maryland does not appear to have a sulfur standard prior to Nov. 1, 2014, at which time a 2,000ppm standard went into effect statewide.										
**New York City required a minimum of two percent (B2) biodiesel-blends beginning on Oct. 1, 2012. Additional requirements being proposed.										
† Legislation was approved by the state legislature and the governor is expected to sign it (as of 5/5/2016)										

**CHART 2. STATE-BY-STATE DETAILS**

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 August 17, 2015                      (Current as of 5/4/16)</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 to go into effect if neighboring states establish similar requirements:   <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.   <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>   <b>Residual oil (No. 4, 5 and 6 fuel oils; or any bio-blend thereof) –</b>  <b>July 1, 2014:</b> 10,000 PPM  <b>July 1, 2018:</b> 3,000 PPM   <b>Aviation fuel (used in a stationary source)</b>  <b>July 1, 2014:</b> 3,000 PPM  <b>July 1, 2018:</b> No change – 3,000PPM   <b>Kerosene</b>  <b>July 1, 2014:</b> 400 PPM  <b>July 1, 2018:</b> 15 PPM   <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>  <a href="#">DEEP Guidance document</a>  <a href="#">Conditional Waiver</a> (6/25/14)</p>
<p><b>Delaware</b>                      Contact: Ellen Valentino, MAPDA  <a href="mailto:ellen@mapda.org">ellen@mapda.org</a>                      Updated March 20, 2014                      (Current as of 5/4/16)</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><b>None.</b></p>	<p>Unknown.</p>	<p>Sulfur regulations (7/11/2013) <a href="#">7 Del.C. §1108</a> also require:   <b>Residual fuel</b>  <b>July 1, 2016:</b> 5,000 PPM   <b>“Other Fuel”</b>  <b>July 1, 2016:</b> 10,000 PPM</p>
<p><b>District of Columbia</b>                      Contact: Ellen Valentino, MAPDA  <a href="mailto:ellen@mapda.org">ellen@mapda.org</a>                      Updated May 4, 2016</p>	<p><b>Current:</b> 10,000 PPM   <b>July 1, 2016:</b> 500 PPM   <b>July 1, 2018:</b> 15 PPM</p>	<p><b>None.</b></p>	<p><b>Sulfur Waiver:</b> Any temporary suspension or increase in sulfur content issued for highway or off-road diesel fuel by the U.S. EPA shall also apply to fuel oil in the District of Columbia. However, it will only last as long as the duration set forth by EPA and the sulfur content for No. 2 and lighter fuels may not exceed 500ppm. Fuel oil that is intended for purchase, sale, offering, storage, or use outside of DC would be exempt from the rule (see proposed rule Sections 801.5, 801.6 and 801.7).</p>	<p><b>Final Sulfur Rule</b> (11/13/2015): <a href="#">62 DCR 14839</a> establishes new sulfur standards for Nos. 2, 4 and 5 fuel oil and related storage, reporting and fuel testing requirements. 801.9 also imposes new product transfer and recordkeeping requirements for both fuel companies and non-residential users.   <b>No. 4 Fuel Oil</b>  <b>July 1, 2016:</b> 2,500PPM   <b>No. 5 and Heavier Fuel Oils</b>  <b>July 1, 2016:</b> Banned (no known users in DC)</p>

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

**Updated: 5-17-2016**

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

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<p><b>Maine</b> Contact: Jamie Py, MEMA <a href="mailto:Jamie@MaineEnergyMarketers.com">Jamie@MaineEnergyMarketers.com</a> Updated Feb. 26, 2016 (Current as of 5/4/16)</p>	<p><b>Current:</b> 3,000-5,000 PPM  <del><b>July 1, 2016:</b> 50 PPM (Repealed on 5/10/15)</del>  <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>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 (Current as of 5/4/16)</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 cpg 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 5/4/2016</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>State regulators are discussing an expansion of renewable thermal energy credits to include Bioheat (details still forthcoming as of 5/4/16).</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 May 6, 2015</p>	<p><b>Current:</b> 4,000 PPM   <b>July 1, 2018:</b> 15 PPM</p>	<p><b>None.</b> <b>New 5/6/2016:</b> Gov. Hassan signed an Executive Order (<a href="#">EO-2016-03</a>) requiring, through renewables, efficiency, and other means, reductions in fossil fuel use in all state-owned buildings 30% by 2020; 40% by 2025; and 50% by 2050. Plans for construction or renovation of state buildings must include renewables.</p>	<p><b>Sulfur Waiver:</b> The governor may allow temporary use of non-conforming fuels if there is a demonstrated need to do so based on an acute shortage of supply.</p>	<p><b>Sulfur legislation (new 5/4/2016):</b> The Senate passed sulfur bill <a href="#">SB309</a> on Jan. 29, 2016 and the House passed on April 20, 2016. Governor Hassan is expected to sign the bill into law. The bill sets sulfur restrictions for No. 2 oil as well as:</p> <p><b>No. 4 Oil</b>  <b>July 1, 2018:</b> 2,500 PPM</p> <p><b>No. 5 or 6 Oil</b>  <b>July 1, 2018:</b> 5,000 PPM</p>
<p><b>New Jersey</b>                  Contact: Eric DeGesero, FMANJ  <a href="mailto:edegesero@fmanj.org">edegesero@fmanj.org</a>                  Updated May 5, 2016                  (Corrected sulfur specifications for No. 5, 6 and heavier fuels)</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> In addition to No. 2 and lighter fuels (left) <a href="#">N.J.A.C. 7:27-9.2</a> requires:</p> <p><b>No. 4 Fuel Oil</b>  <b>July 1, 2014:</b> 2,500 PPM</p> <p><b>No. 5, No. 6 and Heavier Fuel Oil</b>  <b>July 1, 2014:</b> 5,000 PPM (zones 1, 2, 3 &amp; 5)  <b>July 1, 2014:</b> 3,000 PPM (zones 4 &amp; 6)</p>
<p><b>New York State</b>                  Contact: Michael Trunzo, NYSEC  <a href="mailto:michael.trunzo@srclawoffices.com">michael.trunzo@srclawoffices.com</a>                  Updated June 30, 2015                  (Current as of 5/4/2016)</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>No current state-wide law. Legislation debated by State Assembly in June, 2015 (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>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 May 5, 2016</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>Update May 5, 2016:</b>                  A <b>pending</b> bill (<a href="#">Intro.642</a>) would require:                  Oct. 1, 2016: 5% blend                  Oct. 1, 2020: 10% blend                  Oct. 1, 2025: 15% blend                  Oct. 1, 2030: 20% blend</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</a> (5/11) 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</a> (8/2010)</p>
<p><b>Pennsylvania</b>                  Contact: John Kulik  <a href="mailto:joviku@aol.com">joviku@aol.com</a>                  Updated May 17, 2016</p>	<p><b>Current:</b> 2,000-5,000 PPM*</p> <p><b>July 1, 2016:</b> 500 PPM</p> <p>*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>New May 17, 2016:</b> The DEP published a notice (<a href="#">46 Pa.B. 2474</a>) on May 14th outlining a transition policy for the July 1, 2016 sulfur reductions.</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</p> <p><b>July 1, 2015:</b> 15 PPM</p>	<p><b>None.</b></p>	<p>Unknown.</p>	<p><b>Sulfur law (<a href="#">Bill No. 140510</a>)</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 May 4, 2016</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 (No. 4, 5 and 6 fuel oil)</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>Inclusion of Bioheat® in State Renewable Energy Standard (Proposed, 2/24/2016):</b>                  Pending legislation (<a href="#">S.2483</a>) would expand the state's Renewable Energy Standard to include renewable thermal energy from biofuels.</p>
<p><b>Vermont</b>                  Matt Cota, VFDA  <a href="mailto:matt@vermontfuel.com">matt@vermontfuel.com</a>                  Updated Feb. 26, 2016                  (Current as of May 4, 2016)</p>	<p><b>Previous:</b> 20,000 PPM  <b>July 1, 2014:</b> 500 PPM  <b>July 1, 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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