

WAC 173-424-630 Determining the carbon intensity of electricity.

(1) **Utility-specific electricity mix.** The carbon intensity of the electricity used in a utility service area is calculated based on the mix of resources the electricity used to generate the electricity used using the most recent year fuel-mix report published by the Washington department of commerce under RCW 19.29A.140. No later than December 31st of each year, except that ecology may revise the carbon intensity of electricity for 2023 no later than March 15, 2023, ecology will:

(a) Post the updated utility-specific electricity carbon intensity for the next year on the ecology web page;

(b) Post the updated utility-specific carbon intensities for the next year on the ecology web page; and

(c) Add the new fuel pathway codes to the WFRS effective for Q1 reporting for the next year.

(2) **Statewide electricity mix.** The carbon intensity for the statewide electricity mix will reflect the average carbon intensity of electricity served in Washington and be calculated by using the carbon-intensity of electricity from the most recent year as published by department of commerce under RCW 19.29A.140.

(3) **Unspecified electricity.** The emissions associated with electricity generated from unspecified electricity is 0.437 metric tons per megawatt-hour of electricity as measured by the utility at the first point of receipt in Washington, unless ecology assigns another number as directed by RCW 19.405.070(2).

(4) **On-site renewable electricity generation.** 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 6 under WAC 173-424-900 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 WFRS from that facility must be retired in the recognized REC tracking system. The applicant is allowed to utilize RECs generated on-site for other purposes, if the RECs are in excess of the energy dispensed through EV chargers.

(5) **Offsite renewable electricity.** In order to lower the carbon intensity of electricity claimed as a vehicle fuel in the clean fuels program, 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 the WREGIS, or by a certification system approved by ecology as being substantially equivalent, and:

(i) Unbundled RECs being used to claim low-carbon electricity through book-and-claim accounting must be certified at the wholesale level, while

(ii) RECs used in a power purchase agreement or utility renewable electricity product may be certified at the retail level;

(b) RECs must be generated in and after 2023;

(c) RECs must be generated from facilities located in the western electricity coordinating council; and

(d) RECs must be recorded and retired in a recognized REC tracking system. In addition to recognizing the western renewable energy generation information system, ecology may recognize additional REC tracking systems upon a request from a registered party. In reviewing those requests, ecology will consider whether the tracking system is comparable to WREGIS and if it has systems in place to ensure accurate issuance and tracking of RECs.

(e) Unbundled RECs must meet the safeguards to prevent double counting in WAC 194-40-420, except the term "utility" is replaced with "registered entity."

(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 its electricity. Ecology 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 electricity products and power purchase agreements.** Electric utilities may apply for ecology to assign a carbon intensity to one or more of their renewable electricity 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. All of the following requirements apply to such applications:

(a) Applications made under this section must include:

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

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

(iii) In the case of a utility renewable electricity product, any filings with, and orders by, the Washington utilities and transportation commission, governing boards of consumer-owned utilities, or any other local governing board that approves the product; and

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

(b) Ecology will review pathway applications under this section to determine if they result in a substantially similar environmental outcome to the sources of renewable energy required under subsection (5) of this section. In reviewing a utility product or agreement that contains multiple sources of power, ecology may use the estimate under (a)(iii) of this subsection to determine if sufficient renewable energy that is substantially similar to the requirements of subsection (5) of this section is included in the product to cover transportation-related charging that may be claimed under the CFP. Ecology 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. That documentation must include retirement records for any RECs used to lower the claimed carbon intensity of the electricity being used by customers of those products in the clean fuels program for the prior year. That documentation must also update the estimate of the amount of electric vehicle charging attributable to customers using the products or agreements. Fuel pathway reports required by this section are due by June 30th, notwithstanding WAC 173-424-610 (9) (g) (iii) (C).

[Statutory Authority: Chapter 70A.535 RCW. WSR 22-24-004 (Order 21-04), § 173-424-630, filed 11/28/22, effective 12/29/22.]