
40 C.F.R. § 80.1454

What are the recordkeeping requirements under the RFS program?

(a) *Requirements for obligated parties and exporters of renewable fuel.* Beginning July 1, 2010, any obligated party or exporter of renewable fuel must keep all of the following records:

- (1) Product transfer documents consistent with § 80.1453 and associated with the obligated party's or exporter of renewable fuel's activity, if any, as transferor or transferee of renewable fuel or separated RINs.
 - (2) Copies of all reports submitted to EPA under § 80.1451(a), as applicable.
 - (3) Records related to each RIN transaction, including all of the following:
 - (i) A list of the RINs owned, purchased, sold, separated, retired, or reinstated.
 - (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, including contracts, correspondence, and invoices, related to details of the RIN transaction and its terms.
 - (4) Records related to the use of RINs (by facility, if applicable) for compliance, including all of the following:
 - (i) Methods and variables used to calculate the Renewable Volume Obligations pursuant to § 80.1407 or § 80.1430.
 - (ii) List of RINs used to demonstrate compliance.
 - (iii) Additional information related to details of RIN use for compliance.
 - (5) Records related to the separation of assigned RINs from renewable fuel volume.
 - (6) For exported renewable fuel, invoices, bills of lading and other documents describing the exported renewable fuel.
 - (i) For exporters of renewable fuel for which no RINs were generated, an affidavit signed by the producer of the exported renewable fuel affirming that no RINs were generated for that volume of renewable fuel.
 - (ii) [Reserved]
 - (7) Any obligated party that uses the provisions of § 80.1444 for a small refinery must keep the following records:
 - (i) Copies of any notifications submitted to EPA under § 80.1444(e)(2).
 - (ii) Copies of the methods and variables used to calculate the number of RINs retired for the alternative RIN
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retirement schedule under § 80.1444(f).

(b) *Requirements for all producers of renewable fuel.* Beginning July 1, 2010, any domestic or RIN-generating foreign producer of a renewable fuel must keep all of the following records in addition to those required under paragraphs (c) or (d) of this section:

- (1) Product transfer documents consistent with § 80.1453 and associated with the renewable fuel producer's activity, if any, as transferor or transferee of renewable fuel or separated RINs.
 - (2) Copies of all reports submitted to EPA under §§ 80.1449 and 80.1451(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 as assigned under § 80.1426, if applicable.
 - (iv) Identification of batches by renewable category.
 - (v) Type and quantity of co-products produced.
 - (vi) Type and quantity of feedstocks used.
 - (vii) Type and quantity of biointermediates used.
 - (viii) Type and quantity of fuel used for process heat.
 - (ix) All facility-determined values used in the calculations under § 80.1426(f)(4) and the data used to obtain those values.
 - (x) Date of production.
 - (xi) Results of any laboratory analysis of batch chemical composition or physical properties.
 - (xii) For RINs generated for ethanol produced from corn starch at a facility using an approved pathway that requires the use of one or more of the advanced technologies listed in Table 2 to § 80.1426, documentation to demonstrate that employment of the required advanced technology or technologies was conducted in accordance with the specifications in the approved pathway and Table 2 to § 80.1426, including any requirement for application to 90% of the production on a calendar year basis.
 - (xiii) All commercial documents and additional information related to details of RIN generation.
 - (4) Records related to each RIN transaction, separately for each transaction, including all of the following:
 - (i) A list of the RINs owned, purchased, sold, separated, retired, or reinstated.
 - (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, importation, ownership, sale or use of any volume of renewable fuel for
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which RINs were generated or blend of renewable fuel for which RINs were generated and gasoline or diesel fuel that any party designates for use as transportation fuel, jet fuel, or heating oil and the use of the fuel or blend as transportation fuel, jet fuel, or heating oil without further blending, in the designated form.

(6) Copies of registration documents required under § 80.1450, including information on fuels and products, feedstocks, biointermediates, facility production processes, process changes, and capacity, energy sources, and a copy of the independent third party engineering review report submitted to EPA per § 80.1450(b)(2).

(7) For any producer of renewable fuel made from *Arundo donax* or *Pennisetum purpureum* per § 80.1426(f)(14), all the following:

(i) Records related to all requirements and duties set forth in the registration documents described in § 80.1450(b)(1)(x)(A), including but not limited to the Risk Mitigation Plan, monitoring records and reports, and adherence to state, local and federal invasive species requirements and permits.

(ii) Records associated with feedstock purchases and transfers that identify where the feedstocks were produced and are sufficient to verify that feedstocks used were produced and transported in accordance with an EPA approved Risk Mitigation Plan or were produced on land that the EPA determined does not present a significant likelihood of invasive spread beyond the planting area of the feedstock used for production of the renewable fuel, including all the following:

(A) Maps or electronic data identifying the boundaries of the land where each type of feedstock was produced.

(B) Bills of lading, product transfer documents, or other commercial documents showing the quantity of feedstock purchased from each area identified above, and showing each transfer of custody of the feedstock from the location where it was produced to the renewable fuel production facility.

(8) A producer of fuel oil meeting paragraph (2) of the definition of heating oil in § 80.2 shall keep copies of all contracts which describe the fuel oil under contract with each end user.

(9) Records, including contracts, related to the implementation of a QAP under § 80.1469.

(10) Records related to any volume of renewable fuel where RINs were not generated by the renewable fuel producer or importer pursuant to § 80.1426(c).

(c) *Additional requirements for imports of renewable fuel.* (1) Beginning July 1, 2010, any RIN-generating foreign producer of a renewable fuel or RIN-generating importer must keep records of feedstock purchases and transfers associated with renewable fuel for which RINs are generated, sufficient to verify that feedstocks used are renewable biomass.

(i) RIN-generating foreign producers and importers of renewable fuel made from feedstocks that are planted crops or crop residue from existing foreign agricultural land, planted trees or tree residue from actively managed tree plantations, slash and pre-commercial thinnings from forestlands or biomass obtained from wildland-urban interface must maintain all the following records to verify the location where these feedstocks were produced:

(A) Maps or electronic data identifying the boundaries of the land where each type of feedstock was produced.

(B) Bills of lading, product transfer documents, or other commercial documents showing the quantity of feedstock purchased from each area identified in paragraph (c)(1)(i)(A) of this section, and showing each transfer of custody of the feedstock from the location where it was produced to the renewable fuel production facility.

(ii)

(A) RIN-generating foreign producers and importers of renewable fuel made from planted crops or crop residue from existing foreign agricultural land must keep records that serve as evidence that the land from which the feedstock was obtained was cleared or cultivated prior to December 19, 2007 and actively managed or fallow, and nonforested on December 19, 2007. RIN-generating foreign producers or importers of renewable fuel made from planted trees or tree residue from actively managed tree plantations must keep records that serve as evidence that the land from which the feedstock was obtained was cleared prior to December 19, 2007 and actively managed on December 19, 2007.

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