October 6, 2025

Ms. Pamela Jones, EIB Administrator
New Mexico Environment Department- Harold Runnels Building
P.O. Box 5469
Santa Fe, NM 87502

RE: EIB 25-23 (R) - In the Matter of Proposed Adoption of 20.2.92 NMAC Clean Transportation Fuel Program

Dear Ms. Jones:

On behalf of Clean Energy, I would like to express general support, albeit with a proposed amendment, for EIB 25-23 (R) - In the Matter of Proposed Adoption of 20.2.92 NMAC Clean Transportation Fuel Program. The proposed language remains committed to a fuel neutral approach using the best scientific data to measure greenhouse gas emissions performance to ensure the cleanest fuels are used in New Mexico.

Clean Energy has been an active supporter of the several Clean Transportation Fuel Standard related bills in New Mexico, including the chaptered HB 41 (Ortez, Chandler, Stewart and Lara). As North America's largest provider of renewable natural gas (RNG) transportation fuel with over twenty-eight years of leading industry experience, Clean Energy provides construction, operation and maintenance services for refueling stations nationwide. We have a deep understanding of the growing marketplace, as our portfolio includes over 600 stations in 43 states and Canada. This includes a significant presence of 8 fueling stations in New Mexico. We were also highly engaged in the recent years-long process to update California's Low Carbon Fuel Standard.

The success of the Clean Transportation Fuel Program will be due to ambitious state goals and targets, backed by science-based, fuel neutral policies, along with a broad portfolio of clean fuel stakeholders working together to decarbonize New Mexico's transportation sector. Remaining true to these core concepts will ensure New Mexico is a leader in rapid transportation sector decarbonization. It is important to maximize carbon reductions and credit prices, and foster expanded low carbon investments.

The concentration of methane in the atmosphere is increasing at an alarming rate.[1] There is no more effective and immediate step we can be taking as a planet to address climate change now than to

[1] See "Increase in atmospheric methane set another record during 2021", National Oceanic and Atmospheric Administration, Press Release, April 7, 2022. http://noaa.gov/news-release/increase-in-atmospheric-methane-setanother-record-during-2021

aggressively and rapidly reverse emissions of fugitive methane from all sectors, including society's organic waste streams through renewable natural gas (RNG) projects.

The simple fact is that many RNG projects in planning and construction across North America currently rely on clean fuel standard revenues to be built and operated. In California, for example, it took almost a decade of Low Carbon Fuel Standard (LCFS) credits being awarded to RNG projects, clear recognition of the methane reduction benefits across a variety of feedstocks, and consistent positive statements from CARB leaders before investors began to seriously rely on this program to construct RNG projects. Any egregious deviations to this proven framework would undermine efforts to convince investors to make long-term capital deployment decisions based on program credit value.

We generally support the proposed language, especially concerning major elements such as book-and-claim and avoided methane crediting:

Avoided Methane Crediting (AMC): Most dairy projects require long-term agreements with farmers and front-end manure management programs/infrastructure projects to be built at the dairy. AMC crediting is essential to all of this and ensures certainty in the project and rate of return, which could take years to return a profit.

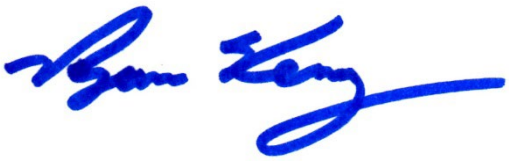
Book-and-Claim: This successfully contributes to reduced amounts of carbon and avoided methane emissions, and is the preferred method for delivering RNG in North American clean fuel programs, including EPA's Renewable Fuel Standard,[2] the Canadian Clean Fuel Regulation, the California Low Carbon Fuel Standard, the Oregon Clean Fuels Program, and the Washington Clean Fuels Program, as well as for electricity and hydrogen projects. Gas utility procurement programs for RNG also primarily use similar concepts, and Europe's Renewable Energy Directive requires book-and-claim for successful RNG project buildout in the European Union.

Proposed Amendment: These projects with the above-referenced state programs have been viable in part because of the ability to utilize incentives from both the federal level (Renewable Identification Numbers under the Renewable Fuel Standard Program) and that from the state level. These projects need to pencil out and provide an acceptable rate of return for investors or the projects will not be built. We therefore encourage an amendment that would allow stacking of federal and state credits to effectively incentivize these projects and encourage investment in New Mexico. This state should not be an isolated example of differing from this policy.

Thank you for considering our comments. The proposed language generally provides compliance flexibility to producers of high carbon intensity transportation fuels to either invest in low carbon alternative fuels or to purchase credits from low carbon fuel producers. The CTFP, especially with allowable stacking with federal credits, will foster technological innovation, support a robust market for alternative fuels, provide long-term investment certainty and stimulate job creation and investment.

Sincerely,

[2] https://www.biocycle.net/biogas-rng-projects/



Ryan Kenny
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Clean Energy