

April 25, 2022

Mr. Debebe Dererie
Ms. Abbey Brown
Ms. Rachel Assink
Washington Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: EVgo Comments on Department of Ecology's Draft Language for Washington' Clean Fuel Standard

Dear. Mr. Dererie, Ms. Brown, and Ms. Assink,

EVgo commends the State of Washington and the Department of Ecology for its leadership in supporting Washington's climate and zero emission goals through thoughtful public policy, including implementation of its Clean Fuels Program. As we have seen in other states, low carbon and clean fuel standards and related transportation policies are pivotal to reducing greenhouse gas (GHG) emissions, enabling increased private investment, and delivering public health benefits to all Washingtonians.

As you may know, EVgo is the nation's largest public fast charging network for electric vehicles, and the first to be powered by 100% renewable energy. With more than 850 fast charging locations – including more than 25 in Washington – EVgo's owned and operated charging network serves over 60 metropolitan areas across more than 30 states and over 300,000 customer accounts. As a result, EVgo has deep experience with respect to both the commercial and policy aspects of clean fuel programs and welcomes the opportunity to share our views.

EVgo thanks the Department for continued engagement and for initial implementation of its Clean Fuels Program. With vehicle emissions being the largest contributor to GHG emissions in the state, comprising the clean fuel standard will help support the state's goals for transportation electrification, including 100% zero emission vehicle (ZEV) sales by 2030, the most ambitious target in the nation.^{1 2}

As staff prepares to issue a formal draft to adopt later this year, EVgo respectfully puts forth the subsequent recommendations. EVgo looks forward to supporting the Department of Ecology and state of Washington in pursuit of a fully electrified transportation sector and welcomes itself as a resource should any questions arise.

Best,



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¹ Reducing Greenhouse Gases, Washington Department of Ecology, <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases>

² In March 2022, Gov. Jay Inslee signed into law the \$16.9 billion dollar "Move Ahead Washington" transportation package, which included a target that for all vehicles of model year 2030 or later sold, purchased or registered in Washington state to be electric vehicles.

1. EVgo recommends Department of Ecology set a 20% carbon intensity reduction requirement by 2034 to achieve emissions reduction benefits expeditiously.

As state leaders have recognized, Washington will need significantly more ZEV infrastructure to achieve ubiquitous adoption and meet the state's transportation decarbonization goals. To help achieve that, EVgo strongly recommends the rule require a 20% reduction in carbon intensity of fuels by 2034, the earliest date permitted in the statute.³ Clean fuel programs have been a transformative policy tool for accelerating transportation electrification in other states; a 20% reduction target by 2034 would more closely align the program with Washington state policy and approach the 30% reductions targeted by 2030 under California's Low Carbon Fuel Standard (LCFS), as well as Oregon, which is considering increasing stringency of targets to a standard of 20% below 2015 levels by 2030 and 37% below 2015 levels by 2035.

^{4 5}

2. EVgo recommends 2023 as a full compliance year in its own right.

By setting the most immediate emissions reductions compliance requirements allowed by statute, the Department can help Washington realize the economic and health benefits of emissions reductions benefits faster. The draft rule currently has the first compliance year spanning from the beginning of 2023 to the end of 2024, nullifying any compliance obligations in 2023. Instead, EVgo recommends that 2023 be its own full statutory compliance year.

By frontloading the program and implementing compliance in year one of the program, the Department will enable an immediate clean fuels market. Conversely, by delaying full statutory compliance to 2024, the state may inadvertently signal regulatory uncertainty and delay emissions reductions and their respective benefits. Given the prevalence of the clean fuels programs already underway in California and Oregon, the industry is already well positioned to comply with Washington's respective program by 2023.

3. EVgo supports the inclusion of the ZEV Infrastructure Crediting Pathway at the start of the Clean Fuels Standard Implementation.

Clean fuel programs play a pivotal role in decarbonizing the transportation sector. EVgo supports the Department's inclusion of the ZEV Infrastructure Crediting pathway, also known as the DC Fast Charging Infrastructure (FCI) pathway, at the beginning of the clean fuels program in 2023 in the draft language. FCI has been a strong market catalyst for charging infrastructure in other states and has helped create an equitable charging network coverage across the state by spurring development in less utilized areas.

There is a time sensitive nature to implementation FCI, with the crediting pathway yielding more benefits to the state in encouraging transportation electrification and charging infrastructure investments the sooner it is implemented. It is thus imperative that staff maintain the start date of 2023 in its final rule.

³ Clean Fuels Program, H.B. 1091, 67th Washington State Legislature Regular Session, 2021. <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1091-S3.SL.pdf?q=20210716000002>

⁴ California Air Resources Board, *Current Regulation - Low Carbon Fuel Standard*, 2020. https://ww2.arb.ca.gov/sites/default/files/2020-07/2020_lcf_s_fro_oal-approved_unofficial_06302020.pdf

⁵ Oregon Department of Environmental Quality - Clean Fuels Program Expansion 2022 Rulemaking: Rulemaking Advisory Committee Meeting #3, pg. 22, (2022). <https://www.oregon.gov/deq/rulemaking/Documents/cfp2022m3Pres.pdf>

Further, EVgo would further suggest that Department look to California's existing FCI program for best practices on credit calculations and caps.

4. EVgo recommends streamlining the Fast Charging Infrastructure (FCI) application process and reporting requirements to ease market participation.

Building on its support for the Department's inclusion of FCI in year one of the program, EVgo extends the following recommendations to the application and reporting processes in order to make program participation as simple as possible and keep administrative burdens and costs at a minimum. This will be especially critical for small, but growing companies in the space. Based on lessons learned in other markets, EVgo extends the following recommendations for Washington's FCI application and reporting processes.

- **Align reporting deadlines with clean fuel standards in other states:** Reporting can be burdensome. In order to decrease the burden and respective soft costs, EVgo recommends the Department mirror the reporting structure, cadence, and deadlines of other state clean fuels programs.⁶
- **Allow market participants to submit multiple sites in a single application:** As the EV market accelerates, the charging industry is scaling the number of sites deployed in tandem. Submitting each site individually is a burdensome administrative task, adding to soft costs, and will become more onerous as companies increase their investments in the state. EVgo proposes to streamline the application process to enable submitting multiple sites together.
- **Update the requirement for site applications for FCI to be submitted *after* the site has gone online:** As it stands, utility interconnection timelines can be complex and unpredictably lengthy delayed due to various factors like long response times to requests, slow construction scheduling, or lead time for utility equipment (e.g. transformers). Thus, the current rule's expectation for FCI participants to submit site applications before the site has gone online is impractical, as the EV service provider (EVSP) must await this last step from the utility—a step that is out of its control— before it may begin the administrative process to enroll in FCI and collect credits. Allowing applicants to wait for the site has gone online aligns the application process with DC fast charging development timelines as well as keeps a clearer application queue for staff to review and administer.
- **Change the FCI application requirement for charger level geocoordinates (latitude, longitude) to site level:** Providing charger level geocoordinates is onerous for applicants to provide at the time of application not only for Clean Fuel Standards, but especially for FCI. The precision required for the charger level geocoordinates can be difficult to achieve and may discourage participation due to the potential need to purchase surveying tools as they scale. Instead, EVgo recommends that that this application requirement remain at site level precision.

⁶ For example, California Air Resources Board requires quarterly reporting for FCI, and reporting requirements for LCFS are quarterly and annually. Quarterly reporting takes place at the beginning of each quarter and annual reporting takes place in early April.