



State of Oregon Department of Environmental Quality

Draft Rules – Edits Highlighted

Dec. 1, 2020, Clean Fuels Program Electricity 2021 Rulemaking Advisory Committee Meeting

Key to Identifying Changed Text:

~~Deleted Text~~

New/inserted text

340-253-0000

Overview

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0040

Definitions

The definitions in OAR 340-200-0020, OAR 340-272-0020, and this rule apply to this division. If the same term is defined here and in either of the other two divisions, the definition in this rule applies to this division.

(XX) “Advance Credits” refers to credits advanced under OAR 340-253-1100 for actions that will result in real reductions of the carbon intensity of Oregon’s transportation fuels.

(XX) “Base Credits” refers to electricity credits that are generated by the carbon reduction between the gasoline or diesel standard and the carbon intensity of grid or utility electricity.

(XX) “Duty-cycle testing” means a test procedure used for emissions and vehicle efficiency testing.

(XX) “Electric Service Supplier” has the same definition as in OAR 860-038-005.

(XX) “Green-e” means the certification program run by the Center for Resource Solutions.

(XX) (9) “Incremental aggregator” means a qualified entity approved by DEQ under OAR 340-253-0330(10) to earn incremental credits, when those credits would not otherwise be claimed.

(XX) “Incremental credit” means a credit that is generated by an action to further lower the carbon intensity of electricity. Incremental credits are calculated from the difference between the carbon intensity of grid electricity and the carbon intensity of renewable electricity.

(XX) “Power Purchase Agreement” means a written agreement between an electricity service supplier and a customer that specifies the source or sources of electricity that will supply the customer.

(XX) “Utility Green Power Product” means a voluntary product where a utility customer has elected to purchase renewable power through a product that retires RECs or represents a bundled purchase of renewable power and its environmental attributes.

[NOTE: Publications referenced are available from the agency.]

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

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DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 160-2018, minor correction filed 04/12/2018, effective 04/12/2018

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0060

Acronyms

The following acronyms apply to this division:

(XX) “NERC” means the North American Electric Reliability Corporation.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 161-2018, minor correction filed 04/12/2018, effective 04/12/2018

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0100

Oregon Clean Fuels Program Applicability and Requirements

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0200

Regulated and Clean Fuels

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0250

Exemptions

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

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DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0310

Regulated Parties: Providers of Gasoline, Diesel, Ethanol, Biodiesel, Renewable Diesel, and Blends Thereof

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0320

Credit Generators: Providers of Compressed Natural Gas, Liquefied Natural Gas, Liquefied Compressed Natural Gas, and Liquefied Petroleum Gas

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0330

Credit Generators: Providers of Electricity

(1) Applicability. This rule applies to providers of electricity used as a transportation fuel.

(2) For residential charging. For electricity used to charge an electric vehicle at a residence, subsections (a) and (b) determine the person who is eligible to generate credits.

(a) Electric Utility. In order to generate credits for the following year, an electric utility must notify DEQ by October 1 of the current year whether it will generate credits or designate an aggregator to act on its behalf. The utility or its aggregator must have an active registration approved by DEQ under OAR 340-253-0500. Once a utility has made a designation under this section that designation will remain in effect unless the utility requests a change in writing to DEQ.

(b) Backstop [and Incremental](#) Aggregators. If an electric utility does not register or designate an aggregator under subsection (a), then ~~a~~ backstop [and incremental](#) aggregators [are](#) eligible to claim any credits that the utility could have generated for the following year under section (6). [The backstop aggregator may claim any base credits and the incremental aggregator may claim any incremental credits.](#)

(3) For non-residential charging. For electricity used to charge an electric vehicle at non-residential locations, such as in public, for a fleet, at a workplace, or at multi-family housing sites, subsections (a) through (c) determine the person who is eligible to generate credits.

(a) Owner or service provider of the electric-charging equipment. The owner or service provider of the electric-charging equipment may generate the credits. Only one entity may generate credits from each piece of charging equipment.

(b) Electric Utility. If the owner or service provider of the electric-charging equipment does not generate the credits, then an electric utility or an aggregator designated to act on the utility's behalf is eligible to generate the credits. The utility or its aggregator must have an active registration approved by DEQ under OAR 340-253-0500. Once a utility has made a designation under this section that designation will remain in effect unless the utility requests a change in writing to DEQ.

(c) Backstop and Incremental Aggregators. If an electric utility does not register or designate an aggregator under subsection (b), then ~~a~~ backstop and incremental aggregators are eligible to claim any credits. ~~that the utility could have generated for the following year under section (6).~~

(4) Public Transit. For electricity used to power fixed guideway vehicles such as light rail systems, streetcars, and aerial trams, or transit buses, a transit agency may generate the credits. The transit agency must have an active registration approved by DEQ under OAR 340-253-0500.

(5) Forklifts. For electricity used to power forklifts, the forklift fleet owner or fleet operator may generate the credits. Only one entity may generate credits from each piece of equipment. The fleet owner has precedence to generate credits or designate an aggregator.

(6) Transportation Refrigeration Units. The fleet owner or fleet operator of the electric transportation refrigeration unit may generate credits for electricity used in transport refrigeration units. Only one entity may generate credits from each piece of equipment. The fleet owner has precedence to generate credits or designate an aggregator.

(7) Electric Cargo Handling Equipment. The owner or service provider of the electric-charging equipment may generate the credits or designate an aggregator. Only one entity may generate credits from each piece of charging equipment.

(8) Electric Ocean-Going Vessel powering. The owner of the equipment that provides electrical power from the shore to the vessel is eligible to generate credits or designate an aggregator.

~~(7)~~ Responsibilities to generate credits. Any person specified under sections (2) through ~~(6)~~ may generate clean fuel credits by complying with the registration, recordkeeping and reporting requirements of this division.

~~(9)~~ Backstop Aggregator. The backstop aggregator that serves as the credit generator of electricity credits that have not been claimed by an electric utility, an aggregator designated

by an electric utility, or an owner or service provider of electric charging equipment under sections (2) and (3).

(a) To qualify to submit an application to be a backstop aggregator, an organization must:

(A) Be an organization exempt from federal taxation under section 501(c)(3) of the U.S. Internal Revenue Code;

(B) Complete annual independent financial audits.

(b) An entity that wishes to be the backstop aggregator must submit an application with DEQ that includes:

(A) A description of the mission of the organization and how being a backstop aggregator fits into its mission;

(B) A description of the experience and expertise of key individuals in the organization who would be assigned to work associated with being a backstop aggregator;

(C) A plan describing:

(i) How the organization will promote transportation electrification statewide or in specific utility service territories, if applicable;

(ii) Any entities that the organization might partner with to implement its plan;

(iii) How the organization plans to use the revenue from the sale of credits, which may include, without limitation, programs that provide incentives to purchase electric vehicles or install electric vehicle chargers, opportunities to educate the public about electric vehicles, and anticipated costs to administer its plan; and

(iv) The financial controls that are, or will be put, in place to segregate funds from the sale of credits from other monies controlled by the organization.

(D) Its last three years of independent financial audits and I.R.S. form 990s, and proof that the I.R.S. has certified them as qualifying as an exempt organization under 501(c)(3);

(c) Initial applications to be a backstop aggregator are due to DEQ no later than March 15, 2018, to be eligible to be the backstop aggregator beginning in 2018. If the EQC does not approve the designation of a backstop aggregator under subsection (e), then DEQ may set a new deadline for applications if it decides to undertake a new selection process.

(d) Applications will be evaluated by DEQ with the assistance of relevant experts selected by DEQ. DEQ will evaluate applications based on the likelihood that the applicant will maximize the benefits from the credits it receives to expand the use of alternative fuel vehicles and reduce greenhouse gas emissions from the transportation sector in Oregon.

(e) DEQ may recommend an organization be designated as the initial backstop aggregator to the EQC by May 31, 2018. If DEQ does not recommend an organization to be the backstop aggregator or the EQC does not approve DEQ's recommendation, then DEQ may undertake a new selection process at a later date under the same criteria in subsections (b) and (d).

(f) Following EQC approval of an organization to be the backstop aggregator, DEQ and the organization may enter into a written agreement regarding its participation in the program. A written agreement must be in place prior to the backstop aggregator registering an account in the CFP Online System and receiving credits for the first time. The backstop aggregator must:

(A) By March 31st of each year, submit a report that summarizes the previous year's activity including:

(i) How much revenue was generated from the credits it received;

(ii) A description of activities including the status of each activity, where each activity took place, and each activity's budget, including administrative costs, and an estimate of its outcomes; and

(iii) The results of its most recent independent financial audit.

(B) Maintain records and make them available upon request by DEQ, including records required to be maintained under OAR 340-253-0600 and, in addition, any records relating to its application, the programs it operates using the proceeds from the sale of credits under this program, and any of the organization's financial records.

(g) If DEQ determines that a backstop aggregator is in violation of this division or the agreement that it enters into with DEQ to be the backstop aggregator, DEQ may rescind its designation and solicit applications to select a new backstop aggregator.

(h) If backstop aggregator wishes to terminate its agreement with DEQ, then DEQ may solicit applications to select a new backstop aggregator.

(i) After a backstop aggregator has been in place for three years, DEQ may hold a new selection process to appoint a backstop aggregator for future years. Unless DEQ has rescinded an organization as backstop aggregator under subsection (g), the current backstop aggregator may apply to be re-designated as the backstop aggregator for future years.

(10) Incremental credits. Other than for residential charging, incremental credits may be claimed by the eligible credit generator identified in sections (3)-(8) of this rule or the incremental aggregator. For residential charging, the following entities may claim incremental credits:

(a) The electric utility claiming base credits for the same vehicles under (2)(a) or their designated aggregator if they notify DEQ by June 15 or December 15 that they wish to begin generating incremental credits starting with the charging covered by the next period of

residential electric vehicle charging. A utility's election remains in place until they inform DEQ otherwise; or

(b) Incremental Aggregator. The incremental aggregator that serves as the credit generator of incremental electricity credits that have not been claimed by an electric utility, an aggregator designated by an electric utility, or the eligible credit generator under sections (3)-(8).

(A) To qualify to submit an application to be the incremental aggregator, an organization must:

(i) Be an organization exempt from federal taxation under section 501(c)(3) of the U.S. Internal Revenue Code;

(ii) Complete annual independent financial audits.

(B) An entity that wishes to be the incremental aggregator must submit an application with DEQ that includes:

(i) A description of the mission of the organization and how being the incremental aggregator fits into its mission;

(ii) A description of the experience and expertise of key individuals in the organization who would be assigned to work associated with being the incremental aggregator;

(iii) How the organization plans to promote transportation electrification statewide in an equitable manner and conduct programs on a statewide basis.

(iv) The financial controls that are, or will be put, in place to segregate funds from the sale of credits from other monies controlled by the organization.

(v) Its last three years of independent financial audits and I.R.S. form 990s, and proof that the I.R.S. has certified them as qualifying as an exempt organization under 501(c)(3);

(C) Initial applications to be the incremental aggregator are due to DEQ no later than July 1, 2021, to be eligible to be the incremental aggregator beginning with 2020 residential EV crediting. If the EQC does not approve the designation of an incremental aggregator under subsection (e), then DEQ may set a new deadline for applications if it decides to undertake a new selection process.

(D) Applications will be evaluated by DEQ in partnership with the equity advisory committee selected under (j). DEQ will evaluate applications based on the likelihood that the applicant will use the revenue from the credits it receives to advance transportation electrification statewide with a focus on actions that will help vulnerable populations and communities impacted by air pollution and climate change.

(E) DEQ may recommend an organization be designated as the initial incremental aggregator to the EQC by August 15, 2021. If DEQ does not recommend an organization to be the incremental aggregator or the EQC does not approve DEQ's recommendation, then DEQ

may undertake a new selection process at a later date under the same criteria in subsections (b) and (d).

(F) Following EQC approval of an organization to be the incremental aggregator, DEQ and the organization may enter into a written agreement regarding its participation in the program. A written agreement must be in place prior to the incremental aggregator receiving credits for the first time. The incremental aggregator must:

(i) By March 31st of each year, submit a report that summarizes the previous year's activity including:

(I) How much revenue was generated from the credits it received;

(II) A description of activities including the status of each activity, where each activity took place, and each activity's budget, including administrative costs, and an estimate of its outcomes; and

(III) The results of its most recent independent financial audit.

(ii) Maintain records and make them available upon request by DEQ, including records required to be maintained under OAR 340-253-0600 and, in addition, any records relating to its application, the programs it operates using the proceeds from the sale of credits under this program, and any of the organization's financial records.

(G) If DEQ determines that an incremental aggregator is in violation of this division or the agreement that it enters into with DEQ to be the incremental aggregator, DEQ may rescind its designation and solicit applications to select a new incremental aggregator.

(H) If the incremental aggregator wishes to terminate its agreement with DEQ, then DEQ may solicit applications to select a new incremental aggregator.

(I) After an incremental aggregator has been in place for three years, DEQ may hold a new selection process to appoint an incremental aggregator for future years. Unless DEQ has rescinded an organization as incremental aggregator under subsection (g), the current backstop aggregator may apply to be re-designated as the incremental aggregator for future years.

(J) Equity advisory committee. DEQ will appoint and convene an advisory committee to help the agency design projects and programs for the incremental aggregator that prioritize the revenue for transportation electrification projects that equitably distributes benefits and addresses the needs and interests of impacted communities that are the most vulnerable to the adverse effects of transportation air pollution and climate change. The committee will also advise DEQ in its review of reports on utility spending.

(i) The committee will advise DEQ in:

(I) The selection of the incremental aggregator;

(II) Establishing criteria that will be used to set priorities to be carried out by the incremental aggregator;

(III) Developing the annual work plan for the incremental aggregator;

(IV) Identifying areas of need that should be prioritized by utility projects and programs paid for by revenue from CFP credit sales in order to ensure equitable outcomes and benefits;

(V) Reviewing the utility reports submitted under OAR 340-253-0640(9); and

(VI) Reviewing of the performance of the incremental aggregator.

(ii) DEQ will solicit applications for residents of the state of Oregon to be appointed to the equity advisory committee. DEQ will seek representatives with the following interests and areas of expertise:

(I) Transportation electrification;

(II) Equity and environmental justice; and

(III) The needs and interests of communities that are most vulnerable to the impacts of climate change, tribes, low-income communities, rural communities, and other under-represented communities.

(iii) DEQ will solicit applications to serve on the equity advisory committee in May 2021 and select the committee from those applicants. Committee members will serve terms of three years and DEQ may annually solicit applications and make additional selections to serve on the committee. Committee members will serve as volunteers, and will not be compensated for their service on the committee.

(K) The incremental aggregator must consult with DEQ and the equity advisory committee to propose an annual workplan to guide its spending for the next year, subject to approval by DEQ. DEQ will not award credits to the incremental aggregator unless DEQ has approved such workplan and the incremental aggregator has followed such workplan. The incremental aggregator and DEQ may mutually agree to modify the annual workplan at any time, after consultation with the equity advisory committee. Projects to be undertaken by the incremental aggregator may include:

(i) Electrification and battery swap programs for school or transit buses;

(ii) Electrification of drayage trucks;

(iii) Investment in public EV charging infrastructure and EV charging infrastructure in multi-family residences;

(iv) Investment in electric mobility solutions, such as EV sharing and ride-hailing programs;

(v) Multilingual marketing, education, and outreach designed to increase awareness and adoption of EVs and clean mobility options that includes information about their benefits to individuals, the environment, and human health;

(vi) Additional rebates and incentives for low-income individuals beyond existing local, federal and state rebates and incentives for:

(I) Purchasing or leasing new or previously owned EVs;

(II) Installing EV charging infrastructure in residences and related electrical work;

(III) Promoting the use of public transit and other clean mobility; and

(IV) Off-setting costs for residential or non-residential EV charging.

(vii) Other projects that promote transportation electrification in disadvantaged or low-income communities, rural areas, or for low-income individuals which are approved by the equity advisory committee and DEQ. Individuals and organizations may submit such projects to DEQ for consideration, and the application must include:

(I) A complete description of the project, the demonstration that the project promotes transportation electrification in communities that are most vulnerable to the impacts of climate change, tribes, low-income communities, rural communities, and other under-represented communities, or that the project provides increased access to electric transportation for low-income individuals; and

(II) Evidence that the project was developed in coordination with local environmental justice advocates, local community-based organizations, local units of government, or multiple such entities.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

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340-253-0340

Credit Generators: Providers of Hydrogen Fuel or a Hydrogen Blend

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15
DEQ 8-2014, f. & cert. ef. 6-26-14
DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14
DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0350

Credit Generators: Alternative Jet Fuel

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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340-253-0400

Carbon Intensities

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019
DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
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DEQ 8-2014, f. & cert. ef. 6-26-14
DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14
DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0450

Obtaining a Carbon Intensity

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020
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DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15
DEQ 8-2012, f. & cert. ef. 12-11-12

[OAR 340-253-0460](#)

[Energy Economy Ratio-Adjusted carbon intensity applications](#)

[\(1\) EER-Adjusted CI Applications. Applications submitted under this provision are modified Tier 2 pathway applications under OAR 340-253-0450.](#)

(2) The following persons are eligible to submit an application under this rule:

(a) Vehicle owners or operators that would be eligible to generate credits for their vehicles;

(b) Manufacturers of vehicles that would be eligible to generate credits may make a joint application with an owner or operator of their vehicles based in Oregon; and

(c) A single, joint application may be submitted on behalf of, and combining data from, any combination of multiple vehicle owners, operators, and manufacturers.

(3) Applications made under this provision must be for electric vehicles capable of full normal operation using energy from onboard batteries or fuel cells.

(4) Application requirements. In addition to the application requirements for a Tier 2 pathway application under OAR 340-253-0450, the applicant or applicants must include:

(a) A letter of intent to request an EER-adjusted CI and why the EER values provided in OAR 340-253-8010 are inapplicable;

(b) The applicant must provide a detailed description of the methodology used in its calculations, all assumptions made, and provide all data and references to calculations. The methodology used must compare the useful output from the alternative fuel-vehicle technology under consideration to comparable conventional fuel-vehicle technology;

(c) The applicant must provide supplemental information including records and datasets used to establish any part of the application provided under (b); and

(d) If the applicant or applicants plan to use a value in the lookup table in OAR 340-253-8010 for the carbon intensity of the fuel, or an electricity fuel pathway code issued under OAR 340-253-0470, to request an EER-adjusted CI then they do not need to provide the fuel facility information required under OAR 340-253-0450(3)(e) through (h) and (5).

(5) Minimum data requirements.

(a) Any application made under this rule must include at least three months of operating data that represents typical usage for each individual vehicle included in the application, except that the application must cover at least 300 hours of operating data for each individual vehicle included in the application.

(b) Notwithstanding (a), an application from a manufacturer may provide data from duty-cycle testing. A manufacturer seeking to apply using duty-cycle testing data must consult with DEQ prior to submitting an application and receive written, advanced approval from the agency for the duration and test cycles it is including in the application in addition to or in lieu of operational data.

(6) Application review process.

(a) DEQ will review an application for completeness, soundness of the assumptions and comparison to the conventional fuel technology, and accuracy of the data. DEQ may deny an application without prejudice if it is incomplete. DEQ may deny any application that it believes is adequately covered by an existing EER value in OAR 340-253-8010 or that it believes does not fit the intent and purpose of the Clean Fuels Program.

(b) DEQ may prioritize its review of applications under this provision to those that cover a greater number of entities or that the agency believes are critical to the state's transportation electrification goals.

(c) If DEQ intends to approve an application, it first must present a review report with a proposed EER value and pathway conditions to the applicant or applicants. If the applicant or applicants accept the proposed review report and EER value, DEQ will post the review report and application on its website for a 30-day public comment period. DEQ staff will work with the applicant to aggregate and summarize any submitted data in order to ameliorate concerns regarding trade secrets included in the application. The aggregated data must still allow external stakeholders to understand and replicate the EER value that DEQ is proposing to approve.

(d) Based on comments received during that public comment period, DEQ may move forward with approving the application, deny the application, request additional information from the applicant or applicants, or modify the review report. If DEQ modifies the review report or receives additional information that has a material bearing on the proposed EER value, it will issue the modified review report and any affected supplemental materials for another round of public comment.

(7) Based on its review of the application materials and any comments submitted upon the application, DEQ may issue an EER-adjusted fuel pathway or issue a value that it would post on its website that could be used similarly to the EER values contained in Table 7 of OAR 340-253-8010. Values issued under this rule can only be used by the applicant or applicants for that value.

(8) Adding Joint Applicants after a value is approved. If a value has been issued as part of an application that includes the manufacturer of the vehicle(s), owners or operators who begin to operate the same vehicle(s) covered in that application in Oregon may request to be added as a joint applicant. In order to do so they must provide the following:

(a) A letter from the manufacturer stating that the manufacturer supports the addition of the joint applicant;

(b) Any current operational data by the new joint applicant, or other data elements required to be reported under the value's pathway conditions; and

(c) A statement by the new joint applicant that they understand and accept any and all pathway conditions associated with the value.

(9) Ongoing reporting requirements.

(a) Applicants must annually submit vehicle usage and energy consumption data for each individual vehicle using a value approved under this section to generate credits or deficits in the Clean Fuels Program. DEQ may specify additional data elements that must be reported annually as part of its pathway conditions for an application that is approved under this rule.

(b) Notwithstanding the applicability requirements of OAR chapter 340, division- 272, DEQ may require third party verification of the annual fuel pathway report submitted by the applicant or joint applicants. If DEQ determines that third party verification is required, DEQ will include it as a pathway conditions presented to the applicant or applicants under this rule prior.

(10) Modifications to values issued under this provision. Based on the ongoing reported data required under section (9) or additional applications for vehicles that DEQ determines to be in the same category, DEQ may modify any value issued under this provision for reporting beginning with the next full calendar quarter following its notice that the agency is modifying the value. DEQ will provide notice to the applicants prior to doing so, and may request comment from them and the public prior to modifying the value.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

340-253-0470

Determining the Carbon Intensity of Electricity

(1) Statewide electricity mix. The carbon intensity for the statewide electricity mix will reflect the average carbon intensity of electricity served in Oregon and be calculated by using the carbon-intensity of electricity ~~over the most recent five years~~ from the most recent year and determining the average of the five values. For 2018 and beyond, the carbon intensities for electricity will be calculated using the rolling five-year average of data as submitted to DEQ under OAR chapter 340, division 215. In calculating the statewide mix DEQ will exclude the energy and emissions related to utilities that have received utility-specific carbon intensity scores under section (3) of this rule. No later than December 31 of each year, except that DEQ may revise the 2021 value no later than June 15, 2021, DEQ will:

(a) Post the updated statewide electricity mix carbon intensity for the next year on the DEQ webpage;

(b) Post the updated utility-specific carbon intensities for the next year on the DEQ webpage; and

(c) Add the new fuel pathway codes to the Oregon Fuels Reporting System effective for Q1 reporting for the next year.

(2) Retirement of major fossil-fuel generators. For the 2021 and 2022 statewide mixes and any applicable utility-specific mixes, DEQ will replace the direct emissions associated with power from the Boardman coal-fired power plant with an emissions rate of 0.428 metric tons

CO2e per megawatt-hour. For indirect emissions, DEQ will continue to use the most recent fuel mix data available.

(32) Utility-specific carbon intensity. An electric utility may apply to obtain a utility-specific carbon intensity under OAR 340-253-0400 that reflects the average carbon intensity of electricity served in that utility district.

(a) The carbon intensity will be calculated by using the carbon intensity of electricity over the most recently reported year. ~~five years and determining the average of the five values.~~

(b) Once DEQ has calculated a utility-specific carbon intensity, DEQ will propose its draft carbon intensity to the utility.

(A) If the utility does not agree with DEQ's proposed carbon intensity, then it must provide DEQ with an explanation of why it believes the proposed carbon intensity is not accurate within seven days of receiving DEQ's proposal. DEQ will consider whether to change its proposed carbon intensity based on the information it receives from the utility. If DEQ determines not to change its proposed carbon intensity within 30 days, then the utility may choose to accept the proposed carbon intensity or use the statewide electricity mix carbon intensity.

(B) If the utility agrees with DEQ's proposed carbon intensity, then the draft carbon intensity is made final and approved.

(C) If the utility fails to submit a timely objection to the calculation, then the draft carbon intensity is made final and approved.

(c) A utility that wants to discontinue a utility-specific carbon intensity may submit a written request to DEQ by October 31 for the following year. A utility can reapply for a utility-specific carbon intensity at any time in the future.

(43) For on-site generation of electricity using renewable generation systems such as solar or wind, applicants must document that:

(a) The renewable generation system is on-site or directly connected to the electric vehicle chargers;

(b) The fuel pathway codes listed in Table 3 under OAR 340-253-8010 for solar-generated or wind-generated electricity can only be used for the portion of the electricity dispensed from the charger that is generated by that dedicated renewable energy system;

(c) Any grid electricity dispensed from the charger must be reported separately under the statewide electricity mix or utility-specific fuel pathway codes; and

(d) RECs are not generated from the renewable generation system or, if they are, then an equal number of RECs generated from that facility to the number of MWh reported in the Oregon Fuels Reporting System from that facility must be retired in the recognized REC tracking system.

(5) Offsite renewable electricity. In order to further lower the carbon intensity of electricity delivered to electric vehicles, credit generators and aggregators may retire renewable electricity certificates that meet the following qualifications:-

(a) Renewable Energy Certificates (RECs) retired in order to claim a carbon intensity other than the statewide mix or utility-specific mix must be certified by Green-e under their Renewable Energy Standard for Canada and the United States version 3.4, or by a certification system approved by DEQ as being substantially equivalent.

(b) RECs must be generated by an electric generator that was placed into service after 2015.

(c) RECs must be generated within a balancing authority area that includes a portion of the state of Oregon, as recognized by the North American Electric Reliability Corporation, or that the electricity from the generating facility is delivered to one of those balancing authorities on a real-time basis without shaping, storage, or integration services, or in the Pacificorp-East balancing authority area.

(d) RECs must be recorded and retired in a recognized renewable electricity tracking system. In addition to recognizing the Western Renewable Energy Generation Information System, DEQ may recognize additional renewable electricity tracking systems upon a request from a registered party. In reviewing those requests, DEQ will consider if the tracking system has systems in place to ensure accurate issuance and tracking of RECs.

(6) Carbon intensity of renewable electricity. The carbon intensity of solar, wind, geothermal, hydropower, and ocean power renewable electricity is deemed to be zero. For renewable electricity generated from biomass, biogas, biodiesel, and hydrogen, the generator must file a Tier 1 or Tier 2 fuel pathway application to determine the carbon intensity of their electricity. DEQ may adopt an efficiency adjustment factor for biogas to electricity pathways that include emissions reduction credits in order to maintain the program's incentive for energy efficiency.

(7) Utility Renewable Energy Products and Power Purchase Agreements. Electric utilities and Electric Service Suppliers may apply via a Tier 2 fuel pathway application for DEQ to assign a carbon intensity to one or more of their renewable energy products or a specific power purchase agreement, which may then be used to generate credits from charging electric vehicles attributable to the use of such products or agreements.

(a) Notwithstanding OAR 340-253-0450, Tier 2 applications made under this provision must include:

(A) A letter describing the power purchase agreement or utility renewable energy product, the existing or planned source, or sources, of electricity and environmental attributes, and the terms by which it is being offered to customers;

(B) Samples or examples of bills, invoices, or other documentation that an entity claiming renewable energy under this product could provide to DEQ to prove that their electric vehicle charging is covered by the product or agreement;

(C) In the case of a utility renewable energy product, any filings with, and orders by, the Oregon Public Utility Commission or a local governing board that approves the product; and

(D) An estimate of the amount of electric vehicle charging attributable to customers for the product or agreement.

(b) DEQ will review pathway applications under this provision to determine if they result in a substantially similar environmental outcome to the sources of renewable energy required under section (5) of this rule. In reviewing a utility product or agreement that contains multiple sources of power, DEQ may use the estimate under paragraph (a)(C) of this section to determine if sufficient renewable energy that is substantially similar to the requirements of section (5) is included in the product to cover transportation-related charging that may be claimed under the CFP. DEQ may revisit this determination annually using the annual fuel pathway report.

(c) Annual Fuel Pathway Report. The annual fuel pathway report for pathways covered by this section must include information to update the sources or sources of electricity or environmental attributes that were used in the prior year and are planned for use in the year in which the report is submitted. It must also update the estimate of the amount of electric vehicle charging attributable to customers using the products or agreements.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, adopt filed 11/17/2017, effective 11/17/2017

340-253-0500

Registration

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0600

Records

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020
DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019
DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15
DEQ 8-2014, f. & cert. ef. 6-26-14
DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14
DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0620**Oregon Fuels Reporting System**

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020
DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019
DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

340-253-0630**Quarterly Reports**

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020
DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019
DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15
DEQ 8-2014, f. & cert. ef. 6-26-14
DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14
DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0640**Specific Requirements for Reporting**

(1) For natural gas or biomethane (inclusive of CNG, LNG, and L-CNG), any registered party must report the following as applicable:

(a) For CNG and L-CNG, the amount of fuel in therms dispensed per reporting period for all LDV and MDV, HDV-CIE, and HDV-SIE.

(b) For LNG, the amount of fuel dispensed in gallons per compliance period for all LDV and MDV, HDV-CIE, and HDV-SIE.

(c) For CNG, L-CNG, and LNG, the carbon intensity as listed in 4 under OAR 340-253-8040.

(d) For biomethane-based CNG, LNG, and L-CNG, the carbon intensity as approved under OAR 340-253-0450 and the EPA production company identification number and facility identification number. Additionally, the registered party must submit the following attestation at the time of filing the annual report:

“I certify that to the extent that the gas used in the fuel pathway or supplied as transportation fuel is characterized as biomethane, _____ (registered party name) owns the exclusive rights to the corresponding environmental attributes. _____ (registered party name) has not sold, transferred, or retired those environmental attributes in any program or jurisdiction other than the federal RFS. Based on diligent inquiry and review of contracts and attestations from our business partners, I certify under penalty of perjury under the laws of the State of Oregon that no other party has or will sell, transfer, or retire the environmental attributes corresponding to the biomethane for which _____ (registered party name) claims credit in the CFP program.”

(2) For electricity, any registered party must report the following as applicable:

(a) The information specified for electricity in Table 5 under OAR 340-253-8010;

(b) For each public access charging facility, fleet charging facility, workplace private access charging facility, or multi-family dwelling, the amount of electricity dispensed in kilowatt hours to vehicles; ~~and~~

(c) For each public transit agency, the amount of electricity dispensed to or consumed by vehicles used for public transportation in kilowatt hours. The report must be:

(A) Separated by use for light rail, streetcars, aerial trams, or electric transit buses; and

(B) Separated by electricity used in portions of their system placed in service before and after January 1, 2012; ~~and~~

(d) To claim a carbon intensity other than a statewide or utility-specific mix, or directly connected renewable power under the Lookup Table in OAR 340-253-8010, a registered party must:

(A) Submit documentation that qualifying RECs were retired in a recognized renewable electricity tracking system at the same time as the submittal of the Quarterly report for the specific purpose of covering that charging; or

(B) Submit documentation at least annually that the electric vehicle chargers are covered by a utility green power product or a power purchase agreement that has been approved by DEQ for a carbon intensity. The carbon intensity assigned to the product or agreement can only be used for reporting if the electric vehicle chargers are covered by that same product or agreement for the time period which is being reported; and ~~and~~

(e) For entities reporting forklift charging, the amount of electricity dispensed to or consumed by forklifts. The report must be separated by electricity used to charge forklifts built before model year 2015 and electricity used to charge forklifts built in model year 2015 and after.

(3) For renewable hydrocarbon diesel or gasoline co-processed at a petroleum refinery, any registered party must report the following information as applicable:

(a) If the registered party is also the producer, then DEQ may require the registered party to report the ongoing information required under OAR 340-253-0450.

(b) If the registered party is not the producer, and the producer has not met its obligations under OAR 340-253-0450, then DEQ may require the registered party to report the volume of fuel under a temporary fuel pathway code or the fuel pathway code for clear gasoline or diesel, as applicable.

(4) Temperature Correction. All liquid fuel volumes reported in the Oregon Fuels Reporting System must be adjusted to the standard temperature conditions of 60 degrees Fahrenheit as follows:

(a) For ethanol, using the formula: Standardized Volume = Actual volume * ((-0.0006301 * T) + 1.0378), where standardized volume refers to the volume of ethanol in gallons at 60°F, actual volume refers to the measured volume in gallons, and T refers to the actual temperature of the batch in °F.

(b) For Biodiesel, one of the following two methodologies must be used:

(A) Standardized Volume = Actual Volume * ((-0.00045767 * T) + 1.02746025), where Standardized Volume refers to the volume in gallons at 60°F, Actual Volume refers to the measured volume in gallons, and T refers to the actual temperature of the batch in °F; or

(B) The standardized volume in gallons of biodiesel at 60°F, as calculated using the American Petroleum Institute Refined Products Table 6B, as referenced in ASTM 1250-08.

(c) For other liquid fuels, the volume correction to standard conditions must be calculated by the methods described in the American Petroleum Institute Manual of Petroleum Measurement Standards Chapter 11 – Physical Properties Data, the ASTM Standard Guide for the Use of Petroleum Measurement Tables (ASTM D1250-08), or the API Technical Data Book, Petroleum Refining Chapter 6 – Density.

(d) If a registered party believes the methods in (a) through (c) are inappropriate, they may request to use a different method and DEQ may approve that method if it finds that it is at least as accurate as the methods in (a) through (c).

(5) Reporting Exempt Gallons. When a registered party is reporting that it sold gallons of fuel to exempt fuel users as defined in OAR 340-253-0250, the registered party must designate in the transaction description field of the Oregon Fuels Reporting System the

categories of exempt fuel users to which the registered party delivered fuel and the number of gallons delivered. For blended fuels, all components must be reported as exempt.

(6) Reporting “Not For Transportation” Gallons. When reporting that fuel was sold as not for transportation in the Oregon Fuels Reporting System, the registered party must report in the transaction description field of the Oregon Fuels Reporting System which stationary source, or category of stationary fuel combustion, the fuel was sold to and the number of gallons sold. For blended fuels, all components must be reported as not being used for transportation.

(7) Reporting Position Holder Transactions.

(a) Registered parties that are position holders must report fuel sold below the rack.

(b) Registered parties that are position holders that sell fuel to entities not registered in the CFP may ~~be~~ aggregate and report those sales in a single transaction using the ~~““Undefined””~~ ~~Business partner~~ ~~descriptor~~ ~~transaction category~~.

(c) Registered parties that are position holders that sell fuel below the rack for export must identify each recipient of such fuel that is registered in the CFP.

(8) Reporting Below the Rack Exports. Purchasers of fuel from a position holder that is directly exported without modification must report such fuel using the “Purchase below the rack for export” transaction category.

(9) Annual reporting of utility credit revenue. Starting in 2021, all electric utilities that receive base or incremental credits must annually report the following items to DEQ no later than April 30th. Failure to file such a report will result in the backstop aggregator or the incremental aggregator receiving credits for that utility until the utility files any past-due reports. Each utility must report the following information, for the prior calendar year:

(a) Total revenue from the sale of base and incremental credits attributable to residential vehicle charging, if applicable;

(b) The percentage that results when dividing the utility’s total CFP-related administrative costs, including but not limited to submitting reports and, selling credits, by the amount of revenue reported under subsection (a);

(c) The percentage that results when dividing the amount the utility spent to administer any programs that were funded by CFP revenue from the utility’s sale of incremental credits, including but not limited to project management and development and management of contracts to operate such programs, by the amount of revenue reported under subsection (a);

(d) A description of the programs that were funded by CFP revenue the utility received from its sale of base credits and the amount spent in each category; and

(e) A description of the programs that were funded by CFP revenue from incremental credits, the amount spent in each category, a description of the class of individuals or listing of organizations that benefited from the programs, and any other data elements that DEQ

[informs each utility receiving incremental credits that it will require following consultations with the Equity Advisory Committee created under OAR 340-253-0330\(9\)\(j\).](#)

Statutory/Other Authority: OAR 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: OAR 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

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DEQ 27-2017, adopt filed 11/17/2017, effective 11/17/2017

340-253-0650

Annual Compliance Reports

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2014, f. & cert. ef. 6-26-14

DEQ 15-2013(Temp), f. 12-20-13, cert. ef. 1-1-14 thru 6-30-14

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-0670

Authority to Suspend, Revoke, or Modify

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, adopt filed 11/17/2017, effective 11/17/2017

340-253-0700

Third Party Verification Requirements

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, adopt filed 05/07/2020, effective 05/07/2020

340-253-1000

Credit and Deficit Basics

(1) Carbon intensities.

(a) Except as provided in subsections (b),(c), or (d), when calculating carbon intensities, regulated parties, credit generators, and aggregators must use a carbon intensity approved by DEQ under OAR 340-253-0450.

(b) If a regulated party, credit generator, or aggregator has an approved provisional carbon intensity approved under OAR 340-253-0450, the regulated party, credit generator, or aggregator must use the DEQ-approved provisional carbon intensity.

(c) If a regulated party, credit generator, or aggregator has an approved temporary carbon intensity under OAR 340-253-0450, the regulated party, credit generator, or aggregator must use the temporary carbon intensity for the period which it has been approved, unless DEQ has subsequently approved a permanent carbon intensity for that fuel.

(d) If a registered party purchases a blended finished fuel and the seller does not provide carbon intensity information, then the registered party must:

(A) Use the applicable substitute fuel pathway code in Table 8 under OAR 340-253-8010 or otherwise approved and posted by DEQ under OAR 340-253-0450(11) if the fuel is exported, not used for transportation, or used in an exempt fuel use; and

(B) Report the volume using the applicable Table 8 fuel pathway code, or a fuel pathway code otherwise approved and posted by DEQ under OAR 340-253-0450(11), for the fossil fuel and the applicable substitute fuel pathway code for the biofuel or biofuels if the finished fuel blend is not listed.

(2) Fuel quantities. Regulated parties, credit generators, and aggregators must express fuel quantities in the unit of fuel for each fuel.

(3) Compliance period. The annual compliance period is January 1 through December 31 of each year, except:

(a) The initial compliance period is January 1, 2016, through December 31, 2017; and

(b) The initial compliance period for large importers of finished fuels is January 1, 2016 through December 31, 2018.

(4) Metric tons of CO₂ equivalent. Regulated parties, credit generators, and aggregators must express credits and deficits to the nearest whole metric ton of carbon dioxide equivalent.

(5) Deficit and credit generation.

(a) Credit generation. A clean fuel credit is generated when fuel is produced, imported, or dispensed for use in Oregon, as applicable, and the carbon intensity of the fuel approved for use under OAR 340-253-0400 through -0470 is less than the clean fuel standard for gasoline and gasoline substitutes in Table 1 under OAR 340-253-8010, for diesel fuel and diesel substitutes in Table 2 under 340-253-8010, or for alternative jet fuel in Table 3 under 340-253-8010. Credits are generated when a valid and accurate quarterly report is submitted in the Oregon Fuels Reporting System.

(b) Deficit generation. A clean fuel deficit is generated when fuel is produced, imported, or dispensed for use in Oregon, as applicable, and the carbon intensity of the fuel approved for use under OAR 340-253-0400 through -0470 is more than the clean fuel standard for gasoline and gasoline substitutes in Table 1 under OAR 340-253-8010 or for diesel fuel and diesel substitutes in Table 2 under 340-253-8010. Deficits are generated when a valid and accurate quarterly report is submitted in the Oregon Fuels Reporting System.

(c) No credits may be generated or claimed for any transactions or activities occurring in a quarter for which the quarterly reporting deadline has passed, unless the credits are being generated for residential charging of electric vehicles [or for claiming incremental credits by a utility or the incremental aggregator.](#)

(6) Mandatory retirement of credits. When filing the annual report at the end of a compliance period, a registered party that possesses credits must retire a sufficient number of credits such that:

(a) Enough credits are retired to completely meet the registered party's compliance obligation for that compliance period, or

(b) If the total number of the registered party's credits is less than the total number of the regulated party's deficits, the registered party must retire all of its credits.

(7) Credit Retirement Hierarchy. The Oregon Fuels Reporting System will use the following default hierarchy to retire credits for the purposes of meeting a compliance obligation, first retiring credits under subsection (a), next retiring credits under subsection (b), and last retiring credits under subsection (c):

(a) Credits acquired or generated in a previous compliance period prior to credits generated or acquired in the current compliance period;

(b) Credits with an earlier completed transfer "recorded date" before credits with a later completed transfer "recorded date;" and

(c) Credits generated in an earlier quarter before credits generated in a later quarter.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-1005

Transacting Credits

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

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DEQ 17-2017, renumbered from 340-253-1050, filed 11/06/2017, effective 11/06/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

340-253-1010

Fuels to Include in Credit and Deficit Calculation

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

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DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-1020

Calculating Credits and Deficits

(1) Except as provided in sections (2) and (3), credit and deficit generation must be calculated for all fuels included in OAR 340-253-1010:

(a) Using credit and deficit basics as directed in OAR 340-253-1000;

(b) Calculating energy in megajoules by multiplying the amount of fuel by the energy density of the fuel in Table 6 under OAR 340-253-8010;

(c) Calculating the adjusted energy in megajoules by multiplying the energy in megajoules from section (2) by the energy economy ratio of the fuel listed in Table 7 ~~or 8~~ under OAR 340-253-8010 [or as approved by DEQ under OAR 340-253-0460](#), as applicable;

(d) Calculating the carbon intensity difference by subtracting the fuel's carbon intensity as approved under OAR 340-253-0400 through -0470, adjusted for the fuel application's energy economy ratio [as](#) listed in Table 7 under OAR 340-253-8010 [or as approved under OAR 340-253-0460](#) as applicable, from the clean fuel standard for gasoline or gasoline substitutes listed in Table 1 under OAR 340-253-8010 or diesel fuel and diesel substitutes listed in Table 2 under OAR 340-253-8010, as applicable;

(e) Calculating the grams of carbon dioxide equivalent by multiplying the adjusted energy in megajoules in section (3) by the carbon intensity difference in section (4);

(f) Calculating the metric tons of carbon dioxide equivalent by dividing the grams of carbon dioxide equivalent calculated in section (5) by 1,000,000; and

(g) Determining under OAR 340-253-1000(5) whether credits or deficits are generated.

(2) For electricity used to power fixed guideway vehicles on track placed in service prior to 2012 and forklifts [from model year 2015 and earlier](#), credit and deficit generation must be calculated by:

(a) Using credit and deficit basics as directed in OAR 340-253-1000;

(b) Calculating energy in megajoules by multiplying the amount of fuel by the energy density of the fuel in Table 6 under OAR 340-253-8010;

(c) Calculating the carbon intensity difference by subtracting the fuel's carbon intensity as approved under OAR 340-253-0400 through -0470, adjusted for the fuel application's energy economy ratio listed in Table 7 under OAR 340-253-8010 as applicable, from the clean fuel standard for gasoline or gasoline substitutes listed in Table 1 under OAR 340-253-8010 or diesel fuel and diesel substitutes listed in Table 2 under OAR 340-253-8010, as applicable;

(d) Calculating the grams of carbon dioxide equivalent by multiplying the adjusted energy in megajoules in section (3) by the carbon intensity difference in section (4);

(e) Calculating the metric tons of carbon dioxide equivalent by dividing the grams of carbon dioxide equivalent calculated in section (5) by 1,000,000; and

(f) Determining under OAR 340-253-1000(5) whether credits or deficits are generated.

(3) For electricity used in residential charging of electric vehicles, credit calculations must be based on the total electricity dispensed (in kilowatt hours) to vehicles, measured by:

(a) The use of direct metering (either sub-metering or separate metering) to measure the electricity directly dispensed to all vehicles at each residence; or

(b) For residences where direct metering has not been installed, DEQ ~~annually~~ will calculate the total electricity dispensed as a transportation fuel based on analysis of the total number of BEVs and PHEVs in a utility's service territory based on Oregon Department of Motor Vehicles records. [DEQ will perform this analysis at least twice a year and issue credits based on it.](#) DEQ will select one of the following methods for estimating the amount of electricity charged based on its analysis of which is more accurate and feasible at the time it is performing the analysis:

(A) An average amount of electricity consumed by BEVs and PHEVs at residential chargers, based on regional or national data; or

(B) An analysis of the average electric vehicles miles traveled by vehicle type or make and model, which compares the total amount of estimated charging for those electric vehicle miles travelled with the total reported charging in those territories in order to determine the

amount of unreported charging that can be attributed to residential charging. The analysis may be done on a utility territory specific or statewide basis.

(c) If DEQ determines after the issuance of residential electric vehicle credits that the estimate under (b) contained a significant error that led to one or more credits being incorrectly generated, the error will be corrected by withholding an equal number of credits to the erroneous amount from the next ~~year's~~ generation of residential electric vehicle credits.

(d) A credit generator or aggregator may propose an alternative method, subject to the approval of DEQ upon its determination that the alternative method is more accurate than either of the methods described in subsection (b).

(e) Credits generated under this subsection will be calculated by DEQ under section 1 of this rule using the estimated amount of electricity under subsection (3)(b) and issued ~~one~~ at least twice per year into the Oregon Fuels Reporting System account of the utility, its designated aggregator, or the backstop aggregator within three months of the close of that year.

(f) Registered parties eligible to generate credits for the 2018 year also will generate credits for 2016 and 2017 residential electric vehicle charging.

(4) Incremental Credits. In calculating incremental credits for actions that lower the carbon intensity of electricity, the credit calculations must be performed based on section (1) of this rule, except that the carbon intensity difference is calculated based on the carbon intensity of the renewable power and the carbon intensity used to calculate the base credits for that electric vehicle or charging equipment.

(a) Incremental credits for non-residential charging are generated upon the retirement of RECs that qualify under OAR 340-253-0470(5) by the credit generator, its aggregator, or the incremental aggregator. For credit generators and their aggregators, RECs must be retired prior to or at the same time as the submittal as the quarterly report where the charging is being reported and REC retirement records must be submitted with the quarterly report as supplemental documentation. For incremental credits generated using a Utility Green Power Product or Power Purchase Agreement, evidence that the chargers were covered by such a product must be submitted along with the quarterly report. For the incremental aggregator, incremental credits are generated when it retires RECs on behalf of non-residential electric vehicle charging.

(b) Incremental credits for residential charging are generated by a utility, its aggregator, or the incremental aggregator when RECs are retired on behalf of that charging, or when a utility demonstrates to DEQ that EVs are registered at residential addresses enrolled in one of its Utility Green Power Products.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15
DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-1030

Demonstrating Compliance

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

DEQ 8-2012, f. & cert. ef. 12-11-12

340-253-1040

Credit Clearance Market

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, adopt filed 11/17/2017, effective 11/17/2017

340-253-1055

Public Disclosure

(1) List of DEQ-approved registered parties. DEQ will maintain a current list of DEQ-approved registered parties and will make that list publicly available on its website. The list will include, at a minimum, the name of the party and whether the registered party is an importer of blendstocks, a large importer of finished fuels, a small importer of finished fuels, a producer, a credit generator, or an aggregator.

(2) Monthly credit trading activity report. DEQ must post on its webpage, by no later than the last day of the month immediately following the month for which the calculation is completed, a credit trading activity report that:

(a) Summarizes the aggregate credit transfer information for the:

(A) Most recent month,

(B) Previous three months,

(C) Previous three quarters, and

(D) Previous compliance periods;

- (b) Includes, at a minimum
 - (A) The total number of credits transferred,
 - (B) The number of transfers,
 - (C) The number of parties making transfers, and
 - (D) The formula used by DEQ to calculate the volume-weighted average price of that month's transfers, exclusive of transactions that fall two standard deviations outside of the mean credit price for the month or that are transferred without a price;
- (c) Is based on the information submitted into the CFP Online System; and
- (d) Presents aggregated information on all fuel transacted within the state and does not disclose individual parties' transactions.
- (3) Quarterly data summary. DEQ must post on its webpage at least quarterly:
 - (a) An aggregate data summary of credit and deficit generation for the most recent quarter and all prior quarters; and
 - (b) Information on the contribution of credit generation by different fuel types.
- (4) Clean Fuels Program Annual Report. DEQ must post on its webpage by April 15th of each year, the following information from the previous year:
 - (a) The average cost or cost-savings per gallon of gasoline, per gallon of diesel, or any other fuel types, and the formulas used to calculate such costs or cost-savings; and
 - (b) The total greenhouse gas emissions reductions.

[\(5\) Utility Reports. DEQ will post the utility reports it receives under OAR 340-253-0640\(9\) to its website.](#)

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, adopt filed 11/17/2017, effective 11/17/2017

[**OAR 340-253-1100**](#)

[**Advance Crediting**](#)

[**\(1\) General Provisions.**](#)

[**\(a\) Advance Credits are used to advance the state's transportation electrification goals.**](#)

(b) All advance credits represent actual reductions of greenhouse gas emissions against the Clean Fuels Standards.

(c) Vehicles receiving advanced credits must be registered with the State of Oregon.

(2) Eligibility to generate Advance Credits.

(a) The following entities may apply for advance credits:

(A) Public Transit Agencies;

(B) Political subdivisions of the State of Oregon;

(C) Tribes;

(D) School Districts; and

(E) Companies under contract to provide services to a political subdivision of the State of Oregon or an Oregon School District may apply if the political subdivision endorses the application, and the vehicles covered by the application are intended to provide contracted services to the public.

(b) Advance credits may be applied for following vehicle types:

(A) Medium and Heavy Duty vehicles and

(B) Light-duty vehicles if they are part of an organization's plan to fully electrify its fleet within a 15-year time period.

(3) Applications for Advance Credits.

(a) Applications for advance crediting will be accepted by DEQ at least once per year. DEQ will notify stakeholders when applications will be accepted and will provide application materials and guidance about how it will process and consider applications.

(b) Applicants must supply the following information to DEQ:

(A) A letter describing the activities or purchases that they want to receive advance crediting for, including the number of vehicles, charging equipment, and estimated timeframes for when those vehicles and equipment will be put into useful service;

(B) A detailed estimate of the potential credit generation from the electric vehicles and charging equipment that they want to receive advance crediting for. In the case of electric vehicles, that detailed estimate must at least include the number of miles each vehicle will travel within Oregon annually and an estimated amount of charging for each vehicle;

(C) If covered electric vehicles will mainly use existing charging equipment, details on the ownership of that charging equipment, and how the applicant will ensure that another entity

will not generate credits, and will not attempt to general credits, from that vehicle until it has exited the payback period;

(D) Information on where the electric vehicles will be charged, if they will be charged using grid or renewable electricity, and, if applicable, the utility-specific CI for where the charging equipment will be located;

(E) A proposed number of credits to be advanced for each vehicle; and

(F) An attestation that the applicant will remain the owner or lessee of the vehicle or charging equipment until the vehicle has paid back the advanced credits, or that, if the vehicle is sold prior to the end of the payback period, that the applicant will buy and retire credits against the remaining amount.

(c) If the applicant is a company under contract to provide school bus services to an Oregon School District, they must also provide:

(A) A contract with the Oregon School District that the school buses will be serving that shows they will be the provider of school bus services to that district for at least three years following their purchase or lease of the school buses covered by the Advance Crediting Agreement; and

(B) A letter from the school district that is endorsing their application for advance crediting.

(d) If the applicant is a company under a multi-year contract with a political subdivision of the State of Oregon, they must also provide:

(A) A contract with the political subdivision showing how the electric vehicles will be used and that they will be used in state for at least three years following their purchase or lease; and

(B) A letter endorsing the application from the political subdivision.

(e) In considering applications under this rule, DEQ will prioritize applications where the vehicles or charging equipment will reduce emissions in vulnerable communities disproportionately impacted by climate change, air toxics, and criteria air pollution.

(f) DEQ may request additional documentation from an applicant prior to making a decision on the application. If the applicant does not provide the requested documentation, then DEQ may deny the application without prejudice.

(4) Approval of Advance Credits. DEQ will negotiate with the applicant to issue advance credits based on the following considerations:

(a) A clear and objective milestone for issuing advance credits that represents when the vehicles and equipment covered by the application are placed into useful service;

(b) The number of credits being advanced in total or per vehicle;

(c) The length of the payback period, which must be one year longer than the number of years of credits that were advanced;

(d) An attestation from the applicant that they understand that the advanced credits must represent real reductions and that if the activity covered by the agreement does not generate sufficient credits within the payback period that they are responsible for retiring a sufficient number of credits to make up the difference. The attestation must also include that the applicant understands that they are responsible for making up the difference in credits if they sell or relocate covered vehicles outside of Oregon.

(e) An attestation from the applicant that they will ensure that actual credits are not generated from charging equipment serving these vehicles until the credits have been paid back.

(5) Issuance of Advance Credits.

(a) Advance credits are only issued to the applicant when the vehicles or equipment are placed into useful service as agreed to under section (4) of this rule.

(b) Credits will only be issued to the applicant named in the agreement.

(c) DEQ may advance no more than six years of credits for any single vehicle or piece of infrastructure.

(6) Payback Period.

(a) The payback period for a vehicle or charging equipment will be specified in the agreement between DEQ and the applicant, except that the payback period may not exceed nine years. The payback period must be at least one year longer than the number of years of credits advanced to the applicant.

(b) In the event that the number of advanced credits was not realized during the payback period, the recipient is responsible for acquiring and retiring sufficient credits to ensure the environmental integrity of the program.

(c) If a vehicle or charging equipment is sold to another entity prior to the close of the payback period, the applicant is responsible for purchasing and retiring credits against the volume of advanced credits that has not yet been covered by actual credit generation.

(7) Reporting Requirements.

(a) The applicant that has been issued advance credits must file quarterly reports to DEQ showing the amount of charging going into the individual electric vehicles covered by the agreement.

(b) This charging must not generate additional credits until the advanced credits are paid back. DEQ and the applicant will monitor the amount of charging and credits that would have been generated to determine when an equal number of credits has been generated to the number that of credits advanced.

(8) Overall limitation on advance credits. DEQ may not issue more advance credits in any one year than an amount equal to five percent of the number of deficits generated in the prior compliance year. DEQ will process applications, negotiate and issued advance credits on a first-come, first served basis, and will stop working on any pending applications when it has issued advance credits equal to five percent of the number of deficits generated in the prior compliance year.

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

340-253-2000

Emergency Deferrals

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

340-253-2100

Forecasted Fuel Supply Deferral

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019

DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017

DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16

DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15

340-253-8010

Tables

(1) Table 1 — Oregon Clean Fuel Standard for Gasoline and Gasoline Substitutes

(4) Table 4 — Oregon Carbon Intensity Lookup Table

(7) Table 7 - Oregon Energy Economy Ratio Values

[ED. NOTE: To view attachments referenced in rule text, click here to view rule.]

Statutory/Other Authority: ORS 468.020, 468A.266, 468A.268 & 468A.277

Statutes/Other Implemented: ORS 468.020 & ORS 468A.265 through 468A.277

History:

DEQ 14-2020, amend filed 05/07/2020, effective 05/07/2020

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 199-2018, amend filed 11/16/2018, effective 01/01/2019
DEQ 27-2017, amend filed 11/17/2017, effective 11/17/2017
DEQ 8-2016, f. & cert. ef. 8-18-16
DEQ 5-2016(Temp), f. & cert. ef. 4-22-16 thru 9-1-16
DEQ 13-2015, f. 12-10-15, cert. ef. 1-1-16
DEQ 3-2015, f. 1-8-15, cert. ef. 2-1-15



OAR 340-253-8010

Table 1

Oregon Clean Fuel Standard for Gasoline and Gasoline Substitutes

Calendar Year	Oregon Clean Fuel Standard (gCO ₂ e per MJ)	Percent Reduction
2015	None (Gasoline Baseline is 98.62 for 2016-2017, 98.64 for 2018, and 98.06 for 2019 and beyond)	
2016*	98.37	0.25 percent
2017	98.13	0.50 percent
2018	97.66	1.00 percent
2019	96.59	1.50 percent
2020	95.61	2.50 percent
2021	94.63	3.50 percent
2022	93.15	5.00 percent
2023	91.68	6.50 percent
2024	90.21	8.00 percent
2025 and beyond	88.25	<u>10.00</u> percent

*Initial compliance period is a two-year period for 2016 and 2017.



OAR 340-253-8010
Table 4
Oregon Carbon Intensity Lookup Table

Fuel	Pathway Identifier	Pathway Description	Carbon Intensity Values (gCO ₂ e/MJ)
			Total Lifecycle Emissions
Gasoline	ORGAS001	Clear gasoline - based on a weighted average of gasoline supplied to Oregon	100.14
	ORGAS002	Imported blended gasoline (E10) – 90% clear gasoline & 10% corn ethanol based on Midwest average. Cannot be used to report exports except when the specific gallon was also imported under this fuel pathway code.	98.06
Diesel	ORULSD001	Clear diesel, based on a weighted average of diesel fuel supplied to Oregon	100.74
	ORULSD002	Imported blended diesel (B5) – 95% clear diesel & 5% soybean biodiesel. Cannot be used to report exports except when the specific gallon was also imported under this fuel pathway code.	98.74
	ORULSD003	Imported blended diesel (B20) – 80% clear diesel & 20% soybean biodiesel. Cannot be used to report exports except when the specific gallon was also imported under this fuel pathway code.	92.68
Compressed Natural Gas	ORCNG001	North American NG delivered via pipeline; compressed in OR	79.98
Liquefied Natural Gas	ORLNG001	North American NG delivered via pipeline; liquefied in OR using liquefaction with 80% efficiency	86.88
Liquefied Petroleum Gas	ORLPG001	Liquefied petroleum gas	80.88



OAR 340-253-8010
Table 4
Oregon Carbon Intensity Lookup Table

Fuel	Pathway Identifier	Pathway Description	Carbon Intensity Values (gCO ₂ e/MJ)
			Total Lifecycle Emissions
Electricity	ORELEC100	Solar power, produced at or directly connected to the site of the charging station in Oregon, subject to OAR 340-253-0470 (3).	0
	ORELEC101	Wind power, produced at or directly connected to the site of the charging station in Oregon, subject to OAR 340-253-0470 (3).	0
	ORELEC200	Renewable power deemed to have a carbon intensity of zero under OAR 340-253-0470 and meeting the provisions of (5).	<u>0</u>
Hydrogen	ORHYF	Compressed H ₂ produced in Oregon from central steam methane reformation of North American fossil-based NG	120.68
	ORHYFL	Liquefied H ₂ produced in Oregon from central steam methane reformation of North American fossil-based NG	157.29
	ORHYB	Compressed H ₂ produced in Oregon from central steam methane reformation of biomethane (renewable feedstock) from North American landfills	116.76
	ORHYBL	Liquefied H ₂ produced in Oregon from central steam methane reformation of biomethane (renewable feedstock) from North American landfills	149.70
	ORHYEG	Compressed H ₂ produced in Oregon from electrolysis using Oregon average grid electricity	205.38



OAR 340-253-8010
Table 4
Oregon Carbon Intensity Lookup Table

Fuel	Pathway Identifier	Pathway Description	Carbon Intensity Values (gCO ₂ e/MJ)
			Total Lifecycle Emissions
	ORHYEB	Compressed H ₂ produced in Oregon from electrolysis using BPA average grid electricity	31.65
	ORHYER	Compressed H ₂ produced in Oregon from electrolysis using solar- or wind-generated electricity	13.11



OAR 340-253-8010

Table 7

Oregon Energy Economy Ratio Values for Fuels

Light/Medium Duty Applications (Fuels used as gasoline replacements)		Heavy-Duty/Off-Road Applications (Fuels used as diesel replacements)		Aviation Applications (Fuels used as jet fuel replacements)	
Fuel/Vehicle Combination	EER Value Relative to Gasoline	Fuel/Vehicle Combination	EER Value Relative to Diesel	Fuel/Vehicle Combination	EER Value Relative to conventional jet
Gasoline (including E10) or any other gasoline-ethanol blend	1	Diesel fuel (including B5) or any other blend of diesel and biodiesel or renewable hydrocarbon diesel	1	Alternative Jet Fuel	1
CNG Internal Combustion Engine Vehicle (ICEV)	1	CNG, LNG, or LPG (Spark-Ignition Engines)	0.9	-	
Electricity/Battery Electric Vehicle or Plug-In Hybrid Electric Vehicle	3.4	CNG,LNG, or LPG(Compression-Ignition Engines)	1		
Electricity/On-Road Electric Motorcycle	4.4	Electricity/Battery Electric Vehicle or Plug-In Hybrid Electric Vehicle	5		
Propane/Propane Forklift	0.9	Electricity/Battery Electric or Plug-in Hybrid Transit Bus	5		
Hydrogen/Fuel Cell Vehicle	2.5	Electricity/Fixed Guideway Light Rail	3.3		
		Electricity/Fixed Guideway Streetcar	2.1		
		Electricity/Fixed Guideway Aerial Tram	2.6		
		Electricity/Electric Forklift	3.8		



OAR 340-253-8010

Table 7

Oregon Energy Economy Ratio Values for Fuels

Light/Medium Duty Applications (Fuels used as gasoline replacements)		Heavy-Duty/Off-Road Applications (Fuels used as diesel replacements)		Aviation Applications (Fuels used as jet fuel replacements)	
Fuel/Vehicle Combination	EER Value Relative to Gasoline	Fuel/Vehicle Combination	EER Value Relative to Diesel	Fuel/Vehicle Combination	EER Value Relative to conventional jet
		Electricity/Electric TRU (eTRU)	3.4		
		Hydrogen/Fuel Cell Vehicle	1.9		
		Hydrogen/Fuel Cell Forklift	2.1		
		Electricity/Cargo Handling Equipment	2.7		
		Electricity/Ocean Going Vessels	2.6		