

(2) THE BOARD MAY NOT CERTIFY BIODIESEL PRODUCTION CREDITS FOR MORE THAN:

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

~~(II) A TOTAL OF 20,000,000~~ 5,000,000 GALLONS PER CALENDAR YEAR, OF WHICH AT LEAST ~~10,000,000~~ 2,000,000 GALLONS SHALL BE FROM SOYBEAN OIL PRODUCED:

~~1-~~ (I) IN A FACILITY THAT BEGAN OPERATING AFTER DECEMBER 31, 2004; OR

~~2-~~ (II) UNDER THE EXPANDED CAPACITY OF A FACILITY, THE EXPANSION OF WHICH OCCURRED AFTER DECEMBER 31, 2004.

(E) (1) IF ELIGIBLE, A PRODUCER MAY APPLY TO THE BOARD FOR CERTIFICATION FOR ADDITIONAL CREDITS IF THE PRODUCER INCREASES THE PRODUCTION CAPACITY OF THE FACILITY.

(2) IF A FACILITY DOES NOT ACHIEVE ITS CERTIFIED PRODUCTION CAPACITY FOR TWO CONSECUTIVE YEARS, THE BOARD MAY REVISE THE STATED PRODUCTION CAPACITY OF THE FACILITY AND THE CORRESPONDING CREDIT CERTIFICATION OF THE PRODUCER TO REFLECT ACTUAL PRODUCTION.

(F) AN APPLICATION SUBMITTED TO THE BOARD UNDER THIS SECTION IS NOT SUBJECT TO DISCLOSURE UNDER THE MARYLAND PUBLIC INFORMATION ACT.

10-1505.

(A) (1) THE BOARD MAY PAY CREDITS AS CALCULATED UNDER THIS SECTION TO CERTIFIED PRODUCERS OF ETHANOL OR BIODIESEL IN THE STATE FOR ETHANOL OR BIODIESEL PRODUCED ON OR AFTER DECEMBER 31, 2007.

(2) (I) FOR THE PURPOSES OF THIS SUBTITLE, A PERSON THAT HOLDS A CONTROLLING INTEREST IN MORE THAN ONE ETHANOL PRODUCTION FACILITY IS CONSIDERED TO BE A SINGLE ETHANOL PRODUCER.

(II) FOR THE PURPOSES OF THIS SUBTITLE, A PERSON THAT HOLDS A CONTROLLING INTEREST IN MORE THAN ONE BIODIESEL PRODUCTION FACILITY IS CONSIDERED TO BE A SINGLE BIODIESEL PRODUCER.

(B) (1) FOR AN ETHANOL PRODUCER, A CREDIT MAY NOT EXCEED THE MAXIMUM AMOUNT CERTIFIED BY THE BOARD AND SHALL BE:

(I) 20 CENTS PER GALLON OF ETHANOL PRODUCED FROM SMALL GRAINS; AND

(II) 5 CENTS PER GALLON OF ETHANOL PRODUCED FROM OTHER AGRICULTURAL PRODUCTS.

(2) FOR A BIODIESEL PRODUCER, A CREDIT MAY NOT EXCEED THE MAXIMUM AMOUNT CERTIFIED BY THE BOARD AND SHALL BE: