on-site (as defined in 40 CFR 52.21(b)(11)).

(B) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the facility.

(ii) For multi-phased projects, the commencement of construction of one phase does not constitute commencement of construction of any later phase, unless each phase is mutually dependent for physical and chemical reasons only.

(2) [Reserved]

(b) The lifecycle greenhouse gas emissions from renewable fuels must be at least 20 percent less than baseline lifecycle greenhouse gas emissions, with the exception of the baseline volumes of renewable fuel produced from facilities described in paragraphs (c) and (d) of this section.

(c) The baseline volume of renewable fuel that is produced from facilities and any expansions, all of which commenced construction on or before December 19, 2007, shall not be subject to the requirement that lifecycle greenhouse gas emissions be at least 20 percent less than baseline lifecycle greenhouse gas emissions if the owner or operator:

(1) Did not discontinue construction for a period of 18 months after commencement of construction; and

(2) Completed construction by December 19, 2010.

(d) The baseline volume of ethanol that is produced from facilities and any expansions all of which commenced construction after December 19, 2007 and on or before December 31, 2009, shall not be subject to the requirement that lifecycle greenhouse gas emissions be at least 20 percent less than baseline lifecycle greenhouse gas emissions if such facilities are fired with natural gas, biomass, or a combination thereof at all times the facility operated between December 19, 2007 and December 31, 2009 and if:

(1) The owner or operator did not discontinue construction for a period of 18 months after commencement of construction;

(2) The owner or operator completed construction within 36 months of commencement of construction; and

(3) The baseline volume continues to be produced through processes fired with natural gas, biomass, or any combination thereof.

(e) The annual volume of renewable fuel during a calendar year from facilities described in paragraphs (c) and (d) of this section that exceeds the baseline volume shall be subject to the requirement that lifecycle greenhouse gas emissions be at least 20 percent less than baseline lifecycle greenhouse gas emissions.

(f) If there are any changes in the mix of renewable fuels produced by those facilities described in paragraph (d) of this section, only the ethanol volume (to the extent it is less than or equal to baseline volume) will not be subject to the requirement that lifecycle greenhouse gas emissions be at least 20 percent less than baseline lifecycle greenhouse gas emissions. Any party that changes the fuel mix must update their registration as specified in §80.1450(d).


§ 80.1404 [Reserved]

§ 80.1405 What are the Renewable Fuel Standards?

(a) (1) Renewable Fuel Standards for 2010.

(i) The value of the cellulosic biofuel standard for 2010 shall be 0.004 percent.

(ii) The value of the biomass-based diesel standard for 2010 shall be 1.10 percent.

(iii) The value of the advanced biofuel standard for 2010 shall be 0.61 percent.

(iv) The value of the renewable fuel standard for 2010 shall be 8.25 percent.

(2) Renewable Fuel Standards for 2011.

(i) The value of the cellulosic biofuel standard for 2011 shall be 0.003 percent.

(ii) The value of the biomass-based diesel standard for 2011 shall be 0.69 percent.

(iii) The value of the advanced biofuel standard for 2011 shall be 0.78 percent.
(iv) The value of the renewable fuel standard for 2011 shall be 8.01 percent.

(3) Renewable Fuel Standards for 2012.

(i) The value of the cellulosic biofuel standard for 2012 shall be 0.006 percent.

(ii) The value of the biomass-based diesel standard for 2012 shall be 0.91 percent.

(iii) The value of the advanced biofuel standard for 2012 shall be 1.21 percent.

(iv) The value of the renewable fuel standard for 2012 shall be 9.23 percent.

(b) EPA will calculate the value of the annual standards and publish these values in the Federal Register by November 30 of the year preceding the compliance period.

(c) EPA will calculate the annual renewable fuel percentage standards using the following equations:

\[
\text{Std}_{\text{CR},i} = 100 \times \frac{RFV_{\text{CR},i}}{(G_i - RG_i) + (G_S - RG_S) - GE_i + (D_i - RD_i) + (DS_i - RDS_i) - DE_i}
\]

\[
\text{Std}_{\text{BBD},i} = 100 \times \frac{RFV_{\text{BBD},i} \times 1.5}{(G_i - RG_i) + (G_S - RG_S) - GE_i + (D_i - RD_i) + (DS_i - RDS_i) - DE_i}
\]

\[
\text{Std}_{\text{AB},i} = 100 \times \frac{RFV_{\text{AB},i}}{(G_i - RG_i) + (G_S - RG_S) - GE_i + (D_i - RD_i) + (DS_i - RDS_i) - DE_i}
\]

\[
\text{Std}_{\text{RF},i} = 100 \times \frac{RFV_{\text{RF},i}}{(G_i - RG_i) + (G_S - RG_S) - GE_i + (D_i - RD_i) + (DS_i - RDS_i) - DE_i}
\]

Where:

- Std_{\text{CR},i} = The cellulosic biofuel standard for year \( i \), in percent.
- Std_{\text{BBD},i} = The biomass-based diesel standard for year \( i \), in percent.
- Std_{\text{AB},i} = The advanced biofuel standard for year \( i \), in percent.
- Std_{\text{RF},i} = The renewable fuel standard for year \( i \), in percent.
- RFV_{\text{CR},i} = Annual volume of cellulosic biofuel required by 42 U.S.C. 7545(o)(2)(B) for year \( i \), in gallons.
- RFV_{\text{BBD},i} = Annual volume of biomass-based diesel required by 42 U.S.C. 7545(o)(2)(B) for year \( i \), in gallons.
- RFV_{\text{AB},i} = Annual volume of advanced biofuel required by 42 U.S.C. 7545(o)(2)(B) for year \( i \), in gallons.
- RFV_{\text{RF},i} = Annual volume of renewable fuel required by 42 U.S.C. 7545(o)(2)(B) for year \( i \), in gallons.
- RG_{i} = Amount of gasoline projected to be used in the 48 contiguous states and Hawaii, in year \( i \), in gallons.
- RD_{i} = Amount of diesel projected to be used in the 48 contiguous states and Hawaii, in year \( i \), in gallons.
- RG_{i} = Amount of diesel projected to be used in the 48 contiguous states and Hawaii, in year \( i \), in gallons.
the 48 contiguous states and Hawaii, in year i, in gallons.

GS<sub>i</sub> = Amount of gasoline projected to be used in Alaska or a U.S. territory, in year i, if the state or territory has opted-in or opts-in, in gallons.

RGS<sub>i</sub> = Amount of renewable fuel blended into gasoline that is projected to be consumed in Alaska or a U.S. territory, in year i, if the state or territory opts-in, in gallons.

DS<sub>i</sub> = Amount of diesel projected to be used in Alaska or a U.S. territory, in year i, if the state or territory has opted-in or opts-in, in gallons.

RDS<sub>i</sub> = Amount of renewable fuel blended into diesel that is projected to be consumed in Alaska or a U.S. territory, in year i, if the state or territory opts-in, in gallons.

GE<sub>i</sub> = The amount of gasoline projected to be produced by exempt small refineries and small refiners, in year i, in gallons in any year they are exempt per §§80.1441 and 80.1442.

DE<sub>i</sub> = The amount of diesel projected to be produced by exempt small refineries and small refiners in year i, in gallons, in any year they are exempt per §§80.1441 and 80.1442.

(d) (1) The 2010 price for cellulosic biofuel waiver credits is $1.56 per waiver credit.

(2) The 2011 price for cellulosic biofuel waiver credits is $1.13 per waiver credit.

(3) The 2012 price for cellulosic biofuel waiver credits is $0.78 per waiver credit.

§ 80.1406 Who is an obligated party under the RFS program?

(a)(1) An obligated party is any refiner that produces gasoline or diesel fuel within the 48 contiguous states or Hawaii, or any importer that imports gasoline or diesel fuel into the 48 contiguous states or Hawaii during a compliance period. A party that simply blends renewable fuel into gasoline or diesel fuel, as defined in §80.1407(c) or (e), is not an obligated party.

(2) If the Administrator approves a petition of Alaska or a United States territory to opt-in to the renewable fuel program under the provisions in §80.1443, then “obligated party” shall also include any refiner that produces gasoline or diesel fuel within that state or territory, or any importer that imports gasoline or diesel fuel into that state or territory.

(b) For each compliance period starting with 2010, an obligated party is required to demonstrate, pursuant to §80.1427, that it has satisfied the Renewable Volume Obligations for that compliance period, as specified in §80.1407(a).

(c) Aggregation of facilities—(1) Except as provided in paragraphs (c)(2), (d) and (e) of this section, an obligated party may comply with the requirements of paragraph (b) of this section in the aggregate for all of the refineries that it operates, or for each refinery individually.

(2) An obligated party that carries a deficit into year i+1 must use the same approach to aggregation of facilities in year i+1 as it did in year i.

(d) An obligated party must comply with the requirements of paragraph (b) of this section for its imported gasoline or diesel fuel separately from gasoline or diesel fuel produced by its domestic refinery or refineries.

(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 or diesel fuel in the aggregate.

(f) Where a refinery or import facility 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 or diesel fuel produced/imported or separately from gasoline or diesel fuel produced by its domestic refinery or refineries.

(g) The requirements in paragraph (b) of this section apply to the following compliance periods: Beginning in 2010, and every year thereafter, the compliance period is January 1 through December 31.