



CUSTOMER MEMO

Re: RENEWABLE FUEL STANDARD (“RFS”) SET RULE CHANGES:
BIOGAS REGULATORY REFORM RULE (“BRRR”)

Date: October 1, 2024

Effective: January 1, 2025

EXECUTIVE SUMMARY

The EPA finalized its Renewable Fuel Standard (“RFS”) Set rule which established annual Renewable Volume Obligations (RVO”) targets for 2023-2025. Additionally, it also included Biogas Regulatory Reform Rule (“BRRR”), which established new procedural requirements for entities using biogas and RNG under the RFS program. All CNG and LNG pathways are impacted by BRRR, and all participants must complete new registration processes and assign roles for each of their counterparties.

ITEM	NEW	OLD
Facility Roles	4 defined roles - Biogas Producer, RNG Producer, RIN Owner, and RIN Separator, with each party having to register in EPA's Central Data Exchange System.	No defined roles or registration requirements. The generator generates the RIN and can separate it or have the Marketer or station owner separate it.

RNG RIN SEPARATOR ROLE

- A party qualifies to be the RIN Separator for a station, only if the entity;
 - (a) dispensed the fuel
 - (b) withdraws the RNG from the commercial pipeline
 - (c) oversees the production of renewable CNG or LNG
 - RNG Fuel Supplier & O&M services count and can qualify.
- Only one party can be registered as the RIN Separator for a station at a time.
- Monthly reports to the EPA that include the location where NG is dispersed as transport fuel and the volume of NG in BTU LHV dispersed as transport fuel.
- Quarterly reports to EPA that summarize monthly report details.
 - Name and location of the natural gas commercial pipeline system where the RNG was withdrawn from the natural gas commercial pipeline system.
 - Volume of RNG, in BTU LHV, withdrawn from the natural gas commercial pipeline system during the reporting period by withdrawal location.
 - Volume of renewable CNG/LNG, in BTU LHV, dispensed during the reporting period by withdrawal location.

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- Most CNG/LNG dispensing locations do not meet the requirements under [40 CFR 80.155](#), an Alternative Measurement Protocol (AMP) is needed.
- RFS Reports Due:
 - Monthly;
RIN Separations in EPA Moderated Transaction System (EMTS).
 - Quarterly;
RFS0107 - Owned RINs during the reporting period. 80.1451(c)(2)
RFS5200 - All RNG RIN separators that separated RNG RINs during the calendar quarter.
 - Annually;
Attest - Owns any RINs during a calendar year. 80.1464(c)
Affidavits – Stating the fuel was used for transportation.

ROLE OF CE

- Based on each scenario, for the 3rd party station owner: CE can be the RIN separator, the agent, or just RIN Owner.
 - **If CE is the RIN Separator**, only need to access our EMTS to separate.
 - CE to register stations and AMP to EPA.
 - If CE is the **RNG Fuel Supplier or O&M** for a 3rd party owned station, CE has the option to be the RIN Separator under 40 CFR 80.125(d).
 - Reporting obligations are on CE.
 - **If CE is the agent**, that would result in CE to associate and establish to gain access to the 3rd party EMTS account to separate RINs.
 - 3rd Party to register stations and AMP to EPA.
 - Reporting obligations are on the 3rd party. CE can do the reporting as long as the contract specifies and both parties agree.
 - Monthly RIN Separation is on CE through association.
 - An Agent can be assigned in CDX to separate RINs.
 - **If CE is the RIN Owner and the 3rd party is the RIN Separator**, no other actions are needed. We will only transfer RINs based on the contract. Reporting obligations for CE for only RIN transfer activity.
 - 3rd Party to register stations and AMP to EPA.
 - Reporting obligations are on the 3rd party.
 - Monthly RIN Separation is on 3rd party.
- Per [40 CFR 80.135\(b\)\(1\)](#), new registrations must register stations as RIN Separator at least 60 days prior to BRRR RNG allocations at that station. Must register by Oct 31st for timely EPA approval.
 - Unsure how long EPA approval will be.
- Next steps are based on contract amendments to which action CE will perform.

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