



Engineering Reviews

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Biointermediates workshop

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About this Presentation

- This presentation is being given to assist stakeholders in complying with the regulations regarding biointermediates finalized in the 2020-2022 RVO final rule.
- The presentation is not intended to discuss the merits of the regulatory requirements but rather to assist stakeholders in implementing them.
- To the extent participants provide questions, advice, or materials during or after this meeting, they should do so in their individual capacity.
- This presentation is not intended to supplant the regulatory requirements. Parties must comply with the applicable regulatory requirements regardless of whether and how those requirements are discussed in these presentations.
- The topics in this presentation do not represent future EPA decisions or actions in any particular circumstance and do not bind EPA to any particular decision or action.

What is an ER and what parties are required to have an ER?

- An Engineering Review (ER) is required under 40 CFR 80.1450(b)(2) and is a written report and verification of the information provided by renewable fuel and biointermediate producers pursuant to the registration requirements in 40 CFR 80.1450(b)(1).
- The report and verification must be based upon a site visit and review of relevant documents and describe how the independent third-party engineer evaluated the accuracy of the information.
- Biointermediate Producers and Renewable Fuel Producers are required to have ERs conducted for their facilities prior to registration.

Who Should Complete the Engineering Review?

- Only licensed, third-party, independent engineers can complete the Electronic ER Forms, per 40 CFR 80.1450(b)(2).
 - Domestic facilities: Licensed professional engineer (PE) in the US
 - Foreign facilities: Foreign equivalent to a licensed PE from the US or a licensed PE from the US
- The engineers must:
 - Create a CDX account
 - Submit a company association request for an existing registered company
 - Select the role of “Independent Third-Party Engineer”
- The Responsible Corporate Officer (RCO) or delegate RCO for the biointermediate or renewable fuel producer must approve the company association request.

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- The ER webform as well as the requirements for ERs are very similar for producers of biointermediates and renewable fuel producers.
- Pathways are entered into the form in the same manner, but the third-party engineers will be able to add biointermediates as a “feedstock” (for Renewable Fuel Producers) or a “fuel” (for Biointermediate Producers).
- A site visit is required for all new biointermediate producers as well as any renewable fuel producer who adds the biointermediate producer activity.

Facilities that produce both renewable fuel and biointermediates

- One ER may cover all renewable fuels and biointermediates produced at a facility.
- Either a new ER or an ER addendum, including a new site visit, will be required for a previously registered Renewable Fuel Production Facility adding biointermediate production.
- Three-year update schedules for previously registered Renewable Fuel Production Facilities will remain unchanged if biointermediate production is added, regardless of whether an ER addendum or a new ER is submitted. Three-year updates should include all pathways that the facility is registered for.

Renewable Fuel Production Facilities

- New registrations for Renewable Fuel Production Facilities that are using biointermediates as a feedstock must follow the regulations in 40 CFR 80.1450(b) that include the requirements for an ER and site visit.
- If the Renewable Fuel Production Facility is already registered and has submitted an ER previously, a new ER or an addendum must be submitted by a third-party engineer that includes the pathway using the biointermediate.

Biointermediate Production Facilities

- An ER is required for the registration of biointermediate production facilities and must include a site visit.
- There are no VRIN requirements (*see* 80.1450(d)(3)(iii)) for three-year updates for ERs for biointermediate producers because no RINs are generated.
- Three-year updates for ERs for biointermediate production facilities must include a detailed review of the biointermediate producer's calculations used to determine the renewable biomass and cellulosic renewable biomass proportions, as required to be reported to EPA under 40 CFR 80.1451(j), of a representative sample of batches of each type of biointermediate produced.