

U.S. Environmental Protection Agency Information Collection Request

Title: Renewable Fuel Standard (RFS) Program: Standards for 2026 and 2027, Partial Waiver of 2025 Cellulosic Biofuel Volume Requirement, and Other Changes (Proposed Rule)

OMB Control Number: 2060-NEW

EPA ICR Number: 7804.01

Abstract: The proposed volume standards and associated percentage standards for 2026 and 2027 do not add to the burdens already estimated under existing, approved ICRs for the RFS program. This proposed rule proposes recordkeeping and reporting for domestic renewable fuel producers to implement the proposed RIN reduction for import-based renewable fuel. We anticipate the increase in burden related to identifying feedstock as foreign or domestic will be very small because the parties already are required to keep underlying records and provide reports for the RFS program, generally. General recordkeeping and reporting for the RFS program is contained in the Renewable Fuel Standard program ICR, OMB Control Number 2060-0725 (expires November 30, 2025).

Actions to Comply with Terms of Clearance: N/A

Supporting Statement A

1. NEED AND AUTHORITY FOR THE COLLECTION

Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Sections 114 and 208 of the Clean Air Act (CAA), 42 U.S.C. §§ 7414 and 7542, authorize EPA to require recordkeeping and reporting regarding enforcement of the provisions of Title II of the CAA. The recordkeeping and reporting requirements of this regulation will allow EPA to monitor compliance under the Renewable Fuel Standard (RFS) program. The relevant regulations are in 40 CFR parts 80 and 1090.

2. PRACTICAL UTILITY/USERS OF THE DATA

Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

This ICR is for recordkeeping and reporting under the Renewable Fuel Standard (RFS) program, required by Clean Air Act. RFS is a program that relies upon marketable credits (RINs) to function, which necessitates recordkeeping and reporting to establish type and number of RINs generated, sold, retired, etc. EPA provides the secure trading platform in which RIN transactions occur (EMTS), which removes a burden from industry. EPA uses the information to monitor compliance with RFS and to ensure the integrity of the RIN market.

Changes outlined in the proposed rule will result in modifications to five existing RFS forms with no new forms being added. Modifications include eliminating fields for data no longer collected, removing defunct product codes, adding a code and instruction to clarify the small refiner annual reporting obligation, and adding RIN generation reason codes into EMTS to distinguish domestic-based renewable fuel from import-based renewable fuel.

3. USE OF TECHNOLOGY

Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Reports are submitted electronically in a simple, standard format. Parties who submit reports register with the OTAQ program to receive company and facility registration information, and access to CDX and reporting platforms, such as EMTS. EPA issues specific for instructions to ensure that parties do not have to fill out unnecessary fields. Reporting is tied to the activity a respondent engages in, as identified in registration. We continue to improve upon system services to remove unnecessary steps from registration or reporting.

4. EFFORTS TO IDENTIFY DUPLICATION

Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

Efforts have been made to eliminate duplication in this information collection and EPA is only requesting information necessary to implement a working RFS program. We are not seeking to collect information available to us in any other manner. The information requested is often claimed as confidential business information (CBI) by the submitter and, as such, is not readily or publicly available.

5. MINIMIZING BURDEN ON SMALL BUSINESSES AND SMALL ENTITIES

If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

This collection would not adversely affect small businesses.

6. CONSEQUENCES OF LESS FREQUENT COLLECTION

Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

Less frequent collection of data would make it impossible to carry out the provisions of the Clean Air Act.

7. GENERAL GUIDELINES

Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The record retention schedule for the RFS regulation is five years. This is consistent with the statute of limitations under the Clean Air Act.

Respondents may claim information contained in their recordkeeping and reporting as confidential business information (CBI). Our registration and reporting methods and EMTS are designed in a manner to be able to handle CBI. Where practicable, we provide respondents with a clear method of asserting a CBI claim.

8. PUBLIC COMMENT AND CONSULTATIONS

8a. Public Comment

If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the Agency in response to these comments. Specifically address comments received on cost and hour burden.

The associated Proposed Rule will solicit public comment on this ICR. We will consider all comments received and solicit industry consultations during the public comment period and include our response in the ICR associated with the Final Rule.

9. PAYMENTS OR GIFTS TO RESPONDENTS

Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

None made.

10. ASSURANCE OF CONFIDENTIALITY

Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or Agency policy. If the collection requires a systems of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

We inform respondents that they may assert claims of CBI for information they submit. Most form instructions contain a field to assert a claim. However, respondents may submit other information or attachments. Any information claimed as confidential by the submitter will be treated in accordance with 40 CFR part 2 and established EPA procedures. Information that is received without a clear claim of confidentiality may be made available to the public without further notice to the submitter under 40 CFR 2.203, although it is our normal practice to contact any respondent who has not indicated confidentiality prior to release of their information, to see if they wish to claim confidentiality. We do not collect privacy data under this program.

11. JUSTIFICATION FOR SENSITIVE QUESTIONS

Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the Agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no sensitive questions.

12. RESPONDENT BURDEN HOURS & LABOR COSTS

Provide estimates of the hour burden of the collection of information. The statement should:

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Generally, estimates should not include burden hours for customary and usual business practices.*
 - *If this request for approval covers more than one form, provide separate hour burden estimates for each form and the aggregate the hour burdens.*
 - *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included as O&M costs under non-labor costs covered under question 13.*
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To show the calculations, we have provided an Excel Spreadsheet containing extremely detailed program estimates. The spreadsheet has been placed in the public docket to assist commenters in understanding this collection and the assumptions used to develop it. We have sought comments and industry consultations.

The total estimated respondents (by type), responses, hours, and total cost including both labor and non-labor costs is as follows:

Summary			
<i>Type of Respondent</i>	<i>Total Responses per Year</i>	<i>Total Hours per Year</i>	<i>Total Cost per Year (Labor and Non-Labor)</i>
RIN Generators (Renewable Fuel Producers)	144,392	8,854	\$568,612
Obligated Parties	20	10	\$980
RIN Owners	4,004	2,002	\$196,196
QAP Providers	25	11	\$1,164
Third Parties	0	0	\$0
GRAND TOTAL	148,441	10,876	\$766,952

Third parties who have their own recordkeeping and reporting requirements are QAP providers. All other third parties do work for biointermediate producers and RIN generators as purchased services and the cost is attributed to the party that hires them. Such third parties would include contract engineers to do engineering reviews or independent accountants who perform attest engagements.

The total number of respondents and the non-labor costs (those used in the OMB Inventory for the collection) are as follows:

TOTAL NUMBER of Respondents:	3,395.00
Non-Labor Costs* Only - Used for OMB Inventory:	20,323.00

All non-labor costs are purchased services. There are no capital and O&M costs.

The overall annual burden to respondents for this collection is \$766,952.

13. RESPONDENT CAPITAL AND O&M COSTS

Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected on the burden worksheet).

The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should consider costs associated with generating,

maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment; and record storage facilities. If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate.

Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Of the total, non-labor cost burden of \$ 20,323.00, the full amount is purchased services and \$0 is capital/O&M.

Question 14

14. AGENCY COSTS

Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

EPA anticipates that the agency cost associated with this collection is covered by the main information collection related to RFS, which has OMB Control Number 2060-0725. We anticipate no additional Agency cost.

15. REASONS FOR CHANGE IN BURDEN

Explain the reasons for any program changes or adjustments reported in the burden or capital/O&M cost estimates.

This is a new collection.

16. PUBLICATION OF DATA

For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable.

17. DISPLAY OF EXPIRATION DATE

If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

15) CERTIFICATION STATEMENT

Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions.