§ 80.1155 What are the additional requirements for a producer of cellulosic biomass ethanol or waste derived ethanol?

(a) A producer of cellulosic biomass ethanol or waste derived ethanol (hereinafter referred to as “ethanol producer” under this section) is required to arrange for an independent third party to review the records required in §80.1151(c) and provide the ethanol producer with a written verification that the records support a claim that:

1. The ethanol producer’s facility is a facility that has the capability of producing cellulosic biomass ethanol as defined in §80.1101(a) or waste derived ethanol as defined in §80.1101(b); and
2. The ethanol producer produces cellulosic biomass ethanol as defined in §80.1101(a) or waste derived ethanol as defined in §80.1101(b).

(b) The verifications required under paragraph (a) of this section must be conducted by a Professional Chemical Engineer who is based in the United States and is licensed by the appropriate state agency, unless the ethanol producer is a foreign producer subject to §80.1166.

(c) To be considered an independent third party under paragraph (a) of this section:

1. The third party shall not be operated by the ethanol producer or any subsidiary of employee of the ethanol producer.
2. The third party shall be free from any interest in the ethanol producer’s business.
3. The ethanol producer shall be free from any interest in the third party’s business.
4. Use of a third party that is debarred, suspended, or proposed for debarment pursuant to the Government-wide Debarment and Suspension regulations, 40 CFR part 32, or the Debarment, Suspension and Ineligibility provisions of the Federal Acquisition Regulations, 48 CFR, part 9, subpart 9.4, shall be deemed noncompliance with the requirements of this section.
5. The ethanol producer must obtain the written verification required under paragraph (a)(1) of this section by February 28 of the year following the first year in which the ethanol producer

§ 80.1154 What are the provisions for renewable fuel producers and importers who produce or import less than 10,000 gallons of renewable fuel per year?

(a) Renewable fuel producers located within the United States that produce less than 10,000 gallons of renewable fuel each year, and importers who import less than 10,000 gallons of renewable fuel each year, are not required to generate RINs or to assign RINs to batches of renewable fuel. Such producers and importers that do not generate and/or assign RINs to batches of renewable fuel are also exempt from all the following requirements of this subpart K, except as stated in paragraph (b) of this section:

1. The registration requirements of §80.1150.
2. The recordkeeping requirements of §80.1151.
3. The reporting requirements of §80.1152.
4. The attest engagement requirements of §80.1164.

(b) Renewable fuel producers and importers who produce or import less than 10,000 gallons of renewable fuel each year and that generate and/or assign RINs to batches of renewable fuel are subject to the provisions of §§80.1150 through 80.1152, and §80.1164.