

Instructions to Form EIA-22S Supplement to Monthly Survey of Biodiesel Production

General Information

These special instructions apply to the EIA-22S, a special Supplement to the EIA-22M Monthly Biodiesel Production Survey. EIA-22S should be completed only once by each respondent to the EIA-22M. For additional explanation of specific sections of this form, see the instructions for EIA-22M.

I. Purpose

Form EIA-22S collects annual data on biodiesel and co-product production for the years 2006, 2007, and 2008. Its purpose is to provide historical background to the EIA-22M, which collects monthly data beginning in 2009. This form collects the following data from registered U.S. producers of biodiesel by plant:

- Company identification and supervisory and/or contact information
- Plant location and operating status
- Biodiesel and co-product production
- Biodiesel production capacity

Form EIA-22S is designed to provide the data necessary for the Energy Information Administration (EIA), U.S. Department of Energy (DOE), to carry out its responsibilities for the collection of renewable fuels demand in the motor fuels market, monitor the size of growth of the biodiesel industry, and provide Congress with a measure of the extent to which the objectives of Section 503 of the Energy Policy Act of 1992 and Section 1508 of Energy Policy Act of 2005 are being achieved. The data collected will be published in the *Renewable Energy Annual* and also be available through EIA's Internet site at <http://www.eia.doe.gov/fuelrenewable.html>.

II. Who Must Submit

This report is mandatory and required pursuant to the authority granted to the Department of Energy (DOE) by the Federal Energy Information Administration Act of 1974 (Public Law 93-275). Form EIA-22S is to be submitted by all entities producing biodiesel that meets ASTM D 6751-07B specifications and is used for commercial purposes. A company should submit separate forms for each of its plants.

III. When to Submit

The Form EIA-22S must be submitted with the EIA-22M the first time that the EIA-22M is submitted. For most respondents, therefore, the EIA-22S should be submitted no later than February 20th, 2009.

IV. Where to Submit

Respondents can submit data for this survey by facsimile, e-mail, or Internet using an encrypted web system. With the Internet-based option, EIA uses security protocols to protect the information against unauthorized access during transmission. Commonly used facsimile and e-mail transmissions (including files attached to e-mail messages) travel over ordinary telephone lines and are not considered secure electronic methods of transmitting survey data. Any questions regarding the submission of this form can be directed to Chris Buckner at (202) 586-6670.

Please retain a completed copy of this form for your files.

Secure Communications Methods

By Internet: The site for Internet Data Collection (IDC) will be available by reporting time.

Unsecured Communications Methods

By fax: (202) 287-1944

If you need an alternate means of filing your response, contact the survey manager, e-mail: chris.buckner@eia.doe.gov.

V. Provisions Regarding Confidentiality of Information

The information reported on this form will be protected and not disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. §552, the Department of Energy regulations, 10 C.F.R. §1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. §1905.

The Federal Energy Administration Act requires the EIA to provide company-specific data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of the Department of Energy (DOE); to any Committee of Congress, the Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

VI. Sanctions

The timely submission of Form EIA-22S by those required to report is mandatory under the Federal Energy Administration Act of 1974 (FEAA), Public Law 93-275, as amended. Failure to respond may result in a penalty of not more than \$2,750 per day for each violation, or a fine of not more than \$5,000 per day for each criminal violation. The Government may bring a civil action to prohibit reporting violations that may result in a temporary restraining order or a preliminary or permanent injunction without bond. In such civil action, the court may also issue mandatory injunctions commanding any person to comply with these reporting requirements.

Title 18 U.S.C. 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious, or fraudulent statements as to any matter within its jurisdiction.

VII. Filing Forms with Federal Government and Estimated Reporting Burden

Respondents are not required to file or reply to any Federal collection of information unless it has a valid OMB control number. Public reporting burden for this collection of information is estimated to average 3 hours per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to the Energy Information Administration, Statistics and Methods Group, EI-70, 1000 Independence Ave., S.W., Washington, D.C. 20585-0670, and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

Form EIA-22S Instructions

This survey is designed to capture biodiesel data for the years 2006, 2007, and 2008 from producers by plant.

- *Section 1* is for respondent identification
- *Section 2* asks plant information, capacity and historical operating status
- *Section 3* collects historical biodiesel and co-product production
- *Section 4* is a remarks section allowing the respondent to explain any discrepancy, add additional relevant information, or provide an explanation as to why the respondent is unable to answer any question listed on the form.

For questions regarding definitions of terms used in EIA-22S, see the glossary at the end of the instructions section.

EIA-22S SECTION 1:

In Section 1, the respondent is required to give the following information:

Part A - Preparer name, preparer company name, preparer address, preparer phone number, preparer fax number, and preparer e-mail address.

Part B - Plant name and address for which data are being reported, plant contact name, plant contact title, plant contact phone number, plant contact fax number, and plant contact e-mail address.

Part C - Company name, company address, company contact name, company contact title, company contact phone number, company contact fax number, and company contact e-mail address.

Part D - Company supervisory contact name, company supervisory contact title, company supervisory contact address, company supervisory contact phone number, company supervisory contact fax number, and company supervisory contact e-mail. (The company supervisory contact should be the supervisor of the preparer or another higher-level official with authorization to complete the form.)

EIA-22S SECTION 2:

Part A - Report the annual production capacity by volume in gallons separately for 2006, 2007, and 2008.

Part B – Report the plant operating status (active or inactive) for each of the years 2006, 2007, and 2008. Inactive status applies to plants that have permanently ceased operations, have been leased to another company, or have been sold to another company.

EIA-22S SECTION 3:

Section 3 requires the respondent to provide information regarding biodiesel and co-product production.

Part A - Report the volume in gallons of B100 biodiesel produced in 2006, 2007, and 2008.

Part B – Report data on co-product production, divided into two categories: Glycerol and other co-products. Production may be reported by weight in pounds or by volume in gallons for 2006, 2007, and 2008. The quantity of pure glycerol contained in the glycerin co-product may be estimated by material balance or verified by laboratory analysis. Respondents should answer “Yes” if the glycerol content of at least one sample of the glycerin co-product was verified by laboratory analysis within a reporting year. If the glycerol is used to produce some other chemical at the biodiesel plant, respondents should report zero glycerol production and should report the production of glycerol-derived chemicals as other

EIA-22S Section 4:

Section 4 is included for remarks. Remarks may include any relevant explanations regarding Sections 1 through 3 of the survey form. For example, respondents may explain discrepancies in numbers or reasons why questions have not been answered. The respondent should provide the section of the form to which the comment pertains.

GLOSSARY OF TERMS

Active (operating status): A plant that has produced or sold any amount of biodiesel during the yearly survey period in question.

Annual Production Capacity: The quantity of biodiesel that a plant can produce in a calendar year, assuming normal downtime for maintenance. It includes the capacity of idle plants until the plant is destroyed, dismantled, or abandoned.

B100: 100% biodiesel with no petroleum diesel added.

Biodiesel: Fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of ASTM (American Society for Testing & Materials) D 6751.

Co-product: Any product produced in addition to the principle product. For biodiesel, any product, such as glycerin, that is produced in the process of making biodiesel.

Glyceral: Short for glyceraldehyde, a chemical with formula $C_3H_6O_3$ that may be produced from glycerol.

Glycerin: A solution of glycerol, water, and other substances. The water is introduced in the washing stage after the biodiesel and glycerol are produced. Glycerin may be refined for commercial purposes. It is usually sold for use in soaps and other products.

Glycerol: A chemical with the formula $C_3H_8O_3$. It is a viscous, colorless liquid. Glycerol and biodiesel are produced by the reaction of alcohol with vegetable oil or animal fats.

Inactive (operating status): This status should be reported for a plant it has permanently ceased operations, has been leased to another company, or has been sold to another company.

Leased to Another Company): A plant that is still under the ownership of the respondent but the production has been contracted out to another company. Does not include biodiesel plants that process feedstock for fuel marketers under tolling agreements.

Permanently Ceased Operations: A plant that has stopped producing biodiesel and is not expected to restart operations.

Producer: A company engaged in the production and sale biodiesel with delivery generally at or near the production facility. For the purposes of firm classification, a firm primarily engaged in the development and/or production of biodiesel. A biodiesel producer must be legally registered with the Environmental Protection Agency.

Sold to Another Company: A plant that has been sold to another company and is expected to continue biodiesel production under different ownership.