

Environmental Protection Agency

§ 80.1107

(b) For each compliance period starting with 2007, any obligated party is required to demonstrate, pursuant to §80.1127, that it has satisfied the Renewable Volume Obligation for that compliance period, as specified in §80.1107(a).

(c) An obligated party may comply with the requirements of paragraph (b) of this section for all of its refineries in the aggregate, or for each refinery individually.

(d) An obligated party must comply with the requirements of paragraph (b) of this section for all of its imported gasoline in the aggregate.

(e) An obligated party that is both a refiner and importer must comply with the requirements of paragraph (b) of this section for its imported gasoline separately from gasoline produced by its refinery or refineries.

(f) Where a refinery or importer is jointly owned by two or more parties, the requirements of paragraph (b) of this section may be met by one of the joint owners for all of the gasoline produced at the refinery, or all of the imported gasoline, in the aggregate, or each party may meet the requirements of paragraph (b) of this section for the portion of the gasoline that it owns, as long as all of the gasoline produced at the refinery, or all of the imported gasoline, is accounted for in determining the renewable fuels obligation under §80.1107.

(g) The requirements in paragraph (b) of this section apply to the following compliance periods:

(1) For 2007, the compliance period is September 1 through December 31.

(2) Beginning in 2008, and every year thereafter, the compliance period is January 1 through December 31.

[72 FR 23993, May 1, 2007]

§ 80.1107 How is the Renewable Volume Obligation calculated?

(a) The Renewable Volume Obligation for an obligated party is determined according to the following formula:

$$RVO_i = (RFStd_i * GV_i) + D_{i-1}$$

Where:

RVO_i = The Renewable Volume Obligation for an obligated party for calendar year i, in gallons of renewable fuel.

RFStd_i = The renewable fuel standard for calendar year i, determined by EPA pursuant to §80.1105, in percent.

GV_i = The non-renewable gasoline volume, determined in accordance with paragraphs (b), (c), and (d) of this section, which is produced or imported by the obligated party in calendar year i, in gallons.

D_{i-1} = Renewable fuel deficit carryover from the previous year, per §80.1127(b), in gallons.

(b) The non-renewable gasoline volume for a refiner, blender, or importer for a given year, GV_i, specified in paragraph (a) of this section is calculated as follows:

$$GV_i = \sum_{x=1}^n G_x - \sum_{y=1}^m RB_y$$

Where:

x = Individual batch of gasoline produced or imported in calendar year i.

n = Total number of batches of gasoline produced or imported in calendar year i.

G_x = Volume of batch x of gasoline produced or imported, in gallons.

y = Individual batch of renewable fuel blended into gasoline in calendar year i.

m = Total number of batches of renewable fuel blended into gasoline in calendar year i.

RB_y = Volume of batch y of renewable fuel blended into gasoline, in gallons.

(c) All of the following products that are produced or imported during a compliance period, collectively called "gasoline" for purposes of this section (unless otherwise specified), are to be included (but not double-counted) in the volume used to calculate a party's renewable volume obligation under paragraph (a) of this section, except as provided in paragraph (d) of this section:

(1) Reformulated gasoline, whether or not renewable fuel is later added to it.

(2) Conventional gasoline, whether or not renewable fuel is later added to it.

(3) Reformulated gasoline blendstock that becomes finished reformulated gasoline upon the addition of oxygenate ("RBOB").

(4) Conventional gasoline blendstock that becomes finished conventional gasoline upon the addition of oxygenate ("CBOB").

(5) Blendstock (including butane and gasoline treated as blendstock ("GTAB")) that has been combined

with other blendstock and/or finished gasoline to produce gasoline.

(6) Any gasoline, or any unfinished gasoline that becomes finished gasoline upon the addition of oxygenate, that is produced or imported to comply with a state or local fuels program.

(d) The following products are not included in the volume of gasoline produced or imported used to calculate a party's renewable volume obligation under paragraph (a) of this section:

(1) Any renewable fuel as defined in §80.1101(d).

(2) Blendstock that has not been combined with other blendstock or finished gasoline to produce gasoline.

(3) Gasoline produced or imported for use in Alaska, Hawaii, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas, unless the area has opted into the RFS program under §80.1143.

(4) Gasoline produced by a small refinery that has an exemption under §80.1141 or an approved small refiner that has an exemption under §80.1142 until January 1, 2011 (or later, for small refineries, if their exemption is extended pursuant to §80.1141(e)).

(5) Gasoline exported for use outside the 48 United States, and gasoline exported for use outside Alaska, Hawaii, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas, if the area has opted into the RFS program under §80.1143.

(6) For blenders, the volume of finished gasoline, RBOB, or CBOB to which a blender adds blendstocks.

(7) The gasoline portion of transmix produced by a transmix processor, or the transmix blended into gasoline by a transmix blender, under 40 CFR 80.84.

[72 FR 23993, May 1, 2007, as amended at 73 FR 57255, Oct. 2, 2008]

§§ 80.1108–80.1114 [Reserved]

§80.1115 How are equivalence values assigned to renewable fuel?

(a)(1) Each gallon of a renewable fuel shall be assigned an equivalence value by the producer or importer pursuant to paragraph (b) or (c) of this section.

(2) The equivalence value is a number that is used to determine how many gallon-RINs can be generated for a batch of renewable fuel according to §80.1126.

(b) Equivalence values shall be assigned for certain renewable fuels as follows:

(1) Cellulosic biomass ethanol and waste derived ethanol produced on or before December 31, 2012 which is denatured shall have an equivalence value of 2.5.

(2) Ethanol other than cellulosic biomass ethanol or waste-derived ethanol which is denatured shall have an equivalence value of 1.0.

(3) Biodiesel (mono-alkyl ester) shall have an equivalence value of 1.5.

(4) Butanol shall have an equivalence value of 1.3.

(5) Non-ester renewable diesel, including that produced from coprocessing a renewable crude with fossil fuels in a hydrotreater, shall have an equivalence value of 1.7.

(6) All other renewable crude-based renewable fuels shall have an equivalence value of 1.0.

(c)(1) For renewable fuels not listed in paragraph (b) of this section, a producer or importer shall submit an application to the Agency for an equivalence value following the provisions of paragraph (d) of this section.

(2) A producer or importer may also submit an application for an alternative equivalence value pursuant to paragraph (d) of this section if the renewable fuel is listed in paragraph (b) of this section, but the producer or importer has reason to believe that a different equivalence value than that listed in paragraph (b) of this section is warranted.

(d) *Determination of equivalence values.*

(1) Except as provided in paragraph (d)(4) of this section, the equivalence value for renewable fuels described in paragraph (c) of this section shall be calculated using the following formula:

$$EV = (R / 0.931) * (EC / 77,550)$$

Where:

EV = Equivalence Value for the renewable fuel, rounded to the nearest tenth.

R = Renewable content of the renewable fuel. This is a measure of the portion of a renewable fuel that came from a renewable