Electric Vehicle Charging Association
INNOVATION FOR CLEAN MOBILITY

August 31, 2022

Rachel Assink
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Re: Electric Vehicle Charging Association Comments on Clean Fuels Program Rule, Chapter 173-424 WAC

To Whom It May Concern:

The Electric Vehicle Charging Association (EVCA) is a not-for-profit trade organization of 19 leading EV charging industry member companies and two zero-emission autonomous fleet operators. EVCA's mission is to advance the goal of a clean transportation system in which the market forces of innovation, competition, and consumer choice drive the expeditious and efficient adoption of EVs and deployment of EV charging infrastructure.

Pursuant to 2021 legislation, the Washington Department of Ecology (Ecology) must adopt rules establishing the Clean Fuels Program by January 1, 2023. EVCA thanks the Washington Department of Ecology for providing the opportunity to comment on the proposed rulemaking and we suggest the following comments for consideration:

I. CI reduction schedules

EVCA supports the proposed carbon intensity (CI) reduction schedule. This trajectory better aligns with other west coast Clean Fuels Programs and will lead to faster emissions reductions and a stronger investment signal to invest in clean fuels and infrastructure.

II. Nonresidential EV charging crediting

EVCA recommends modeling the reporting after Oregon, which appoints the **first fuel reporting entity for nonresidential charging (including multifamily locations) to be the owner *or* (network) service provider**. This allows for more flexibility and provides for easier administration of the program on the non-residential side. It will also minimize stranded credits and return more value to the market.

173-424-220(3) as it is currently drafted does not make clear that nonresidential charging can generate incremental credits for using eligible renewable electricity. We would like 173-424-220(3)(a) to read "*The owner or network service provider of the electric-charging equipment may generate credits from each piece of equipment.*"

III. Registration.

As currently written, 173-424-300(b)(vii) implies that network operators would have to upload contracts for each station registration. However, consistent with our point above, **charging station owners and/or network service providers should not have to upload contracts to prove legitimate claim to credits**. To that end, we would like for 173-424-300(b)(vii)(A) to say is "*For entities not described in 173-424-220(3)(a), provide ecology with a copy of a written contractual agreement demonstrating the registered entity acquired the designation of the first fuel reporting entity status;*"

Secondly, **we are concerned with the requirement laid out in 173-424-300(b)(vii)(B)**. The current draft requires that registrants of nonresidential charging stations “must provide the number of chargers located in Washington... the estimated annual discharge of electricity per location." No other clean fuels program requires this type of information. Additionally, these would be next to impossible to identify as the number of chargers and electricity dispensed is constantly changing.

IV. Annual reporting of electric utility credit revenue.

The draft rule (WAC 173-424-420(7)) requires utilities to report on use of revenues under the program but does not clearly mandate reinvestment into transportation electrification. Ecology should **require stricter reinvestment criteria**, not just reporting criteria, for utility residential credit proceeds back into things like charging infrastructure, line extensions, point of sale EV rebates, etc., to benefit Washington EV drivers and advance transportation electrification in Washington.

V. Fast charging infrastructure (FCI) pathway.

Section WAC 173-424-560(2)(c)(iii)(C)(vi) of this provision says that the crediting period will begin "...starting with the quarter following ecology approval of the application." However, EVCA **recommends crediting to begin the first quarter the station is activated following Ecology approval** of the application. By starting the quarter following Ecology approval regardless of activation status, some projects that pre-applied but are not yet active essentially get penalized by missing out on a quarter(s) of credits. This small change will prevent that.

VI. Advance crediting eligibility

EVCA recommends that Ecology **adjust the advance crediting provisions to not limit eligible projects to those receiving Washington Department of Transportation (DOT) funds**. These projects will already be receiving some level of funding and may be less in need of funding than other projects. To achieve greater program additionality, this restriction should be dropped so that projects not receiving DOT funds are eligible for advance crediting, too.

Sincerely,

Reed Addis
Governmental Affairs
Electric Vehicle Charging Association