

March 3, 2026

Department of Ecology
Climate Pollution Reduction Program
PO Box 47600,
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Submitted online via: [Chapter 173-424 WAC and WAC 173-455-150, Clean Fuels Standard Rulemaking Informal Comment Period](#)

Re: January 20, 2026 request for comments on proposed amendments to the Clean Fuel Standard (CFS)

Dear Department of Ecology CFS Rulemaking staff:

Thank you for the opportunity to comment on this important update to the CFS. Our six undersigned utilities, Avista, Chelan County Public Utility District (PUD), Puget Sound Energy, Seattle City Light, Snohomish County PUD, and Tacoma Power, ("joint utilities"), which collectively serve over 3.5 million residents in Washington, are active participants in the CFS and the rulemaking process to establish and update the CFS. The joint utilities are supporters of the CFS and appreciate the Department of Ecology's (Ecology's) work to implement it.

In this rulemaking, Ecology will update the Clean Fuel Standard (CFS) to implement Second Substitute [House Bill 1409](#) (SSHB 1409), which was signed into law on May 17, 2025¹. This [legislation](#) updates carbon intensity reduction targets for years 2028 through 2038, if certain conditions are met. Ecology also proposes to update the program's primary carbon intensity determination tool, the WA-GREET model to WA-GREET 4.0 and consider other technical amendments necessary to improve implementation of the rule, the fee structure, and integrity of the greenhouse gas emissions reductions credited in the program.

In this rulemaking, the Department of Ecology has the opportunity to help advance Washington's transportation electrification goals.

The joint utilities respectfully offer these concerns and recommendations below for Ecology's consideration regarding changes to CFS that impact Washington customers, charging providers, site hosts, fleets, and ports, as well as the utilities' own CFS programs. At the end of our letter, the joint utilities respectfully request changes to the CFS guidance documents that primarily affect utilities.

Recommendations for the CFS rulemaking

- 1. Valid reasons exist to support this rulemaking reaching 55 percent carbon intensity (CI) reduction requirement in 2038, but robust analysis by Ecology is needed to confirm this.**

HB 1409 establishes conditions under which Ecology may adjust the greenhouse gas emissions attributable to each unit of the fuels, compared to 2017 levels, to a 55 percent reduction by 2038.ⁱⁱ Specifically, the law states that Ecology may adjust the carbon intensity (CI) targets to meet the 55 percent reduction if one rule that is part of Washington's zero-emission vehicle program, established under the state's Motor Vehicle Emissions Standardsⁱⁱⁱ, was not being enforced. The conditions listed in HB 1409, have not been met due to two actions of the federal government which revoked the federal waiver for California's zero-emission vehicle programs for light-, medium- and heavy duty vehicles.^{iv} This results in Washington's two zero-emission vehicle programs not being enforced (i.e., they are reliant on California's waiver), unless lawsuits overturn the federal action. Also, HB 1409 provides the Department of Ecology with the ability to lower the CI in future years as a safeguard.^v Further, the CFS has a credit clearance market that provides an additional safeguard against high credit prices that potentially could be triggered by a 55 percent CI reduction requirement.

The joint utilities understand that Ecology will be doing an analysis regarding the appropriate CI reduction targets between 2028 and 2038. The upcoming analysis should be robust and should consider the many complex factors impacting supply for transportation electrification and biofuels (renewable diesel, biodiesel, renewable natural gas, ethanol) and demand from CFS programs.

2. We support updating the GREET model in the CFS.

The joint utilities support Ecology updating to the latest GREET model in this rulemaking.

3. The CFS should require virtual checks of paperwork for electricity credit generators rather than site visits.

The joint utilities appreciate the improvements made to the CFS verification sections in last year's rulemaking and respectfully recommend an efficiency improvement to the CFS regarding site visits for electricity credit generators. Specifically, physical visits to the site where records are stored are not necessary or justified when checking annual reports and quarterly reports. This can be and should be done virtually for electricity credit generators. This simple change - requiring virtual visits instead of site visits - will benefit utilities, site hosts, charging providers, and automakers by dramatically lowering the cost of paying for annual third-party verification. Further, especially for checking paperwork, the data is typically not stored on site (more likely in the cloud or local servers). As a result, a site visit only adds costs without additional benefits. This recommendation should also apply -where possible - to our customers who are sometimes electricity credit generators with approved fuel pathway applications.

At minimum, if Ecology determines that site visits are warranted for electricity credit generators, then it should clearly limit conditions that warrant a site visit. For example, Ecology could require verifiers of electricity credit generators to first get approval for site visits from the Ecology or only do site visits every three years.

To implement this request, the joint utilities recommend the following amendment.

WAC 173-424-820 Requirements for verification of CFS reports and validation of fuel pathway applications.

(1)

(2)

(3) Annual verification of CFS quarterly reports.

(a) Applicability.

(b) Verification schedule. Responsible entities under (a) of this subsection required to engage the services of a verification body to perform annual verification of CFS quarterly reports must ensure a transactions data verification statement is submitted to ecology according to WAC 173-424-810. For electricity-based transaction types a virtual visit instead of a site visit is required.

4. Ecology should clarify that site visits for meter accuracy checks are not required when meter accuracy is already required by another regulator.

The joint utilities understand from conversation with Ecology staff that meter accuracy checks are not required in the current CFS. However, this is not clearly spelled out in the regulation and the joint utilities respectfully request two amendments to make this clear. The joint utilities accept that verifiers must show how metering is done in their verification monitoring plans, but object to requiring measurement accuracy, as this is double regulation of utilities by Ecology and other regulators such as the Department of Agriculture and the utilities own regulators.

It is the position of the joint utilities that accuracy checks on utility meters and on EV charging meters should not be required for several reasons:

- Revenue-grade meters for electricity by utilities are regulated by industry standards and enforced by utilities and their governing boards or by the Washington Utilities and Transportation Commission.
- Further, meter accuracy for public charging is regulated by the Legislature^{vi} and Washington State Department of Agriculture's Weights and Measures Division.^{vii}
- Importantly, if the CFS also regulates meter accuracy for charging stations (FSE) it would create duplicative regulation and disincentivize TE by adding unnecessary costs as meter accuracy is already borne by charging station operators under the Department of Agriculture's regulation and utility regulations and practices.
- In addition, the number of charging stations (FSEs) is substantial and multiples larger than the number of electricity credit generators. If the state is to be successful in growing the TE industry, costs must be minimal.

Furthermore, the language in the CFS^{viii} is not adequate to prevent meter accuracy checks for electricity credit generators and the joint utilities respectfully request the following edits.

(7) Monitoring plan for entities required to validate or verify under WAC 173-424-800 through 173-424-850.

(a) Each entity responsible for obtaining third-party verification of their data under the CFP must complete and retain a written monitoring plan for review by a verifier or Ecology;

(b) If a fuel production facility is required to complete and maintain a monitoring plan by the California LCFS or Oregon CFP, the same monitoring plan may be used to meet the requirements of this rule unless there are substantive differences between the two programs' treatment of the fuel production process;

(c) A monitoring plan must include the following general items and associated references to more detailed information, as applicable:

[...]

(xiii) For EV charging and electricity-based transaction types, meter accuracy checks by third-party verifiers are not required when accuracy is already required by another regulator.

WAC 173-424-610 Obtaining a carbon intensity.

(1).....

(12) Measurement accuracy.

(a) Calibration requirement. All measurement devices that log or record data for use in a fuel pathway application must comply with the manufacturer-recommended calibration frequency and precision requirements. If manufacturer recommendations are not provided, the measurement devices must be calibrated at least every six years. For EV Charging and electricity-based transaction types, meter accuracy is already regulated and this requirement does not apply when accuracy is already required by another regulator.

5. Ecology should provide a CFS guidance document and training video for verifiers explaining meter accuracy regulations.

At minimum, the Department of Ecology should issue both a guidance document and video that explains the current Department of Agriculture regulations on meter accuracy and the utilities' meter accuracy regulations and update the guidance document and video when these regulations change.

6. Fast Charging Infrastructure (FCI) for heavy-duty EVs should allow individual public sector fleets to qualify in the CFS using the California Air Resources Board's (CARB's) formula^{ix} that gives them fewer credits than shared depot charging.

The joint utilities appreciate staff's work on capacity credits in the 2025 rulemaking and have one small request to improve the FCI program and advance the heavy-duty EV industry.

In today's uncertain environment for commercializing heavy-duty EVs (no federal tax credits and no zero-emission vehicle regulations for heavy-duty EVs), Ecology should seek to incentivize heavy-duty EVs in more applications. This request is different than a request by some utilities in last year's rulemaking for all fleets (private, non-profit, and public) to earn the same credit as allowed by CARB in their current LCFS FCI program. Instead, the joint utilities respectfully request that Ecology specify that public sector fleets (e.g., transit agencies, schools, government agencies, special public sector districts and utilities) earn this credit. These fleets are especially deserving and have special needs.

The risk of adding individual public fleets to the current proposal is low, especially at this early stage of market development as all types of applications are needed to accelerate adoption of electric heavy-duty trucks.

Regarding concerns that one fleet or individual applicant could receive too many credits, the current CFS already addresses this (based on CARB's LCFS)^x by limiting individual applicants to no more than 0.5 percent of deficits in a quarter.^{xi} Further, by using CARB's formula in the CFS, public fleets would earn half the credits that a truck stop or shared charging depot would earn.

It is very likely in practice for large public fleets to have a phased adoption of EVs, but have the infrastructure built all at once. This saves them money compared to a staged build-out of the infrastructure on the customer and utility side of the meter and makes the utility side work faster and less costly too. Large public fleets often make long-term plans and commitments, use their own property for charging, and have vehicles of many different ages. (Small fleets often have space constraints that make them more likely to use charging at public truck stops or shared depots.) For large public fleets, allowing them to qualify under the Clean Fuel Standard's HDV FCI and using CARB's formula:

- a. incentivizes early build out of the needed infrastructure,
- b. makes it economical to build out the infrastructure all at once,
- c. provides certainty to fleet owners,
- d. makes the transition faster compared to having no incentives or having a phased build-out of infrastructure,
- e. typically benefits overburdened communities, and
- f. helps reduce diesel emissions faster.

Building or upgrading substations, distribution feeders and transformers is likely the biggest obstacle to meeting Washington's regulations and goals for electrifying medium and heavy-duty public fleets. Having an FCI program for medium and heavy-duty public fleets will send a signal to public and private utilities and their regulators that distribution system grid upgrades are needed in a timely manner. It also makes regulations such as Advanced Clean Fleets, Advanced Clean Trucks, Innovative Clean Transit and any public-private partnerships more likely to succeed by having more timely infrastructure from utilities, compared to not having this HDV FCI incentive.

A full infrastructure build-out for large fleets on their property is very costly and typically costs many millions (or tens of millions) of dollars for infrastructure on both the customer and utility side of the meter. Adding public fleets to the HDV FCI makes an all-at-once build-out economical.

Regarding risk, the joint utilities agree with CARB that it makes sense for FCI to provide a formula that delivers half as many credits to "private" fleets compared to charging HDVs in public access and shared private locations. Further, the joint utilities support the August 1, 2025 comments of Powering America's Commercial Transportation:

"The risk of adding individual fleets to the current proposal is low especially at this early stage of market development as all types of applications are needed to accelerate adoption. ... The June 16 proposed language also already addresses concerns that one fleet or individual applicant could get too many credits by limiting individual applicants to no more than 0.5 percent of deficits in a quarter."

CARB makes similar points:

"The MHD sector is fundamentally different and needs significant support to meet the refueling needs of both trucks utilizing public refueling infrastructure and private fleet refueling. Truck fleets rely heavily on both public and private refueling based on the duty cycles and vocations of the vehicles. Stakeholders have expressed that private refueling should also receive an incentive from the MHD infrastructure crediting provisions to support the early capital costs of installing ZEV refueling infrastructure. Private infrastructure has the advantage of being designed for a known refueling demand and can be sized accordingly to minimize costs, but still faces steep initial costs associated with the initial build-out of the infrastructure. In addition, fleets may transition their vehicles to ZE technology over the course of several years and will likely need support during the interim years while their fleet ramps up to the full capacity the refueling infrastructure was designed for."^{xii}

7. Request two updates to two current CFS guidance documents

a) Allow year-to-year flexibility in meeting the percentage requirements in the CFS guidance document on Residential EV Charging Credit Revenue Requirements.^{xiii}

There are many sizes of electric utilities with different circumstances. Amending the current CFS guidance document to allow a carry-over provision or multi-year averaging regarding meeting investment allocation percentages would make CFS more efficient and lower compliance costs.

b) Claiming Incremental Credits for Metered Residential EV Charging.^{xiv}

Ecology should update its guidance on Claiming Incremental Credits for Metered Residential EV Charging when CARB updates its similar guidance document on incremental credits. CARB has received letters from Rivian, Tesla, and the California Electric Transportation Coalition who have requested that the EV telematics GPS radius in CARB's guidance document be reduced to 10 or 20 meters. Any change by Ecology to reduce the GPS radius should also benefit all stakeholders who are using EV telematics in today's CFS, and not just those who generate incremental credits.

c) Include projects and spending in designated Named Communities and Tribal areas as eligible expenses to meet the 30% minimum Category 2 funding requirements in the CFS guidance document on Residential EV Charging Credit Revenue Requirements.

Per RCW 70A.535.080(1)(b), 30% or more of utility annual spending of Clean Fuels Program revenues must be for projects located within or benefitting communities located in a Federally designated non-attainment or maintenance area, projects located within or benefitting communities located in areas of rank 9 or 10 on Environmental Health Disparities map, or projects located within or benefitting communities located in a designated Ecology Areas of Concern. This is also referred to as a "Category 2" project type per Ecology's guidance document "CFS Guidance on Residential EV Charging Credit Revenue Requirements", as differentiated from "Category 1" projects requiring 50% or more of total annual spending, and "Category 3" projects which may be up to 20%. WAC 173-424-420(7) specifies a number of annual reporting requirements of electric utility credit revenue but does not specifically address the categorical spending requirements of the governing statute.

Of these three acceptable location types, only the Environmental Health Disparities Map is available to verify if a project meets the prescribed criteria. For example, a large proportion of one of the utility's service territories, typically in more rural areas with lower population density, Named Communities as defined by the Clean Energy Implementation Plan (CEIP) as governed by

the Clean Energy Transformation Act (CETA), and Tribal lands, do not meet the 9 or 10 ranking. Other utilities also face this issue. As a result, these locations may not be included to meet the 30% spending requirement. From a practical perspective, it can also be difficult and laborious to pre-designate projects at the beginning of each year to ensure the minimum 30% funding requirement which excludes a large geographic footprint of a utility's service territory. Allowing Named Communities and Tribal lands to qualify as vulnerable populations will make it easier to pre-designate projects at the beginning of the year.

In Washington State, tribal areas are recognized as vulnerable populations due to their unique challenges and needs. The Healthy Environment for All (HEAL) and Climate Commitment (CCA) Acts define "overburdened communities" as geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts. These include Tribal lands and highly impacted communities as defined in the Clean Energy Transformation Act (CETA). The identification of these communities is based on an assessment of the potential impacts of agency actions and is supported by data from the Washington Environmental Health Disparities (EHD) Map and Tribal Lands data.

For continuity across Washington state government agencies in recognizing Named Communities and Tribal lands as vulnerable populations, Ecology should expand Category 2 spending guidelines to include them. This change would be a beneficial improvement to Clean Fuel Program spending, allowing for more flexibility to support projects in alignment with the intent of the Clean Fuels Program and the identified spending categories. This perhaps should be accomplished by including Named Communities and Tribal lands as designated Ecology Areas of Concern, as allowed by statute.

d) Because only one out of three options for Category two compliance exists, Ecology should identify their areas of concern when updating the guidance document.

The two options unavailable for Category two compliance are the federal non-attainment map which is no longer available on the USEPA website and list from the Department of Ecology on areas of concern. The joint utilities respectfully request Ecology convenes a stakeholder process to develop such a list when updating the CFS guidance document on Residential EV Charging Credit Revenue Requirements.

e) Allow for reporting of EVSE maintenance spending as a percentage ratio of Category 1 and Category 2 locations in the CFS guidance document on Residential EV Charging Credit Revenue Requirements and in reporting templates

Developing efficient processes and reporting standards to demonstrate compliance with Clean Fuel Standard spending is critical to ensure funding is being maximized towards electric

transportation projects. CFS spending guidelines allow for funds to be used towards operations and maintenance of EV charging equipment to ensure reliability. This is an excellent use of funds, enabling long-term EV adoption and helping to mitigate range and charging anxiety, which remains a top concern for many potential and existing EV drivers today.

As charging infrastructure grows from tens to hundreds, and thousands of charging ports across the service territory, maintaining records of maintenance activities and spending by location is burdensome and inefficient. As the rule stands, this is necessary to allow for accurate reporting of spending across both Category 1 and Category 2. To reduce administrative burden and ensure CFS funds are being prioritized towards projects to support advancement of electric transportation across the state, Ecology should allow an aggregate reporting option to allow for applying a percentage of operations and maintenance spending towards Category 2 spending that aligns with the percentage of total ports in a service territory compared to total ports in Category 2 areas. This methodology significantly reduces the administrative burden of tracking spending at an asset level, while enabling station reliability across a utility's service territory.

Conclusion

The joint utilities appreciate the opportunity to comment at this early scoping stage of this rulemaking and appreciate the importance of Ecology's work on this matter. Please reach out to Angela Song at Angela.Song@seattle.gov or 206-678-5403 for any questions or to discuss these comments further.

Sincerely,



ⁱ See Chapter [70A.535](#) RCW

ⁱⁱ (5)(a) Except as provided in (b) of this subsection, the greenhouse gas emissions attributable to each unit of the fuels must be reduced to 45 percent below 2017 levels by January 1, 2038, based on the following schedule:....

..... v) As determined by the department by rule, no less than an additional three percent and no more than an additional four percent each year beginning January 1, 2028, through January 1, 2038.

(b)(i) Taking effect no earlier than January 1, 2032, the department may adjust the carbon intensity standard established in (a) of this subsection to require a 55 percent reduction in the greenhouse gas emissions attributable to each unit of fuels by January 1, 2038, and may adjust the intermediate annual reduction targets for the years 2032 through 2037 established in (a) of this subsection accordingly, if:

(A) The department determines that as of January 1, 2030, at least one rule that is part of the zero-emission vehicle program established under chapter 70A.30 RCW was not being enforced;

ⁱⁱⁱ See [Chapter 70A.30](#)

^{iv} H.J. Res 88 and H.J Res. 87 signed by President Trump on June 12, 2025, See <https://www.seyfarth.com/news-insights/trump-rescinds-californias-emission-waivers-what-it-means-for-the-future-of-ev-mandates.html>

^v ... (ii) Taking into consideration the fuel supply forecasts produced under RCW 70A.535.100, the department may, at any time between now and 2038, adjust the carbon intensity standard for a calendar year to be up to two percent less than the percentage reduction in the carbon intensity standard for that year as established in (a) of this subsection if the department determines that doing so is necessary to avoid the department issuing a forecast deferral under RCW 28 70A.535.110.

^{vi} See [Chapter 19.94 RCW: WEIGHTS AND MEASURES](#).

^{vii} See [Chapter 16-662 WAC](#)

^{viii} WAC 173-424-400 (7)(c) (vii)

^{ix} CARB's LCFS § 95486.4. (b)(2)(f).

^x See LCFS § 95486.3. (b)(3)(A)2. and § 95486.4.(b)(3)(A)2.

^{xi} See WAC 173-424-560 (3)(a)(iv) and WAC 173-424-560 (2)(a)(iv).

^{xii} CARB's Initial Statement of Reasons, page 29

^{xiii} <https://apps.ecology.wa.gov/publications/documents/2414056.pdf>

^{xiv} <https://apps.ecology.wa.gov/publications/documents/2314029.pdf>