

§ 73.90

40 CFR Ch. I (7–1–10 Edition)

3. RENEWABLE ENERGY GENERATION MEASURES APPLICABLE FOR THE CONSERVATION AND RENEWABLE ENERGY RESERVE PROGRAM

The following listed measures are approved as “qualified renewable energy generation” for purposes of the Conservation and Renewable Energy Reserve Program. Measures not appearing on the list may also be qualified renewable energy generation measures if they meet the requirements specified in § 73.81.

3.1 Biomass resources

- Combustible energy-producing materials from biological sources which include: wood, plant residues, biological wastes, landfill gas, energy crops, and eligible components of municipal solid waste.

3.2 Solar resources

- Solar thermal systems and the non-fossil fuel portion of solar thermal hybrid systems
- Grid and non-grid connected photovoltaic systems, including systems added for voltage or capacity augmentation of a distribution grid.

3.4 Geothermal resources

- Hydrothermal or geopressurized resources used for dry steam, flash steam, or binary cycle generation of electricity.

3.5 Wind resources

- Grid-connected and non-grid-connected wind farms
- Individual wind-driven electrical generating turbines

Subpart G—Small Diesel Refineries

§ 73.90 Allowance allocations for small diesel refineries.

(a) *Initial certification of eligibility.* The certifying official of a refinery that seeks allowances under this section shall apply for certification of its facility eligibility prior to or accompanying a request for allowances under paragraph (d) of this section. A completed application for certification, submitted to the address in § 73.13 of this chapter, shall include the following:

(1) Photocopies of Form EIA-810 for each month of calendar years 1988 through 1990 for the refinery;

(2) Photocopies of Form EIA-810 for each month of calendar years 1988 through 1990 for each refinery owned or controlled by the refiner that owns or

controls the refinery seeking certification; and

(3) A letter certified by the certifying official that the submitted photocopies are exact duplicates of those forms filed with the Department of Energy for 1988 through 1990.

(b) *Request for allowances.* (1) In addition to the application for certification, prior to, or accompanying, the request for allowances, the certifying official for the refinery shall submit an Allowance Tracking System New Account/New Authorized Account Representative Form.

(2) The request for allowances shall be submitted to the address in § 72.13 and shall include the following information:

(i) Certification that all motor fuel produced by the refinery for which allowances are claimed meets the requirements of subsection 211(i) of the Clean Air Act;

(ii) For calendar year 1993 desulfurized diesel fuel, photocopies of Form 810 for October, November and December 1993;

(iii) For calendar years 1994 through 1999, inclusive, photocopies of Form 810 for each month in the respective calendar year.

(3) For joint ventures, each eligible refinery shall submit a separate application under paragraph (b)(2) of this section. Each application must include the diesel fuel throughput applicable to the joint agreement and the requested distribution of allowances that would be allocated to the joint agreement. If the applications for refineries involved in the joint agreement are inconsistent as to the throughput of diesel fuel applicable to the joint agreement or as to the distribution of the allowances, all involved applications will be considered void for purposes of the joint agreement.

(4) The certifying official shall submit all requests for allowances by April 1 of the calendar year following the year in which the diesel fuel was desulfurized to the Director, Acid Rain Division, under the procedures set forth in § 73.13 of this part.

(c) *Allowance allocation.* The Administrator will allocate allowances to the eligible refinery upon satisfactory submittal of information under paragraphs

(a) and (b) of this section in the amount calculated according to the following equations. Such allowances will be allocated to the refinery's non-unit subaccount for the calendar year in which the application is made.

(1) Allowances allocated under this section to any eligible refinery will be limited to the tons of SO₂ attributable

to the desulfurization of diesel fuel at the refinery. (2) The refinery will be allocated allowances for a calendar year and, in the case of 1993, for the period October 1 through December 31, calculated according to the following equation, but not to exceed 1500 for any calendar year:

$$\text{Allowances Requested} = \frac{\left[\begin{matrix} (a) \\ \text{Diesel Fuel Production} \end{matrix} \right] \times \left[\begin{matrix} (b) \\ (302) \end{matrix} \right] \times \left[\begin{matrix} (c) \\ (0.00224) \end{matrix} \right] \times \left[\begin{matrix} (d) \\ (2) \end{matrix} \right]}{\left[\begin{matrix} 2000 \\ (e) \end{matrix} \right]}$$

where:

- a = diesel fuel in barrels for the year (or for October 1 through December 31 for 1993)
- b = lbs per barrel of diesel
- c = lbs of sulfur per lbs of diesel
- d = lbs of SO₂ per lbs of sulfur
- e = lbs per short ton

(3) If applications for a given year request, in the aggregate, more than 35,000 allowances, the Administrator will allocate allowances to each refinery in the amount equal to the lesser of 1500 or:

$$\text{Refinery Allowances} = \text{the lesser of} \left[\begin{matrix} \text{Allowances Requested} \times \frac{35,000}{\text{Total Allowances Requested}} \\ \text{or} \\ 1,500 \end{matrix} \right]$$

[58 FR 15716, Mar. 23, 1993; 58 FR 33770, June 21, 1993; 62 FR 55486, Oct. 24, 1997]

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