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How to Prepare an Efficient  
Producer Petition  
Version 1.3



# How to Prepare an Efficient Producer Petition Version 1.3

Transportation and Climate Division  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency

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## **I. Introduction**

The EPA is providing detailed information on how to prepare a complete Efficient Producer (EP) petition for a new fuel pathway under the Renewable Fuel Standard (RFS) program. Parties considering an EP petition are strongly encouraged to start by reviewing the background information provided on the EPA's website on whether they qualify for this expedited petition process.

This document provides details on the required information for EP petitions, including recommendations on organization and formatting.<sup>1</sup> Our objective is to help petitioners provide all of the data that the EPA needs to complete life cycle greenhouse gas (GHG) analyses of proposed new fuel pathways, while also reducing extraneous information. EP petitions that do not meet the information requirements specified in 40 CFR 80.1416, as explained and clarified in this document and other the EPA guidance, will be rejected as incomplete and no further action will be taken. In other words, the whole petition will need to be resubmitted.

This document provides step-by-step instructions for preparing a complete EP petition. The recommendations included in this document are based on the EPA's experience implementing the petition process since its creation in March 2010. As we continue to receive and evaluate more petitions, we expect to update this document as needed.

Compared to Version 1.2, this document includes updated instructions on how petition for EP pathways for co-production of D-code 6 corn starch ethanol and D-code 3 corn kernel fiber ethanol.

### **1. Petitions for co-production of cellulosic ethanol from corn kernel fiber**

EP petitions from corn starch ethanol producers seeking to co-produce cellulosic ethanol from corn kernel fiber, and generate D-code 3 RINs for such ethanol, must include the following information in their EP petitions.

Include the following in the Technical Justification section:

1. Summarize the status of the facility's registration application to generate cellulosic biofuel (D-code 3) RINs for ethanol produced from corn kernel fiber. Facilities should only submit EP petitions for co-production of D-code 6 corn starch ethanol and D-code 3 corn kernel fiber ethanol if they intend to submit a complete registration application that includes D-code 3 corn kernel fiber ethanol within 120 days.
2. As part of the mass and energy balance data provided in the GHG Calculator, the volumes of cellulosic ethanol must be reported separately from the volumes of ethanol produced from corn starch.

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<sup>1</sup> The information requested in this document is based on the information requirements for petitions outlined in the RFS regulations at 40 CFR 80.1416(b).

## II. Section-by-Section Instructions

As part of our efforts to streamline the petition review process, the EPA is asking petitioners to prepare their application packages using the recommended organization and format provided in this document. The following sections go through each part of the petition outline and provides guidance on what to include in each section.<sup>2</sup>

For the EPA to complete its evaluation of these petitions, it is necessary for the Agency to publicly disclose certain information about requested pathways (e.g., the name of the company that submitted the petition, the name and location of their biofuel production facility, the type(s) of feedstocks used, the type of fuel produced and the type of production process technology). For this reason, the EPA requests that certain sections of the EP petition include no information claimed as confidential business information (CBI). Below, these sections are marked as “(No information claimed CBI).”

We also recognize that petitioners may feel it is important to claim as CBI certain technical information. Petitioners who wish to claim certain information as CBI should clearly mark all the information claimed as CBI as precisely as possible. We ask petitioners to clearly mark each and every page that includes information claimed as CBI. The header of all such pages should say “Contains information claimed as CBI,” and the header should also include an explanation of how such information is marked. For example, the header could explain that information claimed CBI is included in brackets or highlighted yellow.

### 1. Cover Sheet (No information claimed CBI)

We ask that every petition include a one-page cover sheet. The cover sheet serves as a quick reference, designed to help the EPA staff efficiently and systematically process and review incoming petitions. An example Cover Sheet is provided in Appendix 2.

#### Date Submitted

Enter the date that the petition is submitted to the EPA.

#### Company Full Name

Enter the official name of the company submitting the petition. Enter only one company name.

#### Name of Ethanol Production Facility

Give the name of the ethanol production facility associated with the petition.<sup>3</sup> Please use a brief name (we recommend no more than three words), as this will be the name used in the EPA Moderated Transaction System (EMTS) and the EPA’s determination document. A company

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<sup>2</sup> We ask petitioners to use the section headings specified below and in the table of contents (e.g., A. Cover Sheet, B. Feedstock, C. Production Process, and so on). For more instructions on formatting see Appendix A.

<sup>3</sup> In this document ethanol refers to undenatured ethanol.

submitting petitions for multiple facilities should make sure that each facility has a unique name. For example, facilities could be named after the Company and the city where they are located, e.g., Acme Washington, Acme Washington II, Acme Detroit. Enter only one facility per petition.

### Location of Ethanol Production Facility

Specify the location (city, state, country) of the facility that will produce the ethanol associated with the proposed pathway.

### Fuel Pathway Requested

Enter the fuel, feedstock and production process technology and RIN D-code for each pathway requested. A single petition may involve more than one fuel pathway. For example, the petition may request pathways for corn starch ethanol, grain sorghum ethanol qualifying for renewable fuel (D-code 6) RINs and grain sorghum ethanol qualifying for advanced biofuel (D-code 5) RINs. Add rows to the table as necessary to include all of the fuel pathways requested. Below is an example of how to fill out the table of requested fuel pathways.

**Table 1: Example listing of requested fuel pathways**

Fuel Type	Feedstock	Production Process Technology	RIN D-code Requested
Ethanol	Corn starch	Dry mill process	6
Ethanol	Grain sorghum	Dry mill process	5

### Petition Request

Choose one of the one-sentence descriptions listed below summarizing what the petition is requesting. EP petitions are currently limited to the following options:<sup>4</sup>

1. Efficient Producer corn starch ethanol pathway to generate D-code 6 RINs for a facility that only uses only corn as feedstock
2. Efficient Producer corn starch ethanol pathway for D-code 6 RINs for a facility that uses corn and grain sorghum as feedstock
3. Efficient Producer grain sorghum ethanol pathway for D-code 5 or 6 RINs

### Primary Point of Contact

Provide the requested contact information (see Appendix B) for the primary point of contact (POC) for the petition. Include only one POC per petition. The EPA recommends that the POC

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<sup>4</sup> Ethanol producers with a request other than those listed here may petition the Agency pursuant to 40 CFR 80.1416. Such petitions will not be eligible for the Efficient Producer petition process and will therefore take significantly longer to review. The review time will depend on the number and type of other higher priority petitions under review by the EPA.

should be affiliated with the company listed on the cover sheet under Company Full Name. If the POC is not affiliated with the lead organization, at least one appropriate official from the lead organization should be listed under the “Additional Contact Info” section of the Petition Cover Sheet, and included in any subsequent meetings or calls related to the petition. The EPA will send all communications regarding a petition to the POC, and it is the POC’s responsibility to disseminate information to other parties associated with the petition. These recommendations are intended to reduce duplicative communications between the EPA and parties associated with a petition.

## **2. Technical Justification**

Include a brief technical justification (typically 1-2 short paragraphs), that includes a summary of the proposed pathway and any important aspects that you would like the EPA to consider when evaluating the petition.

Petitions from corn starch ethanol producers seeking to co-produce cellulosic ethanol from corn kernel fiber, and generate D-code 3 RINs for such ethanol, must summarize the status of their registration application for D-code 3 corn kernel fiber ethanol and state their intention to submit a complete registration application that includes D-code 3 corn kernel fiber ethanol within 120 days. Facilities should only submit EP petitions for co-production of D-code 6 corn starch ethanol and D-code 3 corn kernel fiber ethanol if they intend to submit a complete registration application that includes D-code 3 corn kernel fiber ethanol within 120 days.

## **3. Feedstock (No information claimed CBI)**

Provide a brief statement certifying the types of feedstocks that are used in the requested pathway.

If your petition requests an Efficient Producer corn starch ethanol pathway to generate D-code 6 RINs for a facility that only uses only corn as feedstock, include the following statement: “I certify that the [insert facility name] dry mill ethanol production facility uses only corn as a feedstock to produce ethanol.”

If your petition requests an Efficient Producer corn starch ethanol pathway for D-code 6 RINs for a facility that uses corn and grain sorghum as feedstock, include the following statement: “I certify that the [insert facility name] dry mill ethanol production facility uses only corn and grain sorghum as feedstocks to produce ethanol.”

If your petition requests an Efficient Producer grain sorghum ethanol pathway for D-code 5 or 6 RINs, include the following statement: “I certify that the [insert facility name] dry mill ethanol production facility uses only corn and grain sorghum as feedstocks to produce ethanol.”

## **4. Production Process**

Provide a brief statement certifying that the production process used to produce ethanol through the requested pathway(s) is a dry mill ethanol production process. For more information about what constitutes a dry mill ethanol production process, see Section 1.4.1.1

(“Dry Milling Technology”) of the February 2010 Renewable Fuel Standard Program (RFS2) Regulatory Impact Analysis (EPA-420-R-10-006).

For example, the statement could say the following: “I certify that the requested pathways for ethanol produced by [insert facility name] use a dry mill production process where corn starch and grain sorghum feedstocks are ground into a coarse flour, also known as “meal”; the meal is cooked into a hot slurry with the addition of enzymes to produce a mixture commonly known as “mash”; the mash is fermented with the addition of yeast to produce ethanol, carbon dioxide and solids from the grain and yeast, known as “fermented mash”; the fermented mash is distilled to produce a mixture of ethanol and water, and a residue of non-fermentable solids, also known as “stillage”; the mixture of ethanol and water is dehydrated to produce 200-proof ethanol; and the primary coproducts/byproducts are carbon dioxide, distillers grains, solubles, syrup and vegetable oil.”

## **5. Process Energy**

Provide a brief statement certifying that the dry mill process for the requested pathway uses one or a combination of the following sources for all of its process energy: electricity from the grid, natural gas, coal, biogas or biomass. If the requested pathway uses biogas for process energy, briefly describe the sources of the gas. At this time to qualify for the EP3, all biogas used for process heat fuel must meet the RFS regulatory definition for biogas or treated biogas at 40 CFR 80.1041. Furthermore, the biogas must be sourced from one or a combination of the following sources: landfills, municipal wastewater treatment facility digesters, agricultural digesters, separate municipal solid waste (MSW) digesters, or other waste digesters. See the July 2014 RFS rule (79 FR 42128) for more information on qualifying sources of biogas.

If the requested pathway uses biomass for process energy, briefly describe the sources of the biomass. Note that to qualify for the EP petition process, all biomass used as process energy must meet the RFS regulatory definition for crop residue at § 80.1401. See the July 2014 RFS rule for more information on what the EPA considers to be a crop residue for the RFS program.

## **6. Coproducts**

Provide a brief statement certifying that all of the distillers grains or distillers grains and solubles co-product produced as a result of the requested pathways is intended for use as animal feed. This section should also provide a brief description of the coproducts resulting from the requested pathways and their intended uses. For example, explain whether the facility sells wet or modified distillers grains, produces vegetable oil coproduct through fractionation or extraction, produces any additional co-products, etc. If your facility uses distillers grain for another purpose, such as biogas production, you may submit a non-EP3 petition pursuant to 40 CFR 80.1416.

## **7. Mass and Energy Balance Data**

A mass and energy balance must be included for every new pathway requested. To provide the required mass and energy balance data, petitioners should use the EP Lifecycle GHG Calculator spreadsheet (the “GHG Calculator”), available for download on the Agency’s EP petition process



web page.<sup>5</sup> This spreadsheet tool is designed to automatically calculate lifecycle GHG emissions based on the mass and energy balance data entered. Petitioners should fill out the GHG Calculator and attach it to their EP petition. For detailed instructions on using the GHG Calculator, including the formulas and emissions factors used in the calculations, see the How to Use the Efficient Lifecycle Greenhouse Gas Calculator document available for download on EPA's EP web page.

The GHG Calculator submission should include average annual mass and energy balance data over the past year and/or projected into the future. For EP petitions, data may be entered in the GHG Calculator for a daily, monthly or annual basis. If the mass and energy balance data provided are based on projected process improvements, provide a brief explanation (less than one page) of the energy saving technologies and other process improvements that will (or have been) undertaken to improve the facility's future efficiency compared to its historical performance.

In cases where a facility uses corn kernel fiber feedstock to co-produce ethanol and seeks to generate cellulosic biofuel (D-code 3) RINs for such ethanol, the volumes of cellulosic ethanol must be reported separately from the volumes of ethanol produced from corn starch. For details, see the updated instructions for the GHG Calculator.

The data provided should demonstrate how the requested fuel pathway will meet the applicable lifecycle GHG emissions reduction threshold (e.g., 20% GHG reduction for renewable fuel D-code 6 RINs, 50% GHG reduction for renewable fuel D-code 5 RINs) using the methodology and formulas contained in the GHG Calculator. If you submit an EP petition that does not demonstrate adequate GHG reductions the EPA will return it as incomplete.

Should the petition be approved, the average lifecycle GHG emissions for the ethanol produced at the facility will need to be calculated and recorded over a 365-calendar day rolling average. The GHG Calculator is designed to help perform these calculations as well.

## **8. Certification by the Responsible Corporate Officer (RCO)**

EP petitions should include a signed statement by the RCO of the company (or facility) submitting the petition,<sup>6</sup> certifying that the information provided is accurate and the company

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<sup>5</sup> <https://www.epa.gov/renewable-fuel-standard-program/how-prepare-efficient-producer-petition-under-renewable-fuel>

<sup>6</sup> For reference, a definition for responsible corporate officer is provided at 40 CFR 122.22:

(i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

(ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing

understands and wishes to comply with the steps and requirements in the EP petition process, as explained on the EPA’s website. The signed determination document responding to your petition will be addressed and mailed to the RCO listed in this section, based on the address provided in the GHG Calculator attached to your petition (for details see the How to Use the Efficient Producer Greenhouse Gas Calculator document).<sup>7</sup>

Petitions should include the following statement, with information in brackets filled as appropriate, followed by the RCO’s signature, the RCO’s printed name and the date:

As [RCO job title] of [company full name], I am providing to the EPA information about a requested new fuel pathway on behalf of [company full name]. I have reviewed the information provided above, and to the best of my knowledge it is accurate and complete. I have reviewed all of the information related to the Efficient Producer petition process available on the EPA’s website and I certify that my organization wishes to utilize this process and understand the conditions likely to be contained in any approval document, including those related to registration, continuous monitoring and the recordkeeping that will be designed to ensure ongoing compliance with the appropriate life cycle greenhouse gas reduction threshold requirements associated with the approved pathway.

RCO Signature:

RCO Name (Printed:

Date:

## 9. List of Attachments

Provide a list of the attachments submitted with the petition, including a short name and brief description (1-2 sentences) for each attachment.

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other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

<sup>7</sup> The most recent version of the How to Use the Efficient Producer Lifecycle Greenhouse Gas Calculator is available here: <https://www.epa.gov/renewable-fuel-standard-program/how-prepare-efficient-producer-petition-under-renewable-fuel>

## Appendix A: Formatting for New Fuel Pathway Petitions

Electronic file type: PDF or MS Word

Font and Section Headings:

- For the body of the document: Calibri, size 12, black color.
- First level section headings (e.g., **1. Feedstock**): Cambria, size 14, bold, no indent, capitalize the first letter of each word, color = dark blue, insert page break before section heading.
- Second level section headings (e.g., **B. Information for New Feedstocks**): Calibri, size 13, bold, capitalize the first letter of each word, color = blue.
- Third level section headings (e.g., **vii. Alternative Uses**): Calibri, size 11, indent by one tab, capitalize the first letter of each word, color = blue.
- Fourth level section headings (e.g., ***d. Information for Livestock Feed***): Calibri, size 11, italics, indent by one tab, capitalize the first letter of each word, color = blue.
- Fifth level section headings (e.g., **1. Animal market share and feed ratios by region**): Calibri, size 11, normal font, indent by one tab, capitalize only the first letter of the first word, color = dark blue.

Include a table of contents

## **Appendix B: Petition Cover Sheet Template**

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Date Submitted: [MM/DD/YYYY]

# [Company Full Name]

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Abbreviated Company Name:

Location of Ethanol Production Facility: [City, State, Country]

Name of Ethanol Production Facility: [Abbreviated Company Name + Facility City]

## Fuel Pathway Requested

Fuel	Feedstock	Production Process Technology	RIN D-code Requested
Ethanol		Dry mill process	

Petition Request: [See section II.1 for options]

## Primary Point of Contact

Name:

Job Title:

Address:

Phone Number:

Alternate Phone Number:

Email address:

Additional Contact Info (if any):