

June 7, 2024

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

Re: EV Realty informal comments on updates to the Clean Fuel Standard

Dear Mr. Saul and CFS and Climate Pollution Reduction Program Staff,

Thank you for continuing to provide opportunities to comment on Washington's Clean Fuel Standard as you consider updates to the program. These workshops and informal comment periods are quite valuable for industry stakeholders to understand staff thinking and provide reactions and recommendations for consideration. The Clean Fuel Standard is an important piece of Washington's overall policy portfolio as the state strives to meet goals for climate, clean air, and electrification. We look forward to working with you to maximize the benefits of this program.

EV Realty develops, deploys, and owns multi-fleet EV charging hubs for commercial fleets. Our charging hubs provide critical charging solutions for fleets that may not be willing or able to deploy their own charging infrastructure due to grid constraints, landlord restrictions, resource limitations, or other operational considerations. We site charging in grid-optimized locations that mitigate the need for costly and time-consuming grid upgrades. This business model aligns well with Washington state policy priorities by accelerating electrification and reducing the overall costs associated with this transition.

As noted in our previous comments, we believe Washington's Clean Fuel Standard has the potential to be one of the state's powerful tools for reducing transportation-related emissions. A well-designed Clean Fuel Standard can encourage and accelerate deployment of much-needed charging infrastructure to enable widespread adoption of electric vehicles. This is particularly important for the medium- and heavy-duty vehicle sector. Truck charging infrastructure is scarce and there's a clear need to dramatically ramp up investment to ensure successful implementation of the recently adopted Advanced Clean Trucks (ACT) rule.

We are encouraged by the proposal to expand Fast Charging Infrastructure (FCI) "capacity credits" to medium- and heavy-duty (MHD) vehicles. This is the single most important provision for supporting truck electrification through the Clean Fuels Program regulatory process. As previously noted, FCI provides an elegant solution for the "chicken or egg" dilemma that stands in the way of rapid truck electrification. A well-designed FCI can de-risk infrastructure investment and provide the catalyst this early market needs to ramp up.

EV Realty strongly supports the proposal to extend FCI to MHD fleets. Below, we provide high-level feedback on the programmatic design elements outlined on slide 28 of the May workshop presentation.

Support shared fleet charging depots

We support and appreciate the proposal to “extend credit opportunities to sites shared by multiple MHD fleets that are not otherwise publicly accessible.” Restricting FCI to fully public sites is reasonable for light duty passenger vehicle charging, but does not align well with commercial fleet needs. We applaud staff for recognizing this distinction and proposing to allow multi-fleet depots with security and access controls to participate in the program. These shared depot sites are an important part of the truck charging solution, particularly for fleets that lack the resources or ability to install and manage their own private infrastructure. This proposal aligns with the current proposal put forward by the California Air Resources Board (CARB) for California’s Low Carbon Fuel Standard (LCFS) program. It also aligns well with policy recommendation 2.8 from the Washington Transportation Electrification Strategy: “Amend Clean Fuel Standard rules to allow capacity credits for private fleet depots” for locations serving two or more fleets.¹

Avoid overly prescriptive technical specifications

The presentation states that there will be “sector-specific requirements re: nameplate capacity, # of FSE per site, types of chargers required, etc.” While we understand the desire to create some guardrails around technical specifications, we reiterate our prior recommendation to avoid overly prescriptive requirements. Developers should have the flexibility to respond to customer and market needs. We caution against a strict cap on the number of FSE per site. If there is a concern about the overall size of the program and a desire to encourage a diversity of sites, this can be accomplished through a reasonable cap on overall site capacity (e.g., 10MW as proposed for California’s LCFS program).

Maximize flexibility on geographic locations to meet market needs

We understand staff is still thinking through location considerations and may ultimately propose requirements based on environmental justice and diesel reduction benefits. We understand the motivation to maximize benefits in environmental justice communities and recognize that many programs around the country use charger location as a proxy for locational benefits. However, we strongly recommend a flexible program without prescriptive limits on location.

As noted in our earlier comments, geographic flexibility “will allow project developers to balance fleet operational needs, grid constraints and power availability, and real-estate related considerations such as zoning when siting projects. Near-term charging should be sited near locations with heavy truck traffic and locations where trucks are domiciled. These are the parts of the state – such as areas near ports and distribution facilities – that are already experiencing high levels of truck traffic and related diesel emissions. Clean air benefits will therefore flow to those locations that are most overburdened. Prescriptive siting requirements (e.g., limiting to existing fleet depots or specifying close proximity to a freeway) will have unintended consequences in the form of delayed deployment, added costs, and additional grid upgrades.”

We recognize the intention to align programmatic details with California’s program, and we’ve been actively involved in that process as well. The issue of geographic restrictions has been the source of

¹ Washington Transportation Electrification Strategy, page 112.

much discussion in the California LCFS process after CARB staff initially proposed limiting eligibility to sites within one mile of an alternative fuel corridor. Among those stakeholders that have weighed in, there was broad and diverse support for much more flexibility. Several environmental organizations and environmental justice advocates specifically asked CARB to relax geographic restrictions in order to accelerate truck electrification and maximize air quality benefits.² The state's biggest electric utilities noted that geographic restrictions would have the unintended consequence of forcing more grid upgrades and associated costs and delays.³ And several industry organizations called for flexibility to meet market needs, accelerate deployment, and contain costs.

We look forward to working with you and the broader stakeholder community to realize the benefits of this program, starting with key freight hubs that are most in need of the clean air benefits that electric trucks can deliver.

Sincerely,

Jamie Hall
Director, Policy
EV Realty

² See, for example, comments from Earthjustice (<https://www.arb.ca.gov/lists/com-attach/7077-lcfs2024-Wz4BZgd0BCNVowJo.pdf>, page 39), Coalition for Clean Air (<https://www.arb.ca.gov/lists/com-attach/6414-lcfs2024-VjUFYAdnBQlVMAlm.pdf>, page 2-3), and Natural Resources Defense Council (<https://www.arb.ca.gov/lists/com-attach/6958-lcfs2024-WzUFcVA1BTUAWQNg.pdf>, page 12-13)

³ See comments from Southern California Edison (<https://www.arb.ca.gov/lists/com-attach/6847-lcfs2024-ViVQNVyyWFQCZ1I9.pdf>, page 5-7) and Pacific Gas and Electric (https://ww2.arb.ca.gov/system/files/webform/public_comments/11546/LCFS_April%20Workshop%20Comments_PGE_05102024.pdf, page 4)