



# Product Transfer Documents & Recordkeeping

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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 are Product Transfer Documents? (80.1453)

- PTDs are documents generated in the normal course of business (“customary business practice” or “CBP”) that provide a clear description of the product being transferred from one party to another.
  - They take many forms, including bills of lading.
  - As a general matter, PTDs accompany product (batches).
- Unlike part 1090, no product codes may be used.

# To whom do the biointermediate PTD requirements apply?

- "Any party..."
  - Who transfers title or custody of a biointermediate
  - Transferor gives transferee PTDs
- PTDs originate with the biointermediate producer, who must generate PTDs for each batch of biointermediate they produce in their biointermediate production facility.
- PTDs are destined for the renewable fuel producer, who will use the biointermediate to produce renewable fuel and to generate RINs at their renewable fuel production facility.

# Title or Custody

- Biointermediates PTD requirements are like other RFS PTD requirements – except that for most RFS program transfers, PTDs accompany transfers of title. **For biointermediates, PTDs accompany transfers of title or custody.**
- PTDs are needed for custodial transfers of biointermediates because:
  - They address concerns over potential multiple counting of biointermediates for RIN generation and potential contamination of biointermediates with non-qualifying feedstocks during distribution.
  - They create a paper trail that can be verified and reviewed by third party auditors (QAP, attest engagement) and EPA.

# Biointermediate PTDs under 80.1453(f)(1)

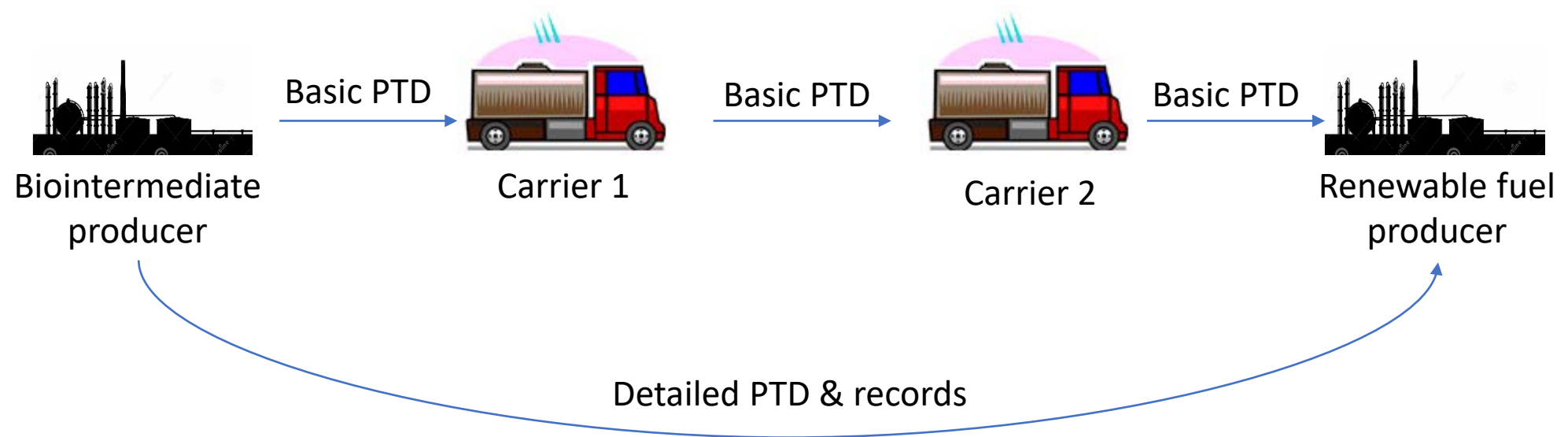
When any party transfers title or custody of a biointermediate, the transferor must give the transferee documents meeting the requirements of a "basic" PTD:

- Name and address of transferor and transferee
- Transferor and transferee EPA company and facility numbers
- Volume of biointermediate being transferred
- Date of transfer
- Location of transfer
- Statement designating volume of biointermediate as feedstock for production of renewable fuel, as specified in regulation

# Biointermediate PTDs under 80.1453(f)(2)

- When any party transfers title of a biointermediate *or* when any party transfers a biointermediate to a renewable fuel production facility, the transferor must give the transferee documents meeting the requirements of a "detailed" PTD:
  - The renewable fuel type the biointermediate was designated to be used as a feedstock material for by the biointermediate producer
  - The composition of the biointermediate being transferred, including:
    - The type and quantity of each feedstock used to make the biointermediate
    - The percentage of each feedstock that is renewable biomass, rounded to two decimal places
    - Information for biointermediates that contain both renewable and non-renewable feedstock
    - Information for biointermediates that contain cellulosic material & certification statement
    - Copies of records - If a renewable fuel producer will use information related to production of a biointermediate under 1426(f) to generate RINS, the biointermediate producer must give them records along with the PTD; these records must describe applicable inputs, assumptions, and calculations.

# Example – Basic (Custodial) and Detailed PTDs





# Recordkeeping (80.1454)

- Recordkeeping for biointermediate producers is designed to be like recordkeeping for renewable fuel producers. Keep PTDs and product-related records.
- For biointermediates producers, new recordkeeping is focused on:
  - Feedstocks
    - Source, purchase information
    - Records that show feedstocks used to make the biointermediate meet the definition of renewable biomass and is part of the approved renewable fuel pathway the renewable fuel producer intends to use to generate RINs
  - Process Calculations
    - Renewable content and cellulosic content, as applicable
- General requirements applicable to everyone, already, and applicable here:
  - Five-year retention period from the date created
  - Make available to EPA upon request
  - Maintain software needed to read
  - English language translation

# Who must keep records?

- Biointermediate producers
- Renewable fuel producers
- Biointermediate importers
- Third parties
  - Attest auditors, third party engineers, QAP providers
  - Independent volume certification for biointermediate importers

# What are the records that must be kept?

## Biointermediate producers

- Keep PTDs
- Keep copies of registration and reports submitted to EPA
  - Keep the ER and the supporting information
- Keep records related to production of biointermediates at each biointermediate production facility
  - Batch volume, batch number, type and quantity of co-products, type and quantity of process heat, calculations under 1426(f) as applicable, date of production, any lab analysis results

# What are the records that must be kept?

## Biointermediate producers, continued

- Keep copies of records that demonstrate feedstocks are renewable biomass
- Records related to QAP
- Check for additional and specific recordkeeping, especially if separated yard waste, separated food waste, separated MSW, biogenic waste oils/fats/greases, etc.

# What are the records that must be kept?

Renewable fuel producers – these parties already have existing recordkeeping requirements under the RFS regulations.

- Keep copy of registration, reports, and all information that support them
  - Keep PTDs
  - Keep records related to renewable fuel production, transfer
  - Keep records related to RIN generation
  - Other records
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- Renewable fuel producers essentially have to maintain the same records for biointermediates as they do for any other feedstock used to produce renewable fuels.
    - Main difference is that RFPs are required to keep PTDs and records supplied by the biointermediate producer discussed in previous presentation.

# What are the records that must be kept?

## Biointermediate importers

- Biointermediate importers are new parties to the RFS program
  - Biointermediate importer is any person who owns, leases, operates, controls, or supervises a biointermediate import facility.
  - They don't register, they don't submit quarterly or annual reports to EPA...
  - ...but they do have recordkeeping.
- Records they keep
  - Keep basic PTDs from biointermediate producer
  - Acquire independent third-party volume certification, retain and "report" that information to RF producer and biointermediate producer (*see 80.1478(h)*).
  - Both the biointermediate importer and the third-party who performs this function must retain records.

# What are the records that must be kept?

- Attest engagement auditor (third party) example – this example is applicable for RFS and other fuels programs already.
  - Keep records related to registration and association to client, and any confirmation of submission of information you receive
  - Keep copies of all attest engagement reports submitted to EPA and any confirmation of submission of information you receive
  - Keep documents pertaining to the performance of the attest engagement, including related correspondence
  - Keep copies of the ATT0100, the attest engagement report, and anything submitted to EPA with it; and keep copies of records developed to prepare the report

# Resources

To receive assistance with

- Questions
- Registration
- Reporting

Please contact:

EPA Fuels Programs Support ([FuelsProgramSupport@epa.gov](mailto:FuelsProgramSupport@epa.gov))