

§ 80.1143

40 CFR Ch. I (7-1-08 Edition)

(i) Any refiner that acquires a refinery from another refiner with approved small refiner status under paragraph (a) of this section shall notify EPA in writing no later than 20 days following the acquisition.

(j) Verification letters under paragraph (b) of this section and small refiner exemption waivers under paragraph (h) of this section shall be sent to one of the following addresses:

(1) *For U.S. Mail:* U.S. EPA—Attn: RFS Program, 6406J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(2) *For overnight or courier services:* U.S. EPA, Attn: RFS Program, 6406J, 1310 L Street, NW., 6th floor, Washington, DC 20005.

[72 FR 23999, May 1, 2007]

§ 80.1143 What are the opt-in provisions for noncontiguous states and territories?

(a) A noncontiguous state or United States territory may petition the Administrator to opt-in to the program requirements of this subpart.

(b) The Administrator will approve the petition if it meets the provisions of paragraphs (c) and (d) of this section.

(c) The petition must be signed by the Governor of the state or his authorized representative (or the equivalent official of the territory).

(d)(1) A petition submitted under this section must be received by the Agency by November 1 for the state or territory to be included in the RFS program in the next calendar year.

(2) A petition submitted under this section should be sent to either of the following addresses:

(i) *For U.S. Mail:* U.S. EPA—Attn: RFS Program, 6406J, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(ii) *For overnight or courier services:* U.S. EPA, Attn: RFS Program, 6406J, 1310 L Street, NW., 6th floor, Washington, DC 20005.

(e) Upon approval of the petition by the Administrator:

(1) EPA shall calculate the standard for the following year, including the total gasoline volume for the State or territory in question.

(2) Beginning on January 1 of the next calendar year, all gasoline refiners and importers in the state or terri-

tory for which a petition has been approved shall be obligated parties as defined in § 80.1106.

(3) Beginning on January 1 of the next calendar year, all renewable fuel producers in the State or territory for which a petition has been approved shall, pursuant to § 80.1126(a)(2), be required to generate RINs and assign them to batches of renewable fuel.

[72 FR 23999, May 1, 2007]

§§ 80.1144–80.1149 [Reserved]

§ 80.1150 What are the registration requirements under the RFS program?

(a) Any obligated party described in § 80.1106 and any exporter of renewable fuel described in § 80.1130 must provide EPA with the information specified for registration under § 80.76, if such information has not already been provided under the provisions of this part. An obligated party or an exporter of renewable fuel must receive EPA-issued identification numbers prior to engaging in any transaction involving RINs. Registration information may be submitted to EPA at any time after promulgation of this rule in the FEDERAL REGISTER.

(b) Any importer or producer of a renewable fuel must provide EPA the information specified under § 80.76, if such information has not already been provided under the provisions of this part, and must receive EPA-issued company and facility identification numbers prior to generating or assigning any RINs. Registration information may be submitted to EPA at any time after promulgation of this rule in the FEDERAL REGISTER.

(c) Any party who owns or intends to own RINs, but who is not covered by paragraphs (a) and (b) of this section, must provide EPA the information specified under § 80.76, if such information has not already been provided under the provisions of this part and must receive an EPA-issued company identification number prior to owning any RINs. Registration information may be submitted to EPA at any time after promulgation of this rule in the FEDERAL REGISTER.

(d) Registration shall be on forms, and following policies, established by the Administrator.

[72 FR 24000, May 1, 2007]

§ 80.1151 What are the recordkeeping requirements under the RFS program?

(a) Beginning September 1, 2007, any obligated party (as described at § 80.1106) or exporter of renewable fuel (as described at § 80.1130) must keep all of the following records:

(1) Product transfer documents consistent with § 80.1153 and associated with the obligated party's activity, if any, as transferor or transferee of renewable fuel.

(2) Copies of all reports submitted to EPA under § 80.1152(a).

(3) Records related to each RIN transaction, which includes all the following:

(i) A list of the RINs owned, purchased, sold, retired or expired.

(ii) The parties involved in each RIN transaction including the transferor, transferee, and any broker or agent.

(iii) The date of the transfer of the RIN(s).

(iv) Additional information related to details of the transaction and its terms.

(4) Records related to the use of RINs (by facility, if applicable) for compliance, which includes all the following:

(i) Methods and variables used to calculate the Renewable Volume Obligation pursuant to § 80.1107 or § 80.1130.

(ii) List of RINs used to demonstrate compliance.

(iii) Additional information related to details of RIN use for compliance.

(b) Beginning September 1, 2007, any producer or importer of a renewable fuel as defined at § 80.1101(d) must keep all of the following records:

(1) Product transfer documents consistent with § 80.1153 and associated with the renewable fuel producer's or importer's activity, if any, as transferor or transferee of renewable fuel.

(2) Copies of all reports submitted to EPA under § 80.1152(b).

(3) Records related to the generation and assignment of RINs for each facility, including all of the following:

(i) Batch volume in gallons.

(ii) Batch number.

(iii) RIN number as assigned under § 80.1126.

(iv) Identification of batches meeting the definition of cellulosic biomass ethanol.

(v) Date of production or import.

(vi) Results of any laboratory analysis of batch chemical composition or physical properties.

(vii) Additional information related to details of RIN generation.

(4) Records related to each RIN transaction, including all of the following:

(i) A list of the RINs owned, purchased, sold, retired or expired.

(ii) The parties involved in each transaction including the transferor, transferee, and any broker or agent.

(iii) The date of the transfer of the RIN(s).

(iv) Additional information related to details of the transaction and its terms.

(5) Records related to the production or importation of any volume of renewable fuel that the renewable fuel producer or importer designates as motor vehicle fuel and the use of the fuel as motor vehicle fuel.

(c) Beginning September 1, 2007, any producer of a renewable fuel defined at § 80.1101(d) must keep verifiable records of the following:

(1) The amount and type of fossil fuel and waste material-derived fuel used in producing on-site thermal energy dedicated to the production of ethanol at plants producing cellulosic biomass ethanol through the displacement of 90 percent or more of the fossil fuel normally used in the production of ethanol, as described at § 80.1101(a)(2).

(2) The amount and type of feedstocks used in producing cellulosic biomass ethanol as defined in § 80.1101(a)(1).

(3) The equivalent amount of fossil fuel (based on reasonable estimates) associated with the use of off-site generated waste heat that is used in the production of ethanol at plants producing cellulosic biomass ethanol through the displacement of 90 percent or more of the fossil fuel normally used in the production of ethanol, as described at § 80.1101(a)(2).

(4) The plot plan and process flow diagram for plants producing cellulosic