

(5) FOR A BIODIESEL PRODUCTION FACILITY, INFORMATION DEMONSTRATING:

(I) THE PRODUCTION CAPACITY OF THE FACILITY; AND

(II) THE QUANTITY AND AVAILABILITY OF SOYBEAN OIL AND OTHER SUITABLE BIO-BASED OILS IN THE VICINITY OF THE PRODUCTION FACILITY THAT MAY BE USED BY THE FACILITY;

(6) INFORMATION DEMONSTRATING:

(I) THE AVAILABILITY AND COST OF ENERGY SUFFICIENT TO OPERATE THE FACILITY;

(II) THE AVAILABILITY OF SUFFICIENT WATER AND WASTE DISPOSAL SYSTEMS FOR THE FACILITY;

(III) THE AVAILABILITY OF SUFFICIENT LABOR AND A QUALIFIED SITE MANAGER FOR THE FACILITY; AND

(IV) THAT THE FACILITY WILL MEET ALL STATE AND FEDERAL ENVIRONMENTAL STANDARDS;

(7) ANY PROPOSED MARKETING AGREEMENTS FOR THE ETHANOL OR BIODIESEL PRODUCTS;

(8) A PLAN TO GIVE FARMERS IN THE STATE THE OPPORTUNITY TO INVEST IN THE FACILITY; AND

(9) THAT THE APPLICANT WILL MEET ANY OTHER REQUIREMENT ESTABLISHED BY THE BOARD.

(C) THE BOARD SHALL:

(1) REVIEW EACH APPLICATION SUBMITTED UNDER THIS SUBTITLE;

(2) APPROVE OR DENY THE APPLICATION WITHIN 60 DAYS OF RECEIPT OF THE APPLICATION; AND

(3) FOR AN APPROVED APPLICATION, CERTIFY THE PRODUCER AS ELIGIBLE FOR A CREDIT IN AN AMOUNT THAT IS:

(I) BASED ON THE PRODUCTION CAPACITY OF THE FACILITY, AS DETERMINED BY THE BOARD; AND

(II) CONSISTENT WITH SUBSECTION (D) OF THIS SECTION.

(D) (1) THE BOARD MAY NOT CERTIFY ETHANOL PRODUCTION CREDITS FOR MORE THAN:

(I) ~~15,000,000 GALLONS PER PRODUCER PER CALENDAR YEAR, OR~~

(II) A TOTAL OF ~~45,000,000~~ 15,000,000 GALLONS PER CALENDAR YEAR, OF WHICH AT LEAST ~~15,000,000~~ 10,000,000 GALLONS SHALL BE PRODUCED FROM SMALL GRAINS.