

Environmental Protection Agency

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(i) One gallon of cellulosic biomass ethanol or waste derived ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel; and

(ii) Only the renewable fuel portion of blending components derived from renewable fuel shall be counted towards the renewable fuel volume.

(2) If the nationwide average volume percent of renewable fuel in gasoline in 2006 is equal to or greater than the standard in paragraph (b) of this section, the standard has been met.

(e) *Consequence of nonattainment in 2006.* In the event that EPA determines that the requirement in paragraph (b) of this section has not been attained in 2006, a deficit carryover volume shall be added to the renewable fuel volume obligation for 2007 for use in calculating the standard applicable to gasoline in 2007.

(1) The deficit carryover volume shall be calculated as follows:

$$DC = V_{gas} * (R_s - R_a)$$

Where:

DC = Deficit carryover, in gallons, of renewable fuel.

V_{gas} = Volume of gasoline sold or dispensed to U.S. consumers in 2006, in gallons.

$R_s = 0.0278$.

R_a = Ratio of renewable fuel volume divided by total gasoline volume determined in accordance with paragraph (d)(2) of this section.

(2) There shall be no other consequence of failure to attain the standard in paragraph (b) of this section in 2006 for any of the parties in paragraph (c) of this section.

§ 80.1101 Definitions.

The definitions of § 80.2 and the following additional definitions apply for the purposes of this subpart. For calendar year 2007 and beyond, the definitions in this section § 80.1101 supplant those in § 80.1100.

(a) *Cellulosic biomass ethanol* means either of the following:

(1) Ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis and includes any of the following:

(i) Dedicated energy crops and trees.

(ii) Wood and wood residues.

(iii) Plants.

(iv) Grasses.

(v) Agricultural residues.

(vi) Animal wastes and other waste materials, the latter of which may include waste materials that are residues

(e.g., residual tops, branches, and limbs from a tree farm).

(vii) Municipal solid waste.

(2) Ethanol made at facilities at which animal wastes or other waste materials are digested or otherwise used onsite to displace 90 percent or more of the fossil fuel that is combusted to produce thermal energy integral to the process of making ethanol, by:

(i) The direct combustion of the waste materials or a byproduct resulting from digestion of such waste materials (e.g., methane from animal wastes) to make thermal energy; and/or

(ii) The use of waste heat captured from an off-site combustion process as a source of thermal energy.

(b) *Waste derived ethanol* means ethanol derived from either of the following:

(1) Animal wastes, including poultry fats and poultry wastes, and other waste materials.

(2) Municipal solid waste.

(c) *Biogas* means methane or other hydrocarbon gas produced from decaying organic material, including landfills, sewage waste treatment plants, and animal feedlots.

(d) *Renewable fuel.* (1) *Renewable fuel* is any motor vehicle fuel that is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to fuel a motor vehicle, and is produced from any of the following:

(i) Grain.

(ii) Starch.

(iii) Oilseeds.

(iv) Vegetable, animal, or fish materials including fats, greases, and oils.

(v) Sugarcane.

(vi) Sugar beets.

(vii) Sugar components.

(viii) Tobacco.

(ix) Potatoes.

(x) Other biomass.

(xi) Natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where there is decaying organic material.

(2) The term "Renewable fuel" includes cellulosic biomass ethanol, waste derived ethanol, biodiesel (mono-alky ester), non-ester renewable diesel,

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and blending components derived from renewable fuel.

(3) Ethanol covered by this definition shall be denatured as required and defined in 27 CFR parts 20 and 21.

(4) Small volume additives (excluding denaturants) less than 1.0 percent of the total volume of a renewable fuel shall be counted as part of the total renewable fuel volume.

(5) A fuel produced by a renewable fuel producer that is used in boilers or heaters is not a motor vehicle fuel and therefore is not a renewable fuel.

(e) *Blending component* has the same meaning as "Gasoline blending stock, blendstock, or component" as defined at § 80.2(s), for which the portion that can be counted as renewable fuel is calculated as set forth in § 80.1115(a).

(f) *Motor vehicle* has the meaning given in Section 216(2) of the Clean Air Act (42 U.S.C. 7550).

(g) *Small refinery* means a refinery for which the average aggregate daily crude oil throughput for the calendar year 2004 (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

(h) *Biodiesel (mono-alkyl ester)* means a motor vehicle fuel or fuel additive which is all the following:

(1) Registered as a motor vehicle fuel or fuel additive under 40 CFR part 79.

(2) A mono-alkyl ester.

(3) Meets ASTM D-6751-07, entitled "Standard Specification for Biodiesel Fuel Blendstock (B100) for Middle Distillate Fuels." ASTM D-6751-07 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania. A copy may be inspected at the EPA Docket Center, Docket No. EPA-HQ-OAR-2005-0161, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://](http://www.archives.gov/federal-register/cfr/ibr-locations.html)

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(4) Intended for use in engines that are designed to run on conventional diesel fuel.

(5) Derived from nonpetroleum renewable resources (as defined in paragraph (m) of this section).

(i) *Non-ester renewable diesel* means a motor vehicle fuel or fuel additive which is all the following:

(1) Registered as a motor vehicle fuel or fuel additive under 40 CFR part 79.

(2) Not a mono-alkyl ester.

(3) Intended for use in engines that are designed to run on conventional diesel fuel.

(4) Derived from nonpetroleum renewable resources (as defined in paragraph (m) of this section).

(j) *Renewable crude* means biologically derived liquid feedstocks including but not limited to poultry fats, poultry wastes, vegetable oil, and greases that are used as feedstocks to make gasoline or diesel fuels at production units as specified in paragraph (k) of this section.

(k) *Renewable crude-based fuels* are renewable fuels that are gasoline or diesel products resulting from the processing of renewable crudes in production units within refineries or at dedicated facilities within refineries, that process petroleum based feedstocks and which make gasoline and diesel fuel.

(l) *Importers*. For the purposes of this subpart only, an importer of gasoline or renewable fuel is:

(1) Any person who brings gasoline or renewable fuel into the 48 contiguous states of the United States from a foreign country or from an area that has not opted in to the program requirements of this subpart pursuant to § 80.1143; and

(2) Any person who brings gasoline or renewable fuel into an area that has opted in to the program requirements of this subpart pursuant to § 80.1143.

(m) *Nonpetroleum renewable resources* include, but are not limited to the following:

(1) Plant oils.

(2) Animal fats and animal wastes, including poultry fats and poultry wastes, and other waste materials.

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(3) Municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater.

(n) *Export of renewable fuel* means:

(1) Transfer of a batch of renewable fuel to a location outside the United States; and

(2) Transfer of a batch of renewable fuel from a location in the contiguous 48 states to Alaska, Hawaii, or a United States territory, unless that state or territory has received an approval from the Administrator to opt-in to the renewable fuel program pursuant to §80.1143.

(o) *Renewable Identification Number (RIN)*, is a unique number generated to represent a volume of renewable fuel pursuant to §§80.1125 and 80.1126.

(1) *Gallon-RIN* is a RIN that represents an individual gallon of renewable fuel; and

(2) *Batch-RIN* is a RIN that represents multiple gallon-RINs.

(p) *Neat renewable fuel* is a renewable fuel to which only de minimus amounts of conventional gasoline or diesel have been added.

[72 FR 23992, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 23992, May 1, 2007, §80.1101 was added, effective Sept. 1, 2007.

§§ 80.1102–80.1103 [Reserved]

§ 80.1104 What are the implementation dates for the Renewable Fuel Standard Program?

The RFS standards and other requirements of §80.1101 and all sections following are effective beginning on September 1, 2007.

[72 FR 23993, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 23993, May 1, 2007, §80.1104 was added, effective Sept. 1, 2007.

§ 80.1105 What is the Renewable Fuel Standard?

(a) The annual value of the renewable fuel standard for 2007 shall be 4.02 percent.

(b) Beginning with the 2008 compliance period, EPA will calculate the value of the annual standard and publish this value in the FEDERAL REGISTER by November 30 of the year preceding the compliance period.

(c) EPA will base the calculation of the standard on information provided by the Energy Information Administration regarding projected gasoline volumes and projected volumes of renewable fuel expected to be used in gasoline blending for the upcoming year.

(d) EPA will calculate the annual renewable fuel standard using the following equation:

$$RFStd_i = 100 * \frac{RFV_i - Cell_i}{(G_i - R_i) + (GS_i - RS_i) - GE_i}$$

Where:

RFStd_i = Renewable Fuel Standard, in year i, in percent.

RFV_i = Nationwide annual volume of renewable fuels required by section 211(o)(2)(B) of the Act (42 U.S.C. 7545), for year i, in gallons.

G_i = Amount of gasoline projected to be used in the 48 contiguous states, in year i, in gallons.

R_i = Amount of renewable fuel blended into gasoline that is projected to be used in the 48 contiguous states, in year i, in gallons.

GS_i = Amount of gasoline projected to be used in noncontiguous states or territories (if the state or territory opts-in), in year i, in gallons.

RS_i = Amount of renewable fuel blended into gasoline that is projected to be used in noncontiguous states or territories (if the state or territory opts-in), in year i, in gallons.

GE_i = Amount of gasoline projected to be produced by exempt small refineries and small refiners, in year i, in gallons (through 2010 only, except to the extent that a small refinery exemption is extended pursuant to §80.1141(e)).

Cell_i = Beginning in 2013, the amount of renewable fuel that is required to come from cellulosic sources, in year i, in gallons.

(e) Beginning with the 2013 compliance period, EPA will calculate the