

As Introduced

**127th General Assembly
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H. B. No. 54

Representative Foley

**Cosponsors: Representatives Fende, Williams, B., Miller, Garrison, Combs,
Collier, Strahorn, Skindell**

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A B I L L

To amend section 122.075 and to enact section 5537.29 1
of the Revised Code to require that blended 2
biodiesel and E85 blend fuel be available at all 3
service stations located on the Ohio Turnpike not 4
later than January 1, 2010, and to permit the Ohio 5
Turnpike Commission to apply for grants made by 6
the Department of Development under the 7
Alternative Fuel Transportation Grant Program. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 122.075 be amended and section 9
5537.29 of the Revised Code be enacted to read as follows: 10

Sec. 122.075. (A) As used in this section: 11

(1) "Alternative fuel" means blended biodiesel or blended 12
gasoline. 13

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 14
fuel that is derived from vegetable oils or animal fats, or any 15
combination of those reagents, and that meets American society for 16
testing and materials specification D6751-03a for biodiesel fuel 17
(B100) blend stock distillate fuels. 18

(3) "Diesel fuel" and "gasoline" have the same meanings as in section 5735.01 of the Revised Code. 19
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(4) "Ethanol" has the same meaning as in section 5733.46 of the Revised Code. 21
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(5) "Blended biodiesel" means diesel fuel containing at least twenty per cent biodiesel by volume. 23
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(6) "Blended gasoline" means gasoline containing at least eighty-five per cent ethanol by volume. 25
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(7) "Incremental cost" means either of the following: 27

(a) The difference in cost between blended gasoline and gasoline containing ten per cent or less ethanol at the time that the blended gasoline is purchased; 28
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(b) The difference in cost between blended biodiesel and diesel fuel containing two per cent or less biodiesel at the time that the blended biodiesel is purchased. 31
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(B) For the purpose of improving the air quality in this state, the director of development shall establish an alternative fuel transportation grant program under which the director may make grants to businesses, nonprofit organizations, public school systems, the Ohio turnpike commission, or local governments for the purchase and installation of alternative fuel refueling or distribution facilities and terminals and alternative fuel pumps, for the purchase and use of alternative fuel, and to pay the costs of educational and promotional materials and activities intended for prospective alternative fuel consumers, fuel marketers, and others in order to increase the availability and use of alternative fuel. 34
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(C) The director, in consultation with the director of agriculture, shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of the 46
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alternative fuel transportation grant program. The rules shall 49
establish at least all of the following: 50

(1) An application form and procedures governing the 51
application process for a grant under the program; 52

(2) A procedure for prioritizing the award of grants under 53
the program. The procedures shall give preference to all of the 54
following: 55

(a) Publicly accessible refueling facilities; 56

(b) Entities seeking grants that have secured funding from 57
other sources, including, but not limited to, private or federal 58
grants; 59

(c) Entities that have presented compelling evidence of 60
demand in the market in which the facilities or terminals will be 61
located; 62

(d) Entities that have committed to utilizing purchased or 63
installed facilities or terminals for the greatest number of 64
years; 65

(e) Entities that will be purchasing or installing facilities 66
or terminals for both blended biodiesel and blended gasoline. 67

(3) A requirement that the maximum grant for the purchase and 68
installation of an alternative fuel refueling or distribution 69
facility or terminal or alternative fuel pump be eighty per cent 70
of the cost of the facility ~~or~~ terminal, or pump, except that at 71
least twenty per cent of the total net cost of the facility ~~or~~ 72
terminal, or pump shall be incurred by the grant recipient and not 73
compensated for by any other source; 74

(4) A requirement that the maximum grant for the purchase of 75
alternative fuel be eighty per cent of the incremental cost of the 76
fuel; 77

(5) Any other criteria, procedures, or guidelines that the 78

director determines are necessary to administer the program. 79

(D) An applicant for a grant under this section that sells 80
motor vehicle fuel at retail shall agree that if the applicant 81
receives a grant, the applicant will report to the director the 82
gallon amounts of blended gasoline and blended biodiesel the 83
applicant sells at retail in this state for a period of three 84
years after the grant is awarded. 85

The director shall enter into a written confidentiality 86
agreement with the applicant regarding the gallon amounts sold as 87
described in this division, and upon execution of the agreement 88
this information is not a public record. 89

(E) There is hereby created in the state treasury the 90
alternative fuel transportation grant fund. The fund shall consist 91
of money transferred to the fund under division (C) of section 92
125.836 of the Revised Code, money that is appropriated to it by 93
the general assembly, and money as may be specified by the general 94
assembly from the energy efficiency revolving loan fund created by 95
section 4928.61 of the Revised Code. Money in the fund shall be 96
used to make grants under the alternative fuel transportation 97
grant program and by the director in the administration of that 98
program. 99

Sec. 5537.29. (A) As used in this section, "blended 100
biodiesel" and "E85 blend fuel" have the same meanings as in 101
section 125.831 of the Revised Code. 102

(B) The Ohio turnpike commission shall make available for 103
sale to the public both blended biodiesel and E85 blend fuel at 104
all service stations located on the turnpike project in existence 105
on the effective date of this section from at least one fuel pump 106
at each service station underneath the fuel canopy according to 107
the following schedule: 108

(1) Not later than January 1, 2008, blended biodiesel and E85 blend fuel shall be available for sale at the six service stations that ranked first through sixth in terms of total gallons of gasoline sold during calendar year 2006 at the fourteen service stations located on the turnpike project.

(2) Not later than January 1, 2009, blended biodiesel and E85 blend fuel shall be available for sale at the six service stations that ranked seventh through twelfth in terms of total gallons of gasoline sold during calendar year 2006 at the fourteen service stations located on the turnpike project.

(3) Not later than January 1, 2010, blended biodiesel and E85 blend fuel shall be available for sale at the two service stations that ranked thirteenth and fourteenth in terms of total gallons of gasoline sold during calendar year 2006 at the fourteen service stations located on the turnpike project and at any other service stations that are constructed on the turnpike project after the effective date of this section but before January 1, 2010.

(C) Except as provided in division (B)(3) of this section, each service station constructed after the effective date of this section that is located on a turnpike project shall have blended biodiesel and E85 blend fuel available for sale to the public underneath the fuel canopy upon commencement of business from at least one fuel pump at the service station.

(D) The commission shall ensure that all service plazas that are located on a turnpike project and at which are located service stations provide on-site visibility and promotion to both blended biodiesel and E85 blend fuel to a degree that is equal to or greater than the visibility and promotion the commission provides for diesel fuel and gasoline.

(E) The executive director of the commission shall consult with the director of development to find and evaluate possible

funding sources to assist the commission with the costs associated 140
with the construction of the infrastructure needed for the sale of 141
blended biodiesel and E85 blend fuel at service stations located 142
on turnpike projects. 143

Section 2. That existing section 122.075 of the Revised Code 144
is hereby repealed. 145