

June 7, 2024

Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Re: Clean Fuel Standard Rulemaking Informal Comments

Department of Ecology Staff,

EVgo appreciates the opportunity to comment on the Department of Ecology's (Ecology) Clean Fuel Standard workshop on the Clean Fuel Standard (CFS) held on May 2, 2024. Headquartered in Los Angeles, EVgo is one of the nation's largest public fast charging providers for electric vehicles (EVs) with a mission to expedite the mass adoption of EVs by creating a convenient, reliable, and affordable EV charging network that delivers fast charging to all drivers.

The CFS is one of Washington's most effective decarbonization tools. It supports critical investments in EV charging infrastructure needed to meet Advanced Clean Cars (ACC) II and other Ecology zero-emission vehicle (ZEV) regulations. Unlike other Washington policies that incentivize EV charger deployment through one-time capex support, the CFS provides critical ongoing support for EV charger operations, including maintenance, in a manner that enhances the EV charging experience for all drivers. EVgo appreciates all the effort Ecology has made to implement the CFS to-date and looks forward to its continued success in supporting the state's climate goals.

EVgo's brief comments are summarized as follows:

1. Ensure that third-party verification requirements for electricity support program objectives and do not discourage CFS participation;
2. Preserve existing fast charging infrastructure (FCI) provisions for light-duty EV charging infrastructure;
3. Evaluate the availability of eligible renewables projects before adopting new book-and-claim requirements for electric fuels;
4. Monitor CFS market trends and consider additional regulatory tools at a later date to ensure a robust market for low-carbon fuels

1. Ensure that third-party verification requirements for electricity support program objectives and do not discourage CFS participation

EVgo supports timely, accurate reporting of dispensed fuel in the CFS and appreciate that Ecology is considering third-party verification requirements for electricity that are feasible and practical for EV charging providers. To this end, EVgo encourages Ecology to, at most, consider “desktop” verification reviews for electric fuel supply equipment (FSE) participating in the CFS.

Unlike liquid fuels that are typically refined in large quantities at a limited number of facilities, EV charging networks in Washington are widespread and diffuse. Requiring site visits to test hundreds or thousands of EV would be operationally complex, financially burdensome, and would hinder the expansion of charging infrastructure needed to support state ZEV goals. Additionally, testing equipment that can measure direct current (DC) energy from DC fast chargers through National Institute of Standards and Technology-traceable (NIST) standards is relatively nascent and not widely available.¹ Given this nascency, NIST has clarified DC fast chargers are currently exempt from the accuracy requirements in NIST Handbook 44 until 2028.² EVgo encourages Ecology to monitor the availability and cost of necessary testing equipment for DC fast chargers in Washington before establishing third-party verification requirements that could unduly delay the deployment of EV charging infrastructure.

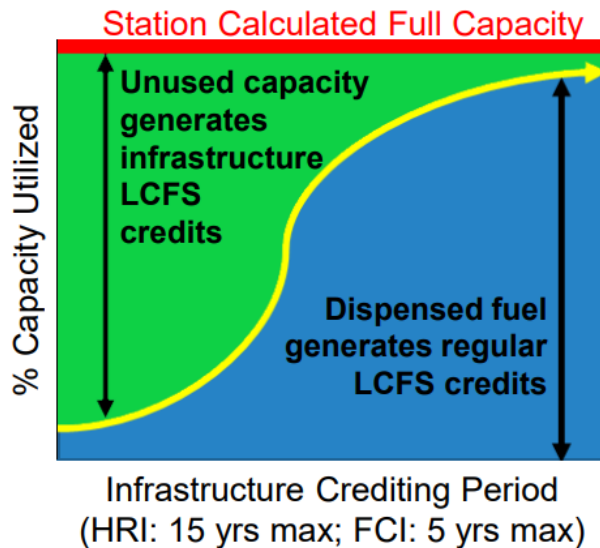
2. Preserve existing FCI provisions for light-duty EV charging infrastructure

EVgo encourages Ecology to retain the existing FCI provisions in the CFS for light-duty EV charging infrastructure and preserve optionality for EV charging providers supporting DC fast charging deployment. FCI credit generation opportunities already decline as charging stations achieve higher levels of utilization and are also currently limited to a five-year period after Ecology approves a charging station’s FCI application. This relationship is captured in the illustrative graphic below as well as in the methodology used to determine quarterly FCI credits for eligible fueling supply equipment (FSE) in the CFS regulation.

¹ <https://www.cdfa.ca.gov/dms/notices/devices/2022/d-22-02.pdf>

² [Electric Vehicle Fueling FAQs | NIST](#)

Figure 1: Relationship between Charger Utilization and FCI Credit Generation (Source: CARB)



In other words, an FCI credit “phase out” is already built into the existing CFS regulation and FCI credit generation opportunities decrease as FSE utilization increases. EVgo recommends that Ecology not prematurely limit the available pool of potential FCI credits and instead collect more data on how FSE utilization and FCI credit generation trends change over time.³ By seeking to build ahead of market demand to meet Washington's near-term ZEV goals, EV charging providers may initially experience low charger utilization – a challenge that FCI credits are expressly designed to address.⁴

3. Evaluate the availability of eligible renewables projects before adopting new book-and-claim requirements for electric fuels

In its workshop, Ecology proposed introducing new deliverability and project additionality requirements for renewable energy credits (RECs) used to adjust the carbon intensity (CI) of electric fuels in the CFS. EVgo supports the use of RECs and book-and-claim to further decarbonize electricity and advance the goals of the CFS. However, EVgo encourages Ecology to further assess the availability of RECs that would meet the agency’s proposed requirements for deliverability into Washington and project additionality. By preserving flexibility to use RECs from a broader pool of renewable energy projects tied to the regional grid, Ecology can further

³ The FCI provisions in the California LCFS were introduced in 2018 whereas the FCI provisions in the CFS were adopted in late 2022.

⁴ <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/clean-fuel-standard/generating-credits>

spur the development of zero-carbon electric fuels in line with state policy goals while supporting further decarbonization of the power sector.

4. Monitor CFS market trends and consider additional regulatory tools at a later date to ensure a robust market for low-carbon fuels

EVgo encourages Ecology to continue to monitor CFS market trends and consider adopting regulatory tools to increase the ambition of the CFS if needed in subsequent rulemakings. For example, as the California Air Resources Board (CARB) plainly stated in previous public workshops, California’s LCFS is overperforming.⁵ This trend is due, in part, to the unanticipated growth in low carbon fuels that have surpassed previously established annual carbon intensity (CI) targets in the regulation. As a result, CARB’s most recent quarterly data summary for Q4 2023 illustrates that the LCFS credit bank continues to grow at an accelerated pace, with a cumulative bank that has exceeded 23 million credits.⁶ To address the imbalance in the LCFS credit market and support the growth of low carbon fuels like electricity, CARB has proposed a near-term “step-down” in the CI target, a more ambitious 2030 CI target, and an auto-acceleration mechanism designed to increase the stringency of the LCFS to correct sustained program overperformance in future years.⁷ EVgo encourages Ecology to take lessons learned from California’s experience and ensure that Washington’s CFS is positioned to catalyze long-term investment in low-carbon fuels needed to meet state ZEV goals.

Conclusion

EVgo commends Ecology’s leadership on accelerating Washington’s adoption of low carbon fuels. As the state prepares for unprecedented levels of ZEV adoption driven by complementary regulations, state policy, and technological improvements, it is crucial that the CFS provide long-term market stability and growth opportunities for electric transportation fuels that align with the state’s ZEV goals. EVgo looks forward to working with Ecology and other stakeholders as the rulemaking progresses.

⁵ <https://ww2.arb.ca.gov/sites/default/files/2022-11/LCFSPresentation.pdf>

⁶ <https://ww2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/dashboard/quarterlysummary/Q4%202023%20Data%20Summary.pdf>

⁷ <https://ww2.arb.ca.gov/sites/default/files/2024-04/LCFS%20April%20Workshop%20Slides.pdf>

Respectfully submitted this 7th Day of June,

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