

**Temporary Suspension of
Biodiesel Minimum Content
Requirement as authorized under
Minn. Stat. §239.77, subd. 2(d)**

**ORDER OF THE
COMMISSIONER**

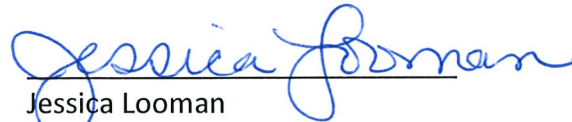
Commissioner Jessica Looman (“Commissioner”) has determined as follows:

1. Minnesota Statutes § 239.77 requires, as of May 1, 2018, that diesel fuel sold or offered for sale in Minnesota from April through September contain a minimum 20 percent biodiesel fuel oil by volume (“B20”)(“B20 Mandate”).
2. On May 21, 2018, Minnesota Soybean Processors in Brewster, Minnesota (“Brewster Plant”) notified the Minnesota Department of Commerce that it has been unable to produce ASTM and BQ-9000 compliant biodiesel since May 9, 2018 or load trucks since May 16, 2018.
3. The Brewster Plant normally produces forty-seven (47) percent of the permitted production capacity of biodiesel in Minnesota. Due to the plant’s inability to produce biodiesel, some distributors are shipping biodiesel from over six-hundred (600) miles away to meet diesel demand and maintain mandated biodiesel blend levels.
4. There is an insufficient supply of biodiesel in Minnesota to meet the current B20 Mandate.
5. Minnesota Statutes § 239.77, subd. 2(d) authorizes the Commissioner to temporarily suspend the minimum content requirement in subdivision 2 during a period of biodiesel fuel shortage or a problem with biodiesel quality that negatively affects the availability of biodiesel fuel, until there is sufficient biodiesel fuel, as defined in Minnesota Statutes § 239.77, subd. 1 available to fulfill the minimum content requirement.
6. To ease the burden on Minnesota distributors and retailers who are unable to obtain biodiesel from Minnesota producers, it is reasonable to issue a temporary suspension of the biodiesel B20 Mandate through June 30, 2018 to allow time for biodiesel plants in Minnesota to increase production capacity.

IT IS HEREBY ORDERED, that effective May 21, 2018, the minimum biodiesel content requirement of 20 percent that went into effect on May 1, 2018 under Minnesota Statutes § 239.77, subd. 2(a) is temporarily suspended through June 30, 2018.

IT IS FURTHER ORDERED, that biodiesel fuel offered for sale in Minnesota during the temporary suspension must meet the biodiesel minimum content requirement of ten (10) percent that was in effect prior to May 1, 2018 under Minnesota Statutes § 239.77, subd. 2(a).

Date 5/21/18



Jessica Looman
Commissioner