

§ 80.1131

40 CFR Ch. I (7-1-07 Edition)

(b) *Renewable Volume Obligations.* An exporter of renewable fuel shall determine its Renewable Volume Obligation from the volumes of the renewable fuel exported.

(1) A renewable fuel exporter's total Renewable Volume Obligation shall be calculated according to the following formula:

$$RVO_i = (VOL_k * EV_k)_i + D_{i-1}$$

Where:

RVO_i = The Renewable Volume Obligation for the exporter for calendar year i, in gallons of renewable fuel.

k = A discrete volume of renewable fuel.

VOL_k = The standardized volume of discrete volume k of exported renewable fuel, in gallons, calculated in accordance with § 80.1126(d)(7).

EV_k = The equivalence value associated with discrete volume k.

= Sum involving all volumes of renewable fuel exported.

D_{i-1} = Renewable fuel deficit carryover from the previous year, in gallons.

(2)(i) If the equivalence value for a volume of renewable fuel can be determined pursuant to § 80.1115 based on its composition, then the appropriate equivalence value shall be used in the calculation of the exporter's Renewable Volume Obligation.

(ii) If the equivalence value for a volume of renewable fuel cannot be determined, the value of EV_k shall be 1.0.

(c) Each exporter of renewable fuel must demonstrate compliance with its RVO using RINs it has acquired pursuant to § 80.1127.

[72 FR 23995, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 23995, May 1, 2007, § 80.1130 was added, effective Sept. 1, 2007.

§ 80.1131 Treatment of invalid RINs.

(a) *Invalid RINs.* An invalid RIN is a RIN that is any of the following:

- (1) Is a duplicate of a valid RIN.
- (2) Was based on volumes that have not been standardized to 60 °F.
- (3) Has expired.
- (4) Was based on an incorrect equivalence value.
- (5) Is deemed invalid under § 80.1167(g).
- (6) Does not represent renewable fuel as it is defined in § 80.1101.
- (7) Was otherwise improperly generated.

(b) In the case of RINs that are invalid, the following provisions apply:

(1) Invalid RINs cannot be used to achieve compliance with the Renewable Volume Obligation of an obligated party or exporter, regardless of the party's good faith belief that the RINs were valid at the time they were acquired.

(2) Upon determination by any party that RINs owned are invalid, the party must adjust their records, reports, and compliance calculations as necessary to reflect the deletion of the invalid RINs.

(3) Any valid RINs remaining after deleting invalid RINs must first be applied to correct the transfer of invalid RINs to another party before applying the valid RINs to meet the party's Renewable Volume Obligation at the end of the compliance year.

(4) In the event that the same RIN is transferred to two or more parties, all such RINs will be deemed to be invalid, unless EPA in its sole discretion determines that some portion of these RINs is valid.

[72 FR 23995, May 1, 2007]

EFFECTIVE DATE NOTE: At 72 FR 23995, May 1, 2007, § 80.1131 was added, effective Sept. 1, 2007.

§ 80.1132 Reported spillage of renewable fuel.

(a) A reported spillage under paragraph (d) of this section means a spillage of renewable fuel associated with a requirement by a federal, state or local authority to report the spillage.

(b) Except as provided in paragraph (c) of this section, in the event of a reported spillage of any volume of renewable fuel, the owner of the renewable fuel must retire a number of gallon-RINs corresponding to the volume of spilled renewable fuel multiplied by its equivalence value.

(1) If the equivalence value for the spilled volume may be determined pursuant to § 80.1115 based on its composition, then the appropriate equivalence value shall be used.

(2) If the equivalence value for a spilled volume of renewable fuel cannot be determined, the equivalence value shall be 1.0.