

BIODIESEL PRODUCER

A Biodiesel Producer is any person who is engaged in the business of producing biodiesel for sale, use, or distribution. Biodiesel is a fuel that is comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and/or a derivative of any organic material, without regard to the process used, that meets the registration requirements for fuels and chemicals established by the EPA and the American Society of Testing and Materials, but does not include oil, natural gas, or coal (including lignite), or any products thereof. Biodiesel blend is a blended special fuel containing a minimum of five percent by volume of biodiesel.

All Biodiesel Producers that sell, use, or distribute biodiesel in South Dakota must be licensed. They are required to collect taxes and TI Fees for unblended biodiesel that they sell unless the biodiesel is sold to a licensed Blender, a licensed Supplier for resale, or a licensed Exporter for export.

The Biodiesel Producer shall maintain records of plant capacity. Production and sales of biodiesel shall be reported monthly on the Biodiesel Producer tax return. Once biodiesel production facilities in South Dakota reach a name plate capacity of at least twenty million gallons per year and fully produce at least ten million gallons of biodiesel within one year, a \$.02 reduction on the tax rate of biodiesel will be implemented. This tax reduction will be repealed once thirty-five million gallons of taxed biodiesel and biodiesel blend are sold after the effective date of the tax rate reduction.

Record Keeping/Acceptable Records

To ensure that the correct amount of fuel tax is collected on all fuel used on South Dakota roads and highways, the law requires Biodiesel Producers to keep detailed records of all fuel transactions and deliveries. Biodiesel Producers will need these records to accurately complete tax returns and must present them to Department personnel if they are audited or have their licenses reviewed. Records are to be maintained for a period of at least 30 days at the delivery location or a location approved by the Secretary. All records must be preserved for the current year and the three preceding calendar years.

Sales Records

Licensed Biodiesel Producers must keep all sales invoices which must show the following:

- The seller's name and address, which shall be machine-printed or rubber stamped;
- The purchaser's name and address;
- The date of sale and delivery of the fuel;
- The number of gallons sold and delivered to the purchaser, the type of fuel and if diesel whether it was dyed or undyed;
- The price charged per gallon;
- The amount of fuel tax or sales tax charged, if any; and
- The total amount of the sales invoice

All invoices must be prepared on NCR (no carbon required) paper with double-faced carbon so that the back of the invoice bears a carbon impression of the data on the front.

Other Records Required of Biodiesel Producers

Biodiesel Producers are required to maintain inventory records that show the total gallons on hand at the beginning of the month, the total gallons produced during the month, the total gallons sold during the month, and the total gallons remaining in storage at the end of the month. Biodiesel Producers must keep records that show the total number of gallons blended with biodiesel and the total number of biodiesel gallons produced out of state each month. Total gallons of methanol used to produce biodiesel during the reporting period are also required.

The Secretary of Revenue & Regulation may require other pertinent records and papers necessary for the enforcement of fuel tax laws, including purchase records, journals, ledgers, payment records and banking records.

Payment and Reporting Schedule

All fuel tax due from a Biodiesel Producer must be remitted to the Department of Revenue & Regulation on or before the last day of the month following the month in which the fuel was sold. A monthly tax return must be submitted at the same time. For example, a Biodiesel Producer would remit all tax collected in September by October 31st. If the last day of the month falls on a Sunday or legal holiday, the tax and report are due on the next business day.

Refunds

Biodiesel Producers may obtain a refund of the taxes paid for methanol that is used in the production of biodiesel. This refund can be claimed on the Biodiesel Producer tax return.



Biodiesel Producer Return

Mail	Remittance Center
Return to:	P.O. Box 5055
	Sioux Falls, SD 57117-5055

Check here if this is an amended report

BIODIESEL INVENTORY & SALES

Report in Whole Gross Gallons Only

1	Total gallons of biodiesel in producer's inventory at beginning of reporting period	1	
2	Total gallons of biodiesel produced during reporting period	2	
3	Subtotal gallons of biodiesel -- Add Lines 1 and 2	3	
4	Total gallons of biodiesel sold to licensed purchaser during reporting period Attach Uniform Schedule of Disbursements - Type 6a, 6b, or 6d	4	
5	Total gallons of biodiesel sold to unlicensed purchaser during reporting period Attach Uniform Schedule of Disbursements - Type 5	5	
6	Total gallons of biodiesel sold during reporting period -- Add Lines 4 and 5	6	
7	Total gallons of biodiesel remaining in inventory at end of reporting period. Subtract Line 6 from Line 3	7	

BIODIESEL PRODUCTION

8	Total gallons of biodiesel sold during reporting period. Record amount from Line 6	8	
9	Total gallons of biodiesel produced out of state	9	
10	Net gallons produced -- Subtract Line 9 from Line 8	10	

TAXES AND FEES DUE

11	Total gallons of ethanol/methanol used to produce biodiesel	11	
12	Net credit due for gallons of ethanol/methanol used in production -- Multiply Line 11 by \$0.08	12	
13	Net credit due for gallons of ethanol/methanol used to produce biodiesel -- Multiply line 11 by \$0.02 TI Fee	13	
14	Total credit for this reporting period -- Add Lines 12 and 13	14	
15	Total gallons of biodiesel sold to unlicensed purchasers during reporting period. Record amount from Line 5 here	15	
16	Fuel Tax Due. Multiply Line 15 by \$0.22	16	
17	Tank Inspection Fee -- Multiply Line 15 by \$0.02	17	
18	Total Taxes and Fees - Add Lines 16, 17 and subtract Line 14	18	
19	Interest and or Penalty	19	
20	Balance Due or Credit from prior records (See Computer Notice)	20	
21	Total taxes and fees for this reporting period -- Add Lines 18, 19, and add or subtract Line 20(Depending on balance due or credit)	21	

SIGNATURE

I, _____, for the biodiesel producer name on the front of this report, do hereby certify under penalty of perjury that I have examined this claim, and, to the best of my knowledge and belief, it is correct and complete

Signature

Title

Date

Biodiesel Producer Instructions

1. Report total gallons of biodiesel in inventory
2. Report total gallons of biodiesel produced in the reporting period
3. Subtotal gallons biodiesel – Add Lines 1 and 2
4. Report total gallons of biodiesel sold to licensed purchaser during reporting period. A licensed purchaser is a Supplier for resale at a terminal, a Blender, or an Exporter for export. Attach Uniform Schedule of Disbursements – Type 6a, 6b, or 6d.
5. Report total gallons of biodiesel sold to unlicensed purchaser during reporting period. This includes anyone not covered on Line 4. Attach Uniform Schedule of Disbursements – Type 5.
6. Report total gallons of biodiesel sold during reporting period – Add Lines 4 and 5.
7. Report total gallons of biodiesel remaining in inventory – Subtract Line 6 from Line 3.
8. Report total gallons of biodiesel sold during reporting period. Record amount from line 6.
9. Report total gallons of biodiesel produced out of state.
10. Net gallons of biodiesel produced – Subtract Line 9 from Line 8.
11. Report total gallons of methanol used to produce biodiesel.
12. Net credit due for gallons of methanol used to produce biodiesel – Multiply Line 11 by \$.08.
13. Net credit due for gallons of methanol used to produce biodiesel – Multiply Line 11 by \$.02.
14. Report total credit for this reporting period – Add Lines 12 and 13.
15. Report total gallons of biodiesel sold to unlicensed purchasers. Record amount from Line 5.
16. Fuel tax due – Multiply Line 15 by \$.22.
17. Tank Inspection Fee due – Multiply Line 15 by \$.02.
18. Total Taxes and Fees – Add Lines 16 and 17.
19. Interest and Penalty. Interest is calculated at 1.25% per month. First month is \$5 or 1.25%, whichever is greater. Penalty is calculated at 10% or \$10, whichever is greater, for filing a return late even if no tax is due.
20. Balance Due or Credit from prior reporting periods (See computer notice).
21. Total Taxes and Fees for this reporting period – Add Lines 18, 19 and add or subtract Line 20 (depending on balance due or credit).