



MEMBERSHIP PACKET

EFFECTIVE JUNE, 2018

WWW.BIODIESEL.ORG

NATIONAL BIODIESEL BOARD MEMBERSHIP PACKET

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SECTION A

NATIONAL BIODIESEL BOARD MEMBERSHIP INFORMATION

Corporate Purpose

The National Biodiesel Board (NBB) is a non-profit trade association that exists to promote public acceptance and confidence in biodiesel and RHD, to the end of commercial success for all.

Biodiesel

means the mono alkyl esters of long-chain fatty acids that are derived from animal fats or vegetable oils and that meets or exceeds the specifications of ASTM D6751 or any legal successor thereto.

Renewable Hydrocarbon Diesel (“RHD”)

means the hydrocarbon fuel derived from renewable material that meets the specifications of ASTM D975 or its legal successor and also meets the properties below:

- i. Oxidation Stability: ASTM D2274 (16h @ 95°); 2.5mg/100mL maximum; and
- ii. Oxygen Content: ASTM E385; 100 ppm maximum.

Renewable Hydrocarbon Diesel is produced in a facility dedicated exclusively to the production of biomass-based diesel as defined in the RFS2 rules of the EPA. It does not include co-processed renewable fuel.

Eligibility

Membership in the National Biodiesel Board may be granted to any Feedstock Producer Organization, Biodiesel or Renewable Hydrocarbon Diesel Producer, Biodiesel or Renewable Hydrocarbon Diesel Marketer, Organization or Individual who is supportive of the purposes of the National Biodiesel Board. Applicants may be granted membership as outlined in the NBB Membership Admission Procedure. There shall be two classes of Members: Voting Members and Nonvoting Associate Members.

“Biodiesel” means the Mono Alkyl-Esters of long-chain fatty acids derived from animal fats or vegetable oils that meet the specifications of ASTM D-6751 or its legal successor.

“Feedstock Producer Organization” mean the producers of feedstock for either biodiesel or renewable hydrocarbon diesel.

“Fuel” means both biodiesel and renewable hydrocarbon diesel.

“Industry” refers to both the biodiesel and the renewable hydrocarbon diesel industries.

“Marketer” means both a Biodiesel Marketer and a Renewable Hydrocarbon Diesel Marketer.

“Producer” means both a Biodiesel Producer and a Renewable Hydrocarbon Diesel Producer.

“Renewable Hydrocarbon Diesel Producer” means a person who produces Renewable Hydrocarbon Diesel in a facility dedicated exclusively to the production of biomass-based diesel as defined in the RFS2 rules of the EPA.

“Renewable Hydrocarbon Diesel Marketer” means a person who markets Renewable Hydrocarbon Diesel produced in a facility dedicated exclusively to the production of biomass-based diesel as defined in the RFS2 rules of the EPA.

Membership Approval Procedure

Upon receipt of a completed NBB Membership Application Form, a check for the appropriate Minimum Annual Dues and a Certificate of Analysis from an accredited laboratory demonstrating compliance with ASTM D6751*, NBB shall act expeditiously on the application pursuant to the procedure detailed in the NBB Admission Policy.

Requirements for Admission to Membership

All applications for membership are subject to acceptance and approval by NBB. NBB will approve an application for membership if NBB determines that the applicant is eligible and that approval is in the best interests of NBB. NBB reserves the right to determine the most appropriate class of membership for an applicant and reserves the right to reclassify a member to another class of membership as deemed appropriate. An applicant shall not be admitted to Membership until the applicant has satisfied the requirements of the NBB Membership Admission Policy.

NBB Definition; Certificate of Analysis

Because the definition of renewable diesel is not yet firmly fixed in this country, NBB has established its own definition (See previous paragraph). Because NBB has had to adopt its own definition for renewable diesel, an RHD Producer or Marketer applying for NBB Membership must submit with its Membership Application a Certificate of Analysis (COA) of its RHD from a qualified industry lab demonstrating compliance with the NBB definition above.*

Voting Membership Class

Feedstock Producer Organizations

One Voting Membership shall be granted for each fiscal year for each Feedstock Producer Organization which has paid to the Corporation a minimum \$10,000 contribution for the fiscal year.

Producers; Marketers

One Voting Membership shall be granted for each fiscal year for each Producer or Marketer that pays to the Corporation a minimum of \$2,500 dues based upon the following annual volume produced or upon gallons purchased from a non-NBB member, whether or not intended for export, and whether or not imported from another country. In a toll-manufacturing situation, the party whose EPA Registration is being used for production shall be deemed the Producer for purposes of these Bylaws.

Dues

NBB operates on a fiscal year that starts on October 1 of each year and ends on September 30 of the following year. All dues payments are geared to this schedule. Dues are not tax deductible as charitable deductions but may be tax deductible as ordinary and necessary business expenses. Initial Dues will be prorated to the fiscal year quarter in which Membership is granted. An eligible dues payor must pay according to the following:

Feedstock Producer Organizations:

\$10,000 per NBB fiscal year.

Two or more Feedstock Producer Organizations may pool their contributions to meet or exceed the minimum \$10,000 dues and, having done so, may jointly appoint the Voting Member to whom they are thereupon entitled.

Producers; Marketers:

\$2,500 per NBB fiscal year.

Additionally, on gallons above 312,500, members must pay Volume Dues based upon the cumulative annual volume of production, as follows:

Total Volume Produced During NBB's Fiscal Year	Current Fiscal Year (Gallons)	Volume Dues
0 to 10,000,000 gallons	\$.008 per gallon	(\$80,000)
10,000,001 to 30,000,000	\$.003 per gallon	(\$60,000)
Amounts over 30,000,000	\$.001 per gallon	

[Example: A Producer that produces or Marketer that purchases from non-NBB members 65 million gallons would pay \$175,000 in annual dues (\$80,000 + 60,000+35,000.)]

Monthly Volume Report; Volume Dues. Producers and Marketers will be invoiced for their \$2,500 Minimum Annual Dues at the beginning of each fiscal year. This \$2,500 is due on October 1. Producers and Marketers must submit to NBB Monthly Volume Reports of cumulative gallons produced, tolled, and/or purchased from non-NBB members to date during the current fiscal year, by the 20th of the following month (i.e.: report for October will be due by November 20th). Each report will separately note the volumes of fuel produced, tolled, or purchased from a non-NBB member, whether or not intended for export, and whether or not imported from another country. Volumes produced at each individual production plant will be separately reported. This is done electronically on the NBB Members Only portion of the website.

When the reported cumulative volume produced, tolled, and/or purchased from non-NBB members during the year-to-date has exceeded 312,500 gallons, then Volume Dues must be paid in accordance with the schedule above. Volume Dues are payable within 30 days of reporting the volumes which triggered them. For example, March volumes are reported by April 20. Any Volume Dues triggered by March volumes are due by May 20. Producers and Marketers will use the Monthly Volume Dues Report they generate as their invoice for any dues payable. Information on volumes reported shall be restricted pursuant to the NBB Confidentiality Policy.

Organization:

\$2,500 per NBB fiscal year.

Individual, Educational Institution, or Government Entity:

\$500 per NBB fiscal year.

Fuel Sales Among NBB Producers/Marketers

For purposes of calculating Volume Dues payments, gallons of biodiesel that are sold among NBB Members shall be counted only once. Volume Dues on such sales shall be paid only by the first NBB Member involved in the transaction (whether the Member produces the fuel, purchases it, or simply brokers it).

Volume Dues Auditing Policy

NBB shall have access to the Member's books and records relevant to the proper payment of Volume Dues. If a Volume Dues audit reveals the Member has underpaid NBB by more than 10% of the amount due, the Member shall be assessed and liable for the costs of the audit. All information accessed by the audit shall remain restricted pursuant to the NBB Confidentiality Policy.

Delegates and Alternates

Voting Members - In order to operate knowledgeably, efficiently and consistently in the best interests of the Biodiesel industry, the dues-paying legal entity must appoint a Primary and Alternate individual to consistently serve at NBB meetings.

Either the primary or alternate individual will be its Voting Delegate. This person must be an officer or agent of the dues-paying entity with full authority to vote on all matters coming before the Voting Members of the NBB.

Proper and timely payment of all dues allows the Member to be a Member of the National Biodiesel Board. If a legal entity, proper and timely payment of dues allows the Member to designate an individual to be a Delegate to the NBB. Nonpayment of dues is grounds for membership discipline, including suspension or revocation of membership. Appropriate Minimum Annual Dues must accompany all membership applications.

Meeting Attendance

Faithful attendance at meetings is necessary for the NBB to act faithfully for the benefit of the industry. Proper attendance at an NBB meeting that fails for lack of a quorum is a waste of time for those Members who took the time to faithfully attend, and accomplishes nothing for the industry.

Important Notice: An NBB Member, through its Voting Delegate or Alternate, is encouraged to attend all meetings, and expected to attend at least half of all NBB meetings.

NBB Governing Structure

NBB's Governing Board consists of 15 Directors elected by and from Voting Members.

Regular Membership Meetings

Regular meetings for the entire membership shall be held at such time, place, and date as the Governing Board may determine. Notice of such regularly scheduled meetings including date, time, and location shall be given at least ten (10) calendar days in advance of any regular meeting by mailing first class, by emailing, or by faxing to the address or facsimile number supplied by the Member. Any official business to be conducted shall require a quorum as set forth below.

Special Membership Meetings

Special meetings of the members may be called for any purpose by the Chair or by the Governing Board, and shall be called by the Chair at the request of any ten (10) members in good standing. At least ten (10) days notice of the special meeting shall be given to all eligible Voting Members by first class mail, by email, or by faxing to the address or facsimile number supplied by the Member.

SECTION B

NATIONAL BIODIESEL BOARD MEMBERSHIP ADMISSION POLICY

Biodiesel and Renewable Hydrocarbon Diesel (RHD) are renewable biomass-based diesel fuels competing for market share in a mature and highly competitive market. The National Biodiesel Board (NBB) is a non-profit trade association that exists to promote public acceptance and confidence in Biodiesel and RHD, to the end of commercial success for all. To advance this common goal, the NBB will admit to Membership on a nondiscriminatory basis any industry member or supporter with a legitimate economic interest in the success of biodiesel or RHD, and who meets the Membership requirements. The Applicant must:

If applying for a **Voting Membership**, be either a:

- **Feedstock Producer Organization**
- **Producer; Marketer**

If producing biodiesel or RHD, it must be registered with the EPA pursuant to the Clean Air Act regulations found at 40 CFR Part 79. If applying for a Producer Membership but not yet in commercial production, NBB will proceed with admission to Producer Membership on this basis:

If applying for a **Non-Voting Organization Membership**, must be a company with a bona fide economic interest in the success of the Biodiesel Industry and supportive of the purposes of the National Biodiesel Board. Common examples of those fitting this description are, but not limited to:

- **Industry technology, chemical, process, and petroleum suppliers**
- **Expert consultants**
- **Research and Development organizations**
- **Industry trade organizations and related businesses**
- **Biodiesel or RHD stakeholders not eligible for Voting Membership**
- **Biodiesel or RHD Marketers not required to register their fuel with the EPA because their upstream suppliers have already registered the Biodiesel or RHD.**

If applying for a **Non-Voting Individual Membership**, must be an individual person who has No Direct Economic Interest* in the Biodiesel Industry; but is supportive of the purposes of the National Biodiesel Board.

* Direct Economic Interest in the Biodiesel Industry shall mean directly marketing a product or service either within the Biodiesel Industry or to the Biodiesel Industry; or being an employee, officer, or board member, or contractor to an entity that does so. If and when an Individual Member ever does acquire a Direct Economic Interest in the Biodiesel Industry, he or she is no longer eligible for Individual Membership, and must notify the NBB in writing. The Individual Membership shall expire at the end of the fiscal year in question; and that individual or his or her company will be invited to apply for a different Membership.

Applicant Affirmations and Attestations

An applicant must:

Affirm that it will be represented at NBB meetings at its own expense by an officer or key employee of the dues-paying applicant with full authority to act on all matters coming before the NBB Voting Membership

Pay applicant's Minimum Annual Dues and thereafter pay its dues within thirty (30) days of invoice.

Signify applicant's intention to abide by the Articles of Incorporation, Bylaws, and Policies and Procedures of the National Biodiesel Board.

Signify its intention to comply with the NBB Antitrust Compliance Policy.

Signify its intention to comply with the NBB Code of Ethics.

Signify its intention to comply with the NBB Fuel Quality Policy.

If a Producer; Marketer, submit required monthly **Volume Dues** reports of produced, tolled, or purchased gallons from non-NBB Members. If required, remit Volume Dues monthly. *Note: Monthly Volume Dues Reports are required to be submitted even if production, tolls or purchased gallons are zero.*

If a Producer of renewable fuel for the transportation market attest that it will process only biodiesel or RHD, as the case may be, that is registered with the EPA pursuant to the Clean Air Act regulations found at 40 CFR Part 79.

Affirm that neither the Applicant, nor any of its key employees have been found by any court of competent jurisdiction to have intentionally sold inferior biodiesel or renewable fuel or to have engaged in fraudulent, deceptive, or other illegal conduct that undermines consumer confidence in biodiesel or renewable fuel.

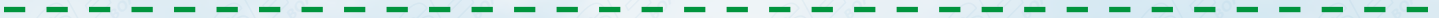
Affirm that neither the Applicant nor any of its key employees is involved in any pending bankruptcy or insolvency proceedings nor otherwise involved in financial problems that could reasonably be expected to undermine consumer confidence in its renewable fuel. If further inquiry into this criterion is required, any evaluation of an Applicant's creditworthiness shall be based on objective data only.

Membership will be granted to an Applicant meeting the above requirements.

Membership Admission Procedure

An Applicant for NBB Membership must submit a completed Application Form (Section D) and a check for appropriate Minimum Annual Dues. See the Application Form for specific details. Upon submission of all required documents, the Application Package will be distributed to the NBB Voting Members. Each NBB Voting Member will be given fourteen (14) calendar days from the date of distribution to file a Written Comment.

A Voting Member may comment if it believes the Applicant has conducted and will conduct its biodiesel or RHD business in a manner inconsistent with the exempt purposes of the National Biodiesel Board. If after 14 days, staff has received no written comment, Applicant shall be admitted to Membership. If staff does receive written comment, it shall proceed as directed by NBB Chair after consultation with legal counsel.



SECTION C

INSTRUCTIONS FOR SUBMITTING YOUR APPLICATION

1. Prior to completing your application, please ensure that you have the most recent edition of this Membership Packet by visiting the website at <http://www.biodiesel.org/members/howtojoin/>.
2. If you have questions about the EPA Registration, call (202) 343-9303 or (202) 343-9754.
3. If you have questions about the IRS, call (800) 829-3676.
4. Read all sections thoroughly.
5. Print or photocopy this Application Form.
6. Complete, sign, and date all required forms.
7. Mail all required forms, as well as any company literature you wish to submit along with your check for the correct pro-rated Member's Minimum Annual Dues (see Initial Dues Table on page 19) amount and made payable to National Biodiesel Board, to the following address:

National Biodiesel Board
Attn: Director of Operations
P.O. Box 104898
Jefferson City, MO 65110-4898

UPS or Fed Ex delivery:
National Biodiesel Board
605 Clark Avenue
Jefferson City, MO 65101

CHECKLIST Application documents & requirements:

- Completed Application (Section D)
 - Check
 - Written Narrative of Company Applicant
 - If required, Certificate of Analysis
 - If required, location and accompanying information about additional biodiesel and RHD plants.
8. You will be notified when your application has been accepted and approved.

SECTION D

NATIONAL BIODIESEL BOARD MEMBERSHIP APPLICATION FORM FEEDSTOCK PRODUCER ORGANIZATIONS OR PRODUCERS; MARKETERS

PLEASE PRINT CLEARLY AND COMPLETE ENTIRELY

Incomplete or illegible applications will be returned for correction prior to processing

A. MEMBERSHIP CLASS. Select only one:

1. Voting Member. Applicant is a:

- Feedstock Producer Organization - \$10,000 annual dues
- Producer; Marketer - \$2,500 minimum annual dues

2. Associate (Non-Voting) Member. Applicant is a:

- Organization - \$2,500 annual dues
- Individual, Education Institution or Government Entity - \$500 annual dues

B. CONTACT INFORMATION

Company Name _____

Physical Address:
Street/Suite/Apt#:

City _____ State _____ Zip _____

Mailing Address:
Street/Suite/Apt #:

City _____ State _____ Zip _____

Applicant Name _____

Office Phone (_____) _____ Office Email _____

Company Website _____

C. COMPLETE IF APPLYING AS A COMPANY OR ORGANIZATION

The following information must be completely and clearly provided.

Note: Please answer the questions below as they apply to your Membership category.

1. What is your name and title/position?

Name _____ Title or position _____

2. Who are the principal owners of your company or organization? (List corporation or individual names).

3. What is the form of your business (corp., LLC, partnership, proprietorship, individual)?

4. In what state is your business or organization chartered, registered or incorporated?

5. What is the aggregate annual sales volume of all products (not just biodiesel or RHD) **in your entire company structure, including all parent and subsidiary organizations?**

\$ _____

6. If applying for a Producer Membership:

a. Is your company already producing Biodiesel or RHD? _____

b. At your own plant or at a toll-manufacturing plant? _____

c. Location of Plant: Street Address; City; State; Nation:

d. Current name plate capacity: _____

e. Date it commenced production: _____

f. If not yet producing, estimated date of Clean Air Act fuel registration with the EPA:

If more than one plant, please attach required information about other plants on separate attachment.

7.REQUIRED**:** Certificate of Analysis. Enclose with this Application, a Certificate of Analysis of your B100 demonstrating its compliance with ASTM D-6751. NBB will require a Certificate of Analysis from an accredited industry lab demonstrating compliance of Applicant's B100 with the ASTM standard. An Applicant whose plant is not yet in commercial operation will be given 30 days after completion of its first sale to submit a compliant C.O.A. NBB will hold the application in abeyance until that C.O.A. is delivered. Applicant may upon good cause shown, apply for one 30-day extension. After that, the Application will be returned.

Or

****REQUIRED**:** Certificate of Analysis. Enclose with this Application, a Certificate of Analysis of your RHD demonstrating its compliance with the NBB Definition of Renewable Hydrocarbon Diesel. NBB will require a Certificate of Analysis from an accredited industry lab demonstrating compliance of Applicant's RHD with the above definition. An Applicant whose plant is not yet in commercial operation will be given 30 days after completion of its first sale to submit a compliant C.O.A. NBB will hold the application in abeyance until that C.O.A. is delivered. Applicant may upon good cause shown apply for one 30-day extension. After that, the Application will be returned.

8.REQUIRED**** Please attach a brief narrative about your company or organization in terms of history, present situation, and goals with respect to commercial biodiesel or RHD production or marketing, or as an entity or individual with an economic interest in commercial biodiesel or RHD success. You may also submit your company or organization's literature with your application.

9. Related Companies: NBB Bylaws do allow Membership of more than one company within a corporate family. However, relationships to other member companies within a controlled group will be disclosed when a Voting Delegate or Alternate stands for election to the Governing Board. Are any other companies within your corporate family already a member of NBB?

YES NO

If so, what company or companies?

D. COMPLETE IF APPLYING AS AN INDIVIDUAL, EDUCATIONAL INSTITUTION, OR GOVERNMENT ENTITY

The following information must be completely and clearly provided.

1. Provide here a brief narrative about yourself in terms of your background. Why do you want to become a member of the National Biodiesel Board (Purpose) and what are your goals as to being a member of the National Biodiesel Board?

(Attach additional page if needed).

E. REASONS FOR JOINING NBB

I/My company is applying for this NBB Membership because (check all that apply)

- Mutual, industry-wide promotion of biodiesel and RHD will benefit all.
- Biodiesel and RHD require industry-wide standards.
- The consumer needs more confidence in a reliable, uniform product.
- The industry needs to speak with one voice on common regulatory issues.
- Biodiesel and RHD need better governmental support to be successful in the market.
- Other

F. AFFIRMATIONS

I or my company attests that:

- 1.** I have read and concur with all requirements stated in the NBB Membership Admission Policy and with all lawful future amendments thereto.
- 2.** I further attest that, if admitted, my company and I will:
 - a.** Commit to full and faithful participation in the NBB.
 - b.** Abide by the NBB Articles, Bylaws, and Policies.
 - c.** Cooperate with other NBB Members to accomplish the goals of the NBB, complying as we do with the governing documents of the NBB as they now exist or in the future may be lawfully amended.

- d. Remit dues to NBB within thirty days of receipt of dues invoice.
- e. If a Producer or Marketer paying Volume Dues, timely remit monthly reports of those volumes to NBB.
- f. Abide with and cooperate with any NBB Volume Dues Audit. If found to have underpaid dues, I will promptly remit all unpaid dues and if required the cost of the audit.
- g. Comply with the NBB Code of Ethics, the NBB Antitrust Compliance Policy, and the NBB Fuel Quality Policy as they now exist or in the future may lawfully be amended.
- h. Affirm here that except as hereafter noted neither Applicant nor any of its key employees has been found by any court of competent jurisdiction to have intentionally sold inferior biodiesel or RHD, or to have engaged in fraudulent, deceptive, or other illegal conduct that undermines consumer confidence. If so, explain:

G. DESIGNATION OF DELEGATE AND ALTERNATE

Applicant hereby designates:

Primary Delegate Name _____

Business Address _____

City _____

State _____

Zip _____

Office Phone () _____

Office Fax () _____

Mobile () _____

Home Phone: () _____

**Required-Delegate Email _____

Other _____

Alternate Delegate Name _____

Business Address _____

City _____

State _____

Zip _____

Office Phone: () _____

Office Fax () _____

Mobile () _____

Home Phone: () _____

Required Alternate Delegate Email _____

Other _____

*** NOTE-each Delegate & Alternate is required to provide an email address to receive a user name/password for the Members-only website.*

The above persons and no others are designated in the alternative to act and, if Applicant is a Voting Member, to vote for Applicant in its name at any and all regular and special Membership meetings of the National Biodiesel Board, in transacting any business as may come before such Membership meeting including but not limited to election of Directors. All previous designations are hereby revoked. This document, unless revoked and replaced, shall remain in force until Membership has ended. It may be revoked at any time.

I. INITIAL DUES PAYMENT

I submit here with a check payable to National Biodiesel Board for Minimum Annual Dues. Such dues payment may be prorated by the NBB Fiscal Year quarter in which Directorship will be granted. NBB's Fiscal Year runs from October 1st to the following September 30th. Therefore, NBB quarters run as follows:

1st: Oct. 1 – Dec. 31

2nd: Jan. 1 – Mar. 31

3rd: Apr. 1 – Jun. 30

4th: Jul. 1 – Sep. 30

Prorated Dues should be paid in the first year in compliance with the following:

If Joining NBB As:	If Joining NBB Between			
	Oct. 1 - Dec. 31	Jan. 1 - Mar. 31	Apr. 1 - Jun. 30	Jul. 1 - Sep. 30
Feedstock Producer Organization	\$10,000	\$7,500	\$5,000	\$2,500
Producer; Marketer	\$2,500	\$1,875	\$1,250	\$625
Organization	\$2,500	\$1,875	\$1,250	\$625
Individual, Educational or Gov.	\$500	\$375	\$250	\$125

By my signature below, I/my company hereby submit(s) this application to the National Biodiesel Board for Membership. I/we assert the truth of all above statements and attest that I have full authority on behalf of the above-listed Applicant to do so.

Submitted this _____ day of , 20 _____

Signature _____

Printed Name _____

Printed Title _____

Company _____

On behalf of _____