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# Frequently Asked Questions

Reporting for the Clean Fuels Program and  
Greenhouse Gas Reporting Program



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# Purpose and background

The purpose of this Frequently Asked Questions document is to help regulated parties under the Clean Fuels Program and Greenhouse Gas Reporting Program navigate the combined reporting in the Oregon Fuels Reporting System.

This document is compiled from questions DEQ staff have received and it will be updated periodically. It is intended to provide a reader-friendly discussion of how to report to the programs. It is not a complete recounting of the requirements of either program. All parties reporting to both programs are responsible for understanding and fully complying with the requirements in Divisions 215 and 253. This document does not override, replace or amend any rule requirements.



Questions are presented in **Bold**, while the answers underneath are in normal text with occasional bold or underlined text for emphasis.

This document is organized by chapters that separate reporting topics. Chapter 1 covers reporting questions for liquid fuels such as gasoline, diesel, biodiesel, ethanol, renewable diesel, and their components. Chapter 2 covers electricity reporting, chapter 3 covers fossil and renewable natural gas reporting, chapter 4 covers fossil and renewable propane reporting, and chapter 5 covers hydrogen reporting. Chapter 6 covers fuel supply equipment registration.

Chapter 1 applies to both programs. The remaining chapters apply to the Clean Fuels Program only. Note: Paragraphs in italics are definitions taken from the rules in Division 215 (GHG RP)<sup>1</sup> or Division 253 (CFP)<sup>2</sup> of Chapter 340 of the Oregon Administrative Rules (OAR).

Clean Fuels Program, Greenhouse Gas Reporting Program, and Climate Protection Program background:

## What does the Clean Fuels Program do?

The Clean Fuels Program requires the carbon intensity of transportation fuels in Oregon to decline each year by placing mandatory requirements on Oregon's fuel suppliers. The baseline year for the program is 2015 and the standard for that year represents 10 percent ethanol blended fuel with gasoline and five percent biodiesel blended fuel with diesel. The current rule requires a 10 percent reduction in average carbon intensity from 2015 levels by 2025, followed by a 20 percent reduction by 2030 and 37 percent by 2035. More information

## What does the Greenhouse Gas Reporting Program require?

Oregon's Greenhouse Gas Reporting Program requires reporting of greenhouse gas emissions data and related information from major sources including large stationary sources and liquid fuel, natural gas, propane, and electricity suppliers. Data and information are reported, audited, and published annually. Starting in 2022 information submitted from certain large emitters requires third-party verification.

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<sup>1</sup> Available at: <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1538>

<sup>2</sup> Available at: <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=1560>

Reported emissions data is made available to the public and can be viewed on DEQ's [Reported Data page](#). This information is also used to develop the statewide greenhouse gas inventory, support emission reduction programs such as HB 2021 (2021) and the Climate Protection Program and to inform policy decisions and program analysis.

## **What is the difference between the Clean Fuels Program and the Greenhouse Gas Reporting Program?**

The Clean Fuels Program is a low-carbon fuel standard program that regulates and requires the reduction of the carbon intensity of regulated fuels in Oregon. It creates a market that values lower-carbon fuels, and has a schedule of mandated reductions in the carbon intensity of all fuels.

The Greenhouse Gas Reporting Program serves as Oregon's greenhouse gas inventory, cataloging all of the emissions that occur within the state or, for electricity, that are attributable to Oregon's demand for electricity. The fuel supplier reporting for the program requires reporting of any of the fuels listed in 40 CFR 98 Subpart MM, this includes fuels that are only reported to this program.

## **Why do I need to report to both?**

The reporting for both programs is different in significant ways. In addition, finished fuel suppliers that are below 500,000 gallons per year are only required to report to the Greenhouse Gas Reporting Program. In 2020, the Environmental Quality Commission adopted rules that combined the reporting for both programs for liquid fuels for the fuel suppliers that are subject to both programs. There are transactions in the quarterly reports filed with the Clean Fuels Program that are automatically totaled and included in the GHG RP annual report when supplier's file quarterly reports. There are also fuels that must be reported to the GHG RP that are not required to be reported to the CFP and if your organization is a fuel importer or position holder for those fuels it will need to report them separately. Please refer to the [GHG RP Fuel Suppliers and In-state Producers Protocol](#) for further information on specific details of who is subject to the GHG RP.

## **What is the Climate Protection Program?**

The Climate Protection Program sets a declining limit, or cap, on greenhouse gas emissions from fossil fuels used throughout Oregon, including diesel, gasoline, natural gas and propane, used in transportation, residential, commercial and industrial settings. The program also regulates site-specific greenhouse gas emissions at manufacturing facilities, such as emissions from industrial processes, with a best available emissions reductions approach.

## **How does the Climate Protection Program use the Greenhouse Gas Reporting Program's data?**

The emissions reported to the Greenhouse Gas Reporting Program – for fuel suppliers those are the Position Holder and/or Fuel Importer emissions from specific fuels – are used in Oregon's Climate Protection Program to determine if emitters are subject to the program and, if they are, what their compliance obligations are. The Climate Protection Program is a separate program also run by DEQ's Office Of Greenhouse Gas Programs, and more information on how it works for fuel suppliers can be found on the [CPP Resources web page](#).

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# Chapter 1: Liquid fuel reporting in the Clean Fuels Program and GHG Reporting Program

This section covers questions about reporting Gasoline, Diesel, Ethanol, Biodiesel, and Renewable diesel, along with other fuels that are used as components or substitutes for those fuels.

## General questions

### What fuels must be reported to the Clean Fuels Program?

The base regulated fuels in the Clean Fuels Program are Gasoline, Diesel, Renewable Diesel, Biodiesel, Ethanol, any blend of any of those fuels, and any constituent of those fuels such as Naphtha. As the program's carbon intensity standards decline, the following become regulated fuels: in 2022, fossil liquified natural gas (LNG) or liquefied to compressed natural gas (L-CNG), in 2026 fossil compressed natural gas (CNG), and in 2029 fossil liquified petroleum gas which is also known as propane.

### What fuels can opt-in to report to the Clean Fuels Program?

The clean fuels that can opt-in to be reported to the Clean Fuels Program are fossil and renewable natural gas and propane, electricity, hydrogen, and sustainable aviation fuel. In 2022, fossil LNG and fossil L-CNG become a regulated fuel. In 2026, fossil CNG becomes a regulated fuel. In 2029 fossil propane becomes a regulated fuel.

### What fuels are required to be reported to the GHG Reporting Program?

Please refer to the [Greenhouse Gas Fuel Types](#) document for a list of fuels subject to Greenhouse Gas Reporting.

### What is the Bulk System?

"Bulk system" means a fuel distribution system consisting of one or more refineries, pipelines, vessels, and terminals. Fuel storage and blending facilities that are not fed by pipeline or vessel are considered outside the bulk transfer system.

### What is a position holder?

"Position holder" means any person that has an ownership interest in a specific amount of fuel in the inventory of a terminal operator. This does not include inventory held outside of a terminal, retail establishments, or other fuel suppliers not holding inventory at a fuel terminal.

The reporting obligation for position holder sales applies to the company owning the fuel in the terminal as it is sold, not the company picking up the fuel at the rack. You must report position holder sales even if you own the fuel in the terminal and are dispensing it to yourself for delivery to end users, retail sites, or other locations outside of the bulk system within the state of Oregon. If you are exporting fuel you own in a terminal out of state yourself, you must report an Export out of Oregon distribution system only, do not include the Position holder sale for export in this case.

### **What is a terminal?**

“Terminal” means a fuel storage and distribution facility supplied by pipeline or vessel or that is collocated where the fuel is produced and stored, and from which fuel may be removed at a rack.

Terminals in Oregon include those in NW Portland, Eugene, and Umatilla, along with the fuel dispensing equipment co-located with fuel production facilities in Oregon, including biofuel producers.

**Table 1.** Oregon Terminals (Courtesy ODOT Fuel Tax)

<b>Name</b>	<b>Address</b>	<b>City</b>	<b>Zip</b>
Aircraft Service International, Inc.	8133 NE Airtrans Way	Portland	97218
Chevron USA, Inc.- Portland	5924 NW Front Ave.	Portland	97210
Kinder Morgan Liquid Terminals, LLC	5880 NW St Helens Rd.	Portland	97283
McCall Oil and Chemical Corp.	5480 NW Front Ave.	Portland	97210
Olympic Pipeline Company – Portland	9420 NW St Helens Rd.	Portland	97231
Phillips 66 PL – Portland	5528 NW Doane	Portland	97210
SFPP, LP	1765 Prairie Rd.	Eugene	97402
Seaport Midstream Partners, LLC	9930 NW St Helens Rd.	Portland	97231
Shore Terminals LLC – Portland	9420 NW St Helens Rd.	Portland	97231
Shell Oil Products US	3800 NW St Helens Rd.	Portland	97210
Tidewater Terminal – Umatilla	535 Port Ave.	Umatilla	97882
Zenith Energy Holdings	5501 NW Front Ave.	Portland	97210

## **What is intermediate storage?**

Intermediate storage are locations with tanks where fuel is stored by a company for further distribution, generally directly from that storage to retail sites or end users. Unlike terminals, intermediate storage is storage not fed by a pipeline or vessel, and thus is classified as being outside of the bulk system. Often this storage is owned by the same company that owns and will be distributing the fuel to its final destination. Unlike at a terminal where fuel is expected to be sold to others, fuel held in intermediate storage is only rarely sold to other fuel distribution companies from that location.

**We are considered a small importer (under 500,000 gal.) for the Clean Fuels Program and have been told quarterly Clean Fuels reporting is not required, just an annual DEQ GHG report. We purchase most of our fuel at the rack in Oregon and transport it to our storage or direct to customers. It stays in the state. What reports are we now supposed to file, how often, and when are the deadlines?**

Small importers are not required to submit quarterly or annual reports to the Clean Fuels program. Small importers are still required to register in the Oregon Fuels Reporting System—which handles reporting for both the Clean Fuels Program and Greenhouse Gas Reporting Program – to report to the Greenhouse Gas Reporting Program. The threshold for being a small importer in the Clean Fuels Program is importing under 500,000 gallons in a year, and any related entities that also import must combine their imported fuel to determine if they are below that threshold.

Small importers must register as a Greenhouse Gas Reporting Program-only registered party in the OFRS and are only required to submit a Greenhouse Gas Reporting Program annual report by April 30th of each year. Follow the instructions in the [OFRS User Guide for Greenhouse Gas Reporting by Regulated Entities](#) when signing up in the system. Fuel purchased in Oregon should not be reported in the Greenhouse Gas Reporting Program annual report. Instead, the entity that imported the fuel into Oregon would report those gallons to GHG RP.

## **Making corrections to submitted reports**

### **What do I need to include in a correction request letter?**

When you request to reopen a CFP Quarterly Report or a GHG RP Annual Report, OFRS requires you to upload a correction request letter detailing the changes you must make to your previously submitted reporting. The letter must be on company letterhead and from a registered user of your organization in OFRS. The letter must detail the corrections that need to be made in sufficient detail so that DEQ staff can fully understand what you're going to be changing.

For example, if you failed to report an import within the bulk system of diesel on a quarterly report, the correction request letter would need to state that you needed to add an import within the bulk system transaction in the fossil diesel fuel pathway code of ORULSD001, and you would need to state the number of gallons that you failed to report.

If you filed a quarterly report that used the wrong fuel pathway code for some transactions, the letter would need to summarize how the wrong fuel pathway code was used, what the correct fuel pathway code is for those transactions, and a listing of the transactions that need to change. If there will be a change to the gallons or business partners, those also need to be listed.

DEQ uses this letter for record-keeping and to review the corrections submitted after the changes were made. DEQ expects to see only those changes that were described in the letter. If you discover that there are additional corrections that need to be made while a quarterly report is already open for corrections, then you must communicate that to DEQ by emailing us at [oregoncleanfuels@deq.oregon.gov](mailto:oregoncleanfuels@deq.oregon.gov). If you do not do so, your corrections will not be accepted.

It is important to note that it is a violation of DEQ's regulations to make changes in a previously submitted report if DEQ has not specifically approved those changes in a correction request letter or through an additional email as described in the previous paragraph.

## Imports and exports

### **How do I determine who the importer of a gallon is?**

Both the Clean Fuels Program and Greenhouse Gas Reporting Program define Importing and the Importer of record as the person who owns the fuel when it first enters the state by any means other than fuel held in the gas tank of a vehicle. For example, the person who owns fuel in a railcar is the importer of record when that railcar enters Oregon. Similarly, the exporter of record for both programs is the owner of the fuel that reports to the CFP or the GHG RP when it is being physically transported out of Oregon.

**I import fuel by rail into Oregon to a transloading facility that is not at a terminal where it is either sold to a party for immediate transport to an end user or transloaded to a truck where it is then delivered to a terminal. Once at the terminal, it is put into the position of the fuel company that purchased it. How should I report these transactions?**

The portion of the fuel delivered to the terminal must be reported as an Import within the bulk system. The portion of the fuel that is sold for direct delivery to an end user (or to a retail site) must be reported as an Import outside of the bulk system. Imports outside of the bulk system

are tallied up by the system and become Fuel Importer emissions on your Greenhouse Gas Annual Report.

**What transaction type would we use if we're just moving the product from one terminal to another (for example, from an Oregon terminal to a Washington Terminal)?**

This would be reported as an "Export from the Oregon Distribution System" on your quarterly report since you're moving the fuel to another state and thus exporting it. If the fuel stays in Oregon and does not change ownership when it moves from one terminal to another, you do not need to report that it was moved on the quarterly report.

**We are importing into Oregon and delivering to a wholesaler (they do not have a terminal however) and then selling it to them with obligation. We do not know if it is going directly to retailers or not after we transfer it to the wholesaler.**

Because you are delivering to the wholesaler at a site that is not a terminal, you should ask them if the fuel is being transferred to a terminal elsewhere in the state or if they will distribute it directly to end users or retail sites or export the fuel from Oregon. If they will not provide you with that information, you should default to reporting this as an Import outside of the bulk system.

**For B99 imports, would you like us to report the very small amount of diesel that was imported and if so and the actual quantity of diesel is unknown, should we multiply the total gallons to by 1% to estimate the amount of diesel?**

Yes, you are required to report the fossil diesel amount when it is present in blends of biodiesel and/or renewable diesel. If you do not know the exact amount, then you must report 1% of the volume as fossil diesel under OAR 340-253-0640(13).

**For entities reporting only to the GHG RP through its annual report, how are exports of fuels reported?**

For the fuels that are only reported to the GHG RP on its annual report (e.g., jet fuel, propane, etc.), you do not report exports separately. The same is true if you are not reporting to CFP and you have imports of fuel into the state of Oregon that are later exported. In both cases you will only report the gallons that were kept in state on your GHG RP annual report.

If you are reporting to the CFP and have exported fuel that you originally reported using an 'import outside of the bulk system' transaction into the state of Oregon through that reporting, you WILL need to report exports in that case, as the CFP quarterly reporting will not capture the export of those gallons and subtract them on your GHG Report. Only subtract exported gallons from the fuel you report as an import if those exported gallons were originally imported by your

company. Do not include fuel gallons that you purchased from another company within the state of Oregon and then exported out of the state in the gallons that are subtracted from your imports.

If you are coming up with a negative number for imports, this is an indication that the total imports are being calculated incorrectly and you should reach out to [GHGReport@deq.oregon.gov](mailto:GHGReport@deq.oregon.gov) for guidance.

**If a fuel passes through Oregon to another destination and is not sold in Oregon, then does that fuel need to be reported, and how?**

Yes, if the fuel is a regulated fuel under the CFP, then it must be reported. The only situations where those fuels are not required to be reported to the program upon import, are:

- if the fuel passes through the state without offloading or transloading within the state (e.g., if the fuel is in a railcar that transits Oregon without stopping other than incidentally); or
- if it's a chemical-grade and undenatured ethanol that DEQ views as not meeting the fuel ethanol definition until it has been denatured.

For all other volumes, including volumes that are intended to be exported from Oregon but are offloaded into a terminal or other storage in Oregon before being shipped to their final destination, both the import and export of those volumes must be reported.

If the regulated fuel in question is a biofuel and does not already have a producer-specific fuel pathway code (FPC) to use to report the volumes of fuel in question, the importer has two options:

- Option 1: Request the use of a temporary FPC.
  - The importer/entity must register in the CFP for reporting and the Oregon Fuels Reporting System (OFRS).
  - Temporary fuel pathway codes are applicable for the fuels in Table 9 in OR 340-253-8010, and the request to use the temporary fuel pathway code must be submitted through the alternative fuels portal (AFP).
  - In addition, DEQ maintains a two-quarter rule for all use of temporary FPCs and reporting disbursements from commingled storage.

- Fuels placed into commingled storage can only be mass-balanced and applied to sales/export volumes in the quarter in which they're put into that commingled storage or the following quarter.
    - Example: If the client input those gallons into the commingled storage in Q2, then they can report them as leaving for export in Q2 or Q3.
      - ◆ If they were input in Q1, then they cannot be applied for export volume in Q3.
  - The fuel must be reported in the quarterly report through OFRS using the appropriate transaction type in the quarter the fuel was imported or purchased and using the temporary fuel pathway code that was approved for use.
- Option 2: Submit a CFP fuel pathway application.
- If the importer is also the fuel producer, the fuel producer may submit a fuel pathway application with the Oregon Department of Environmental Quality's CFP to potentially certify the fuel pathway(s) for the fuel sold in Oregon. If the fuel producer has active fuel pathway code(s) under the California Low-Carbon Fuel Standard, the fuel producer may submit a fuel pathway application with the Oregon Department of Environmental Quality's CFP to potentially have the pathway(s) re-certified in Oregon.

**How does reporting "Production for Import" gallons from an out-of-state fuel producer work?**

The Clean Fuels Program allows out-of-state fuel producers that are registered in the Alternative Fuels Portal to also register in the Reporting Tool, this allows them to be the initial credit generator for their low-carbon fuels and thus responsible if those credits are later invalidated for any reason. On a quarterly basis, out-of-state fuel producers report the volume of fuel they produce that they know has or will be imported into Oregon using the "Out of State Production for Import" transaction type. They then transfer those gallons with or without obligation to the importer using the Sale with or without obligation transaction types to the importer. Both parties must tag each other as the business partner and reconcile their transactions.

When the Importer imports those gallons into Oregon, they must report that import using two special import transactions, either: "Import inside of the bulk system for Production for Import Gallons" or "Import outside of the bulk system for Production For Import Gallons". These two transactions do not generate credits or deficits because those credits or deficits were already generated and passed along to the importer – or not – using the purchase and sale transactions. Picking which of the two transactions to use follows the normal rules of determining if an import is inside or outside of the bulk system. The "Import outside of the bulk system for Production for

Import Gallons” transaction is added to your imports for the Greenhouse Gas Reporting Program’s Annual Report for that fuel.

## **Third-party verification**

### **If I am going through third party verification for Greenhouse Gas Reporting Program reporting, do I need to make corrections to my CFP quarterly reports if errors are found?**

Yes, regulated entities must make updates to their CFP quarterly reports if errors are found during a GHG RP third party verification. As stated in OAR 340-215-0110 (1)(b), regulated entities must meet the requirements for the Clean Fuels Program to meet the requirements of the GHG Reporting Program. The system that collects reporting for both programs, the Oregon Fuels Reporting System (OFRS), uses data that is reported in the CFP quarterly reports for a portion of the reporting to GHG RP. For the reporting to be correct in GHG RP, it must be correct in the CFP quarterly reports. Making corrections to past CFP quarterly reporting will unlock your CFP annual report, which will need to be re-submitted. If the corrections have resulted in the entity being out of compliance with the CFP standard for the year (there are not enough credits to cover the deficits generated for that year any longer), entities may be subject to enforcement and will need to comply with the standard. You will also need to update your GHG RP annual report for the year after making the corrections in the CFP quarterly reports. Once you have submitted the corrections to CFP and they have been accepted, you must then re-open your GHG RP annual report. Once that is re-opened the fuel totals that are being pulled over from the CFP reporting will be updated in your GHG Annual Report. Make any further corrections you need to for the GHG RP annual report to be correct and then re-submit it. Once it is accepted by DEQ, you will be able to let your verifier re-check the reporting to make sure there are not additional errors.

### **What happens if the corrections to my reporting from verification take me out of compliance in the Clean Fuels Program?**

The Environmental Quality Commission adopted a rule that took effect on January 1<sup>st</sup>, 2023, which gives regulated parties that file corrections that show they are no longer in compliance for a previous year’s carbon intensity standard 30 days to purchase and retire additional credits to come back into compliance. This applies to all corrections that occur to reporting that the CFP Annual Report has already been filed for. DEQ staff will set a clear deadline when approving corrections requests that may take your organization out of compliance.

**In addition, the Third Party Verification Program provides FAQs and additional materials for entities that need to get their reporting verified. You can find the CFP-specific materials on the [Clean Fuels Program Third-Party Entities web page](#), including the [CFP-](#)**

[specific FAQ](#) and the [Greenhouse Gas Reporting Program-specific materials](#) including the [GHG RP-specific FAQ](#).

## Fuel Pathway Codes

### **What are substitute fuel pathway codes and how are they used?**

Substitute fuel pathway codes are special-purpose pathway codes used when the seller of the fuel is not passing along the carbon intensity information for a biofuel, or the biofuel component of a blended fuel. They can only be used to report transactions that are sales or purchases without obligation, exports, loss of inventory, not for transportation use, and exempt fuel uses. They cannot be used for imports, gains of inventory, or sales and purchases with obligation. In addition to substitute fuel pathway codes for Biodiesel (BIOD0116), Ethanol (ETH0116), and Renewable Diesel (RNWD0116), DEQ has also issued substitute fuel pathway codes for E10 Gasoline (ORGAS0116\_1), B5 Diesel (ORULSD01165\_1), and B20 Diesel (ORULSD011620) that can be used when those fuels were blended in Oregon.

### **Do I have to use a substitute fuel pathway code (FPC) or other default FPC to report transactions for E10, B5, or B20?**

No, if you have the biofuel's actual fuel pathway code for the blend you can report using that. If you do not have the FPC for the individual blended components of these blended fuels you would need to report using substitute FPCs for the blends, if you know them to have been blended in Oregon. If the fuel was blended outside of Oregon, you would use the appropriate imported finished blend fuel pathway code.

If you are purchasing from another entity, you should use the FPCs that they are using to report the transaction. Otherwise, you will have a reconciliation error that needs to get fixed between yourself and the other party. You cannot use a substitute fuel pathway code when you are purchasing with obligation, so if the seller sold you a blended fuel with obligation, they must provide you with the actual FPCs for the biofuel or biofuels in the blend.

### **What fuel pathway code can I use when I have a tank that my company has put multiple different FPCs of biodiesel into in a quarter?**

If you have a single tank where you commingle multiple biofuels, you can use mass balancing accounting in order to determine which fuel pathway codes to assign to the fuel that you remove from that tank.

### **What is mass balancing?**

Mass balancing is an accounting method that can be employed when an entity puts multiple different makes of a single type of fuel into commingled storage. The rules governing this are at OAR 340-253-0640(6).

Basically, the rule allows that entity to decide which FPC to assign to fuel that is pulled out of the commingled storage, up to the amount it put into that storage in the current or prior quarter.

**Example calculation for mass balancing:** Storage tank one has 10,000 gallons of biodiesel A, 2,000 gallons of biodiesel B, and 9,000 gallons of biodiesel C put into it during one quarter. I then sell 15,000 gallons from storage tank one to a counterparty. I can choose a combination of the three biodiesels I sold to my counterparty up to the amount I put in, and I would have the remaining gallons available to mass balance for reporting in that quarter or the following quarter. This could mean that I assign 10,000 gallons of biodiesel A and 5,000 gallons of biodiesel C to the sale with or without obligation to my counterparty, or 5,000 gallons of biodiesel A, 2,000 gallons of biodiesel B, and 8,000 gallons of biodiesel C.

### **Can I use temporary FPCs in a mass balancing?**

Yes, if a biofuel was reported using a temporary FPC when you purchased, imported, or produced it, then you can use that temporary FPC when you remove it from commingled storage.

## **Reporting Position Holder Sales**

### **What are multiple party sales and how are sales between multiple parties below the rack reported in OFRS?**

Multiple Party Sales occur when a position holder in a terminal sells to a company that is picking up the fuel below the rack and that company goes on to sell that fuel to another company who may sell it to another company, and so on. In some cases, these could be flash sales.

Flash sales are sales where one party buys fuel from a seller at a terminal and immediately sells this fuel at the terminal loading rack to a third party. E.g., Company B buys fuel from Company A, who is a position holder at the terminal, and immediately sells it to Company C. Company C picks up the fuel below the rack using a code supplied to them from Company B. To Company A, this would appear that Company B was buying from them, and Company A may not know that a third party or flash sale occurred. However, Company B never has possession of the fuel.

When flash sales or other multiple party sales occur, the original seller may not be aware of those transactions or the ultimate destination of the fuel. To ensure accuracy and prevent

duplicative reporting, it is important that all parties involved communicate, document fuel volumes and exports, and report consistently.

To accurately report multiple party sales:

- The original seller and purchaser must identify and document where the transfer of title of the fuels occurred.
- Under OAR 340-215, the position holder is the entity that last owns the gallons before they are dispensed from the terminal and the parties must identify if the transfer of title occurred before or after the fuel was dispensed. This must be determined based on documentation (a contract, bill of lading, invoice, etc.)
  - If the transfer of title between the original seller and purchaser **occurs after the fuel is dispensed from the terminal**, the original seller reports as the position holder.
  - If the transfer of title between the original seller and purchaser **occurs before the fuel is dispensed from the terminal** the purchaser is the position holder. The fuel is considered to be transferred above the rack and the seller would report a Sale with or without obligation transaction tagging the purchaser. The purchaser would report a Purchase with or without obligation tagging the seller as well as a Position holder sale to the party they are selling to from the terminal. This is not common from what DEQ has discussed with parties participating in flash sales and reviewed contracting between those parties.
- Once this is determined, the parties need to determine if the fuel was used in the state of Oregon's distribution system or if it was exported outside of the Oregon distribution system.
  - Please note fuel used on federally-recognized Oregon Tribal lands within the state of Oregon are not considered within Oregon's distribution system. However, since the fuel is being used within the boundaries of the state of Oregon, they are included in the GHG Reporting Program's sum from the CFP reporting to be included in the Oregon GHG emissions inventory. No Position holder sale for export is required in that case. Instead, use the Position holder sale without obligation.
  - If the fuel was used within the Oregon distribution system, the position holder will report a Position holder sale without obligation.
    - The entities purchasing below the rack are not required to report the purchase if the fuel is delivered and used within the state.

- If the fuel is exported from the Oregon distribution system, even if it occurs after transfer of title to other parties below the rack, the chain of custody of those sales must be reported. The position holder should report a Position holder sale for export.

**Please see the questions following this one** to determine how purchases of fuel below the rack are reported when the fuel is exported out of the Oregon distribution system.

**In the case of a multiple party sale (e.g., flash sales, sales exported from intermediate storage), how are exports reported?**

If a multiple party sale results in fuels being exported, then:

- The company that was determined to be the position holder will report the sale as a "Position Holder sale for export" (e.g., Company A) transaction and tag the original purchaser (e.g., Company B) as the business partner.
- The purchaser below the rack (e.g., Company B) will report the purchase as a "Purchase below the rack for export" transaction and tag the position holder as the business partner.

To report the sale to a third (or more) following parties:

- If the original purchaser (e.g., Company B) is reporting using the FPC of the fuel components that were blended to make the fuel, they can report the sale to the exporting entity as either a "Sold with obligation transfer" or "Sold without obligation transfer" transaction, as applicable, and tag the exporting (e.g., Company C) entity.
- If the original purchaser (e.g., Company B) is reporting the sale using a substitute fuel pathway code (ending in 0116), they will report the sale to the exporting entity (e.g., Company C) as a "Sold without obligation transfer" transaction type.
- If there are more than three parties reporting the fuel below the rack because it is being exported, the companies will continue reporting Sold with or without obligation and Purchased with or without obligation transactions between parties until the final party that is exporting the fuel from Oregon is reached.

The final party that is exporting fuel from the state of Oregon will report the purchase from the previous seller:

- If the final reporting party is reporting using the FPC of the fuel components that were blended to make the fuel, they will report the purchase as a "Purchase with obligation transfer" or a "Purchase without obligation transfer" transaction type, as applicable, and tag the flash seller as their business partner.

- If the final reporting party is reporting using a substitute fuel pathway code (ending in 0116), they will report the purchase as a “Purchase without obligation transfer” transaction type and tag the flash seller as their business partner.
- The final party exporting the fuel also reports an “Export out of Oregon distribution system” transaction and tags the business partner in that export transaction as Undefined (14-9876543).

**How are exports reported when no multiple party or flash sale is involved?**

If a position holder is exporting fuel that it has position for in a terminal, the transaction is reported in the following manner:

- The position holder reports the “Export out of Oregon distribution system” transaction tagging Undefined (14-9876543) as the business partner.

If a position holder is selling to a company below the rack that reports to CFP and is exporting the fuel:

- Report a “Position holder sale for export” transaction and tag the company exporting the fuel as the business partner.
- The exporting company will report a “Purchase below the rack for export” transaction and tag the position holder as the business partner.
- The exporting company will also report an “Export out of Oregon distribution system” transaction and tag Undefined (14-9876543) as the business partner.

If a position holder is selling to a company below the rack that does not report to CFP:

- The position holder reports an “Export out of the Oregon distribution system” transaction tagging the Undefined business partner (14-9876543).

**How does the “Position holder sale for export” work? Once title transfer (sale) occurs below the rack why does the position holder still need to be involved in knowing the product destination?**

The OFRS sums your total Position Holder Sales for your Oregon GHG RP annual report based on your quarterly reported data. The GHG RP annual report should only include fuel volumes consumed in Oregon.

The intent of the "Position Holder sale for export" is to capture transactions where the fuel is being exported. The gallons reported as Position Holder sales for export will not be included in the gallons summed up for the GHG RP.

**What if I'm the position holder and I do not know if the fuel was exported by a jobber?**

If you as the position holder do not know the destination of the fuel, then you report the gallons as a Position Holder Sale without obligation. If the company that purchased from you below the rack for delivery in Oregon state notifies you that the fuel was delivered out of state, you will need to update the sale as a Position holder sale for export. In this case, the company that picks up the fuel and delivers it to its destination knows better if the fuel was diverted out of state so communication between the parties involved in the transactions is key to correct reporting.

**Does the "Position holder sale for export" and the "Purchase below the rack for export" transaction volumes and FPCs need to match between the business partners during reconciliation when reporting the sale?**

Yes. If you are reviewing your reconciliation report and the totals are not matching for the sales with a company, contact that company and resolve the matter. The party that did not report correctly will need to update their reporting.

**In the case of a fuel diversion, is it allowable to purchase below the rack without obligation and then export the fuel?**

No. If you purchase below the rack for delivery in Oregon state and end up diverting the fuel out of Oregon state, you need to ensure that your reporting reflects what was exported. This ensures that reporting will be correct for the CFP and the GHG RP annual report. You must inform the company holding position at the terminal that you purchased the fuel from that the fuel was diverted out of state or otherwise ultimately exported. They will need to update their reporting to transaction type to "Position holder sale for export". You must report the purchase as transaction type "Purchase below the rack for export" and tag your business partner (the position holder) and then add an additional transaction in the number of gallons exported as "Export out of Oregon distribution system," tagging the Undefined business partner (14-9876543).

**When should I use a Position Holder Sale transaction instead of a Sale with/without Obligation Transaction?**

When the volume of fuel is being sold through a rack at a terminal for delivery to a retail site or end user. The only cases where fuel being sold through a rack should not be reported as a Position Holder Sale would be in the case of fuel that is being exported or if it is being sold to

another company and delivered to another terminal where it will be put into bulk tanks and sold through that terminal's rack by the purchaser of the fuel. In the latter case, you would use the Sale with/without Obligation transactions as appropriate and treat them as above-the-rack sales since they stay within the bulk system.

In the case of sales through the rack that will be exported, the position holder would use the Position Holder Sale for Export transaction, and the purchaser would report this as a Purchase below the rack for export. If the position holder is the entity exporting the fuel, they only need to report those gallons as an Export outside of the Oregon distribution system. They do not need to include a Position holder sale for Export in this case.

**My company owns storage outside of a terminal that I consider intermediate storage, but we occasionally will sell fuel to other jobbers from our storage. Is that a reportable position holder sale?**

No, only fuel sold from terminals or fuel production facilities must be reported as a position holder sale. Fuel brought into the state and placed in intermediate storage without being taken to a terminal first must be reported as an "Import Outside of the Bulk System" by the company owning the fuel at the time of import. If it is purchased from a terminal and then delivered to intermediate storage and the sold to a third company from that intermediate storage site, the sale only needs to be reported if the fuel is exported by the entity that is purchasing it.

Sales to other entities after the fuel is in your intermediate storage should be reported as a Sale with or without obligation if the purchasing party is exporting the fuel out of the state so that they can then report the export. If the fuel stays in the state, you do not need to report that sale.

If fuel is imported to a storage facility that is not part of the Bulk System and is then later delivered to a terminal or other portion of the bulk system, it should be reported as an Import into the Bulk System.

**I produce fuel in Oregon, if I sell it directly to a gas station or end user from my facility do I need to report that as a position holder sale?**

Yes. Fuel production facilities with distribution equipment that allow them to distribute directly to retail sites or end users meet the terminal definition, and those sales count as Position Holder Sales. If the entity reporting sales out of the fuel production facility is blending their fuel with fuel purchased at another terminal, they must make efforts to ensure that the fuel purchased at the other terminal was not reported as a Position Holder Sale by the Position Holder at that terminal by communicating with them.

## Fuel delivered to Oregon Tribes

**I currently report my deliveries to gas stations and fleets on federally-recognized Oregon Tribal reservations as exports in my Clean Fuels Program quarterly reporting with a note in the Transaction Description field identifying which tribe or reservation, I'm delivering them to. Under the new rules do I also need to report my purchase of those gallons as a "Purchase from the rack for export"?**

No. You need to report the Export out of Oregon distribution system for those gallons. However, as these gallons are staying within the borders of the state of Oregon, they are included in the GHG RP emissions inventory. That means the position holder does not report these as a Position holder sale for export and you do not report a Purchase below the rack for export transaction.. If you need to report your purchase from the rack to avoid Total Amount check error when filing your CFP report, report those gallons as being purchased without obligation and list the company that you purchased from as the business partner or list the Undefined business partner (14-9876543) and make a note in the description field that you are listing this transaction to avoid a Total Amount (TA) error.

## Reconciliation

**How can I determine if my business partner is reporting to CFP? How do I report transactions if they do not?**

There is a list published on our website in both [.pdf](#) and [MS Excel](#) formats on the Reference Materials page. This list includes all the registered parties for the CFP. If you see a party that is not on this list in the system, they are likely only reporting to the GHG RP. If they are not on the list maintained on [the CFP website](#), use the Undefined business partner (14-9876543).

**What do I do if I attempt to contact the business partner I need to reconcile with and get no response?**

First, check to see if the business partner has listed a CFP-specific contact in the Partners tab of the Oregon Fuels Reporting System to see if there is another party for you to contact. If your business partner does not respond to you, please contact DEQ at [OregonCleanFuels@deq.oregon.gov](mailto:OregonCleanFuels@deq.oregon.gov) so that we can contact the business partner. If you do not get a response and it is getting close to the due date for reporting, you should report the purchases or sales that you have made. **Do not wait past the deadline to submit your reporting.**

**Should I submit my report before reconciling with my business partners?**

Not unless it is close to the reporting due date and you have not been able to reach them and you need to submit it to get your reporting in on time. Reconciliation should take place before submitting reporting for any transactions in which you have business partners.

## Reporting Exempt Uses in the Clean Fuels Program

### What are exempt uses of fuel in the Clean Fuels Program?

The list of exempt uses can be found in OAR 340-253-0250, and is excepted below:

- Aircraft
- Racing activity vehicles defined in ORS 801.404;
- Military tactical vehicles and tactical support equipment;
- Locomotives;
- Watercraft;
- Motor vehicles registered as farm vehicles as provided in ORS 805.300;
- Farm tractors defined in ORS 801.265;
- Implements of husbandry defined in ORS 801.310;
- Motor trucks defined in ORS 801.355 if used primarily to transport logs; and
- Motor vehicles that meet all of the following conditions:
  - Not designed primarily to transport persons or property;
  - Operated on highways only incidentally; and
  - Used primarily for construction work.

### Can I report my dyed diesel deliveries as exempt?

**No. Dyed fuel is not categorically exempt from the Clean Fuels Program.** The dyed status of a fuel cannot be used to determine if it is exempt.

The exemptions in the Clean Fuels Program are very specific – down to the vehicle fuel is being put into – and to claim them, the reporter must have clear evidence that fuel went into those vehicles. The reporter must report the specific category of the exemption and maintain clear evidence that it went into that category of vehicle. Dyed fuel used for an exempt use is exempt, but you must be able to document that it went to a specific exempt end use.

### Can I claim an exemption if I wasn't the party that delivered it to the exempt use?

Yes, if you have documentation from the deliverer of the fuel to the exempt user that shows it was delivered to an exempt use and you have a clear agreement with them that only you are claiming the exemption. Only one party can claim gallons as delivered to an exempt use, and

that party must have documentation on hand and available upon request that it was delivered to an exempt use.

### **Can I claim as exempt the fossil portion of a blended fuel, but not the biofuel portion?**

No. When blended fuel such as a B5 diesel blend is claimed as exempt, both the biofuel and fossil fuel portions must be claimed as exempt.

### **How must I document exempt uses of fuel when claiming it in the program?**

Documentation must take the form of either:

- Individual receipts or invoices for each fuel sale claimed as exempt that list the specific customer and exempt vehicle type. For example, an invoice showing diesel being sold to a farmer that lists the use as tractors and farm equipment/implements of husbandry.
- If the fuel is sold through a dedicated tank for a single customer, electronic or paper records that document that the customer's vehicle(s) being fueled from that tank are in an exempt category, and that the tank is not used to fuel any other vehicles. For example, if you had a customer that was a Marina with fuel pumps on the water for fueling watercraft, you would just need to have documentation that the pumps are only used for watercraft. If you had a customer who is a construction business that had its own diesel tank in its yard, you would need documentation and assurances from the customer that they are only using that tank to fuel qualifying construction equipment, and that their trucks and non-qualifying equipment are being fueled by a separate tank or elsewhere.

DEQ can approve alternative methods of documenting fuels delivered to exempt users, but the accuracy of that alternative needs to be equivalent to the two above. You will need to contact [OregonCleanFuels@deq.oregon.gov](mailto:OregonCleanFuels@deq.oregon.gov) to get the alternative method approved by DEQ.

### **How long must I keep documentation that I delivered fuel to an exempt use?**

For five calendar years following the year the claim was made. For example, if you claimed exempt fuel in 2021, you must keep the documentation for that claim from 2022-2026.

### **What construction equipment is exempt from the program?**

There has been some confusion as to the scope of this exemption. These vehicles must meet all three of the following conditions:

- they cannot be designed primarily to transport persons or property
- they must be operated on highways only incidentally
- and used primarily for construction work

As we audit the quarterly reports, we will be making sure that all three of these criteria are met to qualify for the exemption. Examples of vehicles that would not meet this exemption would include “bucket” trucks used for tree trimming, cement trucks that carry material to and from a production facility to a construction site, or dump trucks that carry waste from a construction site to a disposal site.

Given that they must be used primarily for construction work, that means that the same types of vehicles used in activities other than construction, such as a backhoe used for mining or forestry, are not exempt from the Clean Fuels Program.

## Chapter 2: Electricity Reporting in the CFP

### General Electricity Reporting

**If I have multiple EV chargers on a single circuit, can I use a single meter on that circuit or do I need to meter each individual charger?**

A single meter can be used on a circuit with multiple chargers as long as the reporting party ensures that no other equipment is hooked up to that circuit. That check must be confirmed at the time the meter is registered as Fuel Supply Equipment for those chargers, but the reporting party is responsible for ensuring that other electrical equipment is not hooked up to, or plugged into outlets on, that circuit for the quarters in which they file reporting in this way. This provision can also apply to an electrical panel with several circuits dedicated to EV charging in the same way.

**What electricity carbon intensity can I use?**

The Clean Fuels Program has a number of electricity carbon intensities. When in doubt, the default fuel pathway to use for electricity being supplied in Oregon is the annually-updated Statewide Mix, which is fuel pathway code ORELC2023 for 2023 reporting. The year in the fuel pathway code will change each year as DEQ updates the carbon intensity of the statewide mix.

DEQ has also issued a number of utility-specific carbon intensities. These can be used if you have proof that the EV charger you are reporting for gets grid electricity from that utility, which is most often in the form of a utility invoice for the address or meter that the EV charger is located on or connected to. DEQ also updates these annually and you can check to see if a utility has a specific CI issued to it by looking for it in the “Calculating the Carbon Intensity of Electricity” factsheets that we post on our website here:

<https://www.oregon.gov/deq/ghgp/cfp/Pages/Electricity-Guidance-Documents.aspx>

Finally, there are fuel pathway codes for directly connected solar and wind electricity to chargers, chargers that are enrolled in utility renewable electricity programs, and fuel pathway codes for retiring renewable electricity certificates (RECs) against the charging you are reporting.

**If a meter’s connectivity to the cloud drops and there is a time period without measured energy use (likely to be a common issue in warehouse spaces), is there an acceptable method for estimating usage on missing time period based on the remaining measured energy use data?**

No, you cannot estimate reporting data. If the meter has no internal memory and the internet connectivity failure means that charging was not recorded, then you cannot report for that charging.

## **Renewable Electricity in the CFP**

### **How are RECs used in the Clean Fuels Program?**

Renewable Electricity Certificates (RECs) are a trackable electronic system for book and claim accounting. Book and claim is an accounting method used for renewable energy when it is put onto a transmission system or pipeline network so that the producer of the renewable energy can contractually sell the renewable attributes of their fuel to a buyer. This allows those projects to use existing infrastructure, which makes it easier and cheaper for these renewable energy projects to come online and displace fossil generation or natural gas.

DEQ has one fuel pathway code for renewable electricity that the CFP rules deem as having a CI of zero, which is ORREC2023 – the year at the end of the code updates each reporting year. For other renewable electricity generation, the renewable electricity generator goes through a fuel pathway application process and receives a generator-specific fuel pathway code.

### **RECs represent one megawatt-hour (MWh) of electricity attributes, but my electricity reporting doesn't end in an even number of MWh. Do I have to retire a REC if I have another 500kWh of electricity that I've reported?**

You must retire enough RECs to fully cover the amount of electricity you are claiming under a REC-based electricity fuel pathway code. That means that if you want to report the entire amount of electricity under a REC-based pathway, you must round up and retire an additional REC. You are not required to use a REC-based pathway for your electricity reporting, so if you wish to report the amount of electricity that is evenly divisible by MWh under a REC-based pathway and the remainder under the statewide or a utility-specific mix then you may do so.

### **What is Green-e and how does the CFP use it?**

Green-e is a certification program for renewable energy that the CFP uses to ensure that all renewable electricity claims in the program fully embody the carbon reduction and other attributes of renewable electricity generation. RECs used in the Clean Fuels Program must undergo certification by Green-e each year.

### **How does VREP affect my California-sited renewable electricity project's eligibility under the Clean Fuels Program?**

The California Voluntary Renewable Electricity Program (VREP) is a component of their Cap-and-Trade Program that was put in place to ensure that voluntary renewable electricity claims could retain their carbon reduction attributes for electricity that is generated and/or used in California. The program is a set-aside of allowances under their Cap-and-Trade Program that are retired on behalf of voluntary renewable electricity claims in California that ensure that the voluntary use of renewable electricity remains in addition to the requirements that the Cap-and-Trade Program imposes.

However, this program only applies to voluntary uses of renewable electricity and Clean Fuels Program is considered a mandatory compliance program by California Air Resources Board and DEQ. Green-e's renewable electricity standard requires that renewable electricity projects in California request that allowances be retired from the VREP<sup>3</sup> for that electricity to be claimed outside of California, because otherwise the mechanics of the state's emissions inventory and Cap-and-Trade Program account for the zero-emissions attributes of the renewable electricity without respect to the REC being sold to an out-of-state customer. Because the Clean Fuels Program is considered a mandatory compliance program by the California Air Resources Board and DEQ, RECs used in the Clean Fuels Program are not eligible for the VREP, thus California-based renewable electricity projects cannot be certified under the Green-e Standard and thus cannot be used in the Clean Fuels Program.

While this is a Green-e requirement, it ensures that the environmental integrity of the RECs and thus the soundness of the claimed carbon reductions in the Clean Fuels Program. The statute for the Clean Fuels Program charges DEQ with ensuring that all credits represent real reductions against the program's carbon intensity standards.

**If I'm reporting for EV chargers in a utility service territory where the utility-specific mix is a lot cleaner than the statewide average, do I need to use fewer RECs for them than I would for EV chargers hooked up to a dirtier grid?**

No, the way RECs work is that they convey the environmental attributes for one megawatt-hour of electricity at a time. Thus, the same number of RECs need to be retired no matter what the CI of the utility is – the REC is just conveying the right to claim that one MWh of electricity under the applicable renewable electricity fuel pathway code. There is no adjustment for the CI of the grid mix they could otherwise be reported under.

**How do utility renewable electricity programs work in the Clean Fuels Program?**

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<sup>3</sup> See page 35 of the Green-e Standard here: <https://www.green-e.org/docs/energy/Green-e%20Standard%20US.pdf>

DEQ allows electric utilities to register their renewable electricity programs for renewable electricity fuel pathway codes. These fuel pathway codes can be used for reporting electric vehicle charging when the chargers or facility are registered in those programs. Documentation that the chargers are covered by that specific utility renewable electricity must be provided as supplemental documentation uploaded into the Quarterly Report the first time a reporting entity uses that fuel pathway code and at least once per year thereafter.

## **Reporting for forklifts and other off-road electric vehicles**

### **Does the provision that multiple chargers can be metered at the circuit level apply to forklifts?**

Yes. You must ensure that the circuit only serves forklift chargers and that the site has taken steps to ensure that no other equipment is plugged in on that circuit and that the chargers only serve qualifying forklifts for the Clean Fuels Program.

### **If I have a mix of forklifts that were manufactured prior to 2016 and after 2016, but my metering can only tell me how many kWh went into them across the chargers. How should I file my reporting if I don't know how many went into which specific forklifts?**

You must do your best to make the most accurate split possible with the data you have or can collect for the amount of electricity going into those forklifts. If you have hour meter or other usage data for the forklifts, use that to establish the split based on how much the forklifts on either side of the pre- and post-2016 split operated. If you do not have any data on the utilization of the forklifts other than the charging information, you may split the charged kWh based on the proportion of pre-2016 and post-2016 forklifts you have registered with the CFP as operating on that site. For example, if the FSE ID you are trying to report transactions under has 10 e-forklifts with 4 being pre-2016 and 6 being post-2016 and the meter data shows a total consumption of 1,000 kWh, then you can allocate 40% (i.e., 400 kWh) to pre-2016 and 60% (i.e., 600kWh) to post-2016.

### **I report for shorepower supplied to ocean-going vessels, and my shorepower equipment serves a mix of watercraft that meet and do not meet the definition of Ocean-Going Vessels in the CFP rules. How do I report for my equipment?**

The Clean Fuels Program rules OAR 340-253-0040 (92) define qualifying Ocean-Going Vessels as:

*“Ocean-Going Vessel” or “OGV” means a commercial, government, or military watercraft meeting any one or more of the following criteria:*

*(a) A vessel greater than or equal to 400 feet in length overall;*

*(b) A vessel greater than or equal to 10,000 gross tons pursuant to the convention measurement (international system); or*

*(c) A vessel propelled by a marine compression ignition engine with a per-cylinder displacement of greater than or equal to 30 liters.*

You can only report shorepower supplied to vessels that meet this definition to the Clean Fuels Program in order to generate credits. If you cannot separate out the amount supplied to qualifying and non-qualifying vessels, do not report any electricity to the Clean Fuels Program. You must use berthing records or other means to determine at what times and for which amounts of electricity the qualifying vessels were docked, and you must keep records that prove the vessels qualified according to one or more of the criteria in the definition. DEQ may ask at any time for your records used for reporting to the Clean Fuels Program.

**Given the phase-out of the estimation methodology for forklifts, how should we report for the time period when meters are being installed at a facility while the estimation methodology is still approved for use?**

If meters are installed midway through a reporting quarter, please report for that quarter as follows:

- Use the estimation method for all days in that quarter prior to the date that the meters were confirmed as operational and working as expected under the existing FSE. Report the estimated kWh for that facility using separate transactions, and state in the transaction description the dates that the estimation methodology was used.
- For the remaining days of the quarter, report separate transactions for the metered kWh under the new FSE and state in the transaction description that these transactions are for the metered kWh starting on the date that the meters were confirmed to be operational and working as expected.

**Do I need to re-register a forklift FSE when I install metering at that facility?**

Yes, you do. Once metering is installed you need to register the new metering equipment and report on a per-meter level, so each meter at a facility will need to be registered and will be issued a separate FSE ID. DEQ will also use this registration to confirm that a facility has metering, and will be deactivating forklift FSE that were registered without meters after the Q3 2023 reporting period.

**Will DEQ consider extending the approved forklift estimation methodology for use past Q3 2023 for small business or small fleets?**

No, at this time, DEQ is not considering an extension of estimation methodology past Q3 2023 .

**Will DEQ consider the use of hour meters on forklifts to calculate an accurate kWh consumption compared to estimation methodology as metering?**

No, at this time, DEQ is not considering the use of hour meters on forklifts to calculate an accurate kWh consumption compared to estimation methodology as metering.. DEQ still lacks data that could be used to calculate an accurate kWh per hour consumption rate for forklifts.

# Chapter 3: Renewable and Fossil Natural Gas Reporting in the CFP

## **What are Renewable Thermal Certificates, and do I have to use them for renewable natural gas reporting?**

Renewable Thermal Certificates, or RTCs, are the thermal energy equivalent of electricity's Renewable Energy Certificates. While they can cover a variety of forms of renewable thermal energy, in the Clean Fuels Program they are only used for pipeline-injected biomethane, also known as Renewable Natural Gas. RTCs are used with book-and-claim accounting to create a traceable electronic record of the renewable attributes once the biomethane is injected and commingled with fossil natural gas.

The reporting entity in the Clean Fuels Program for the biomethane is required to retire RTCs that fully cover the amount of biomethane they report as being fueled into vehicles in Oregon each quarter.

## **RTCs represent a dekatherm of Renewable Natural Gas (RNG) attributes. What happens if the amount of RNG I'm reporting isn't an even number of dekatherms?**

The CFP rules require that the full amount of RNG reported be covered by RTCs, meaning you must round up on your retirement of RTCs in cases where the fuel volume is not an even number of dekatherms.

## **How does reporting differ between fossil and renewable natural gas?**

The actual reporting of RNG and fossil natural gas is very similar – reporting entities for both register the fuel supply equipment and then report the amount of CNG or LNG that are dispensed into vehicles from that fuel supply equipment. The main difference between the two is that the credit generator is different between fossil and renewable natural gas. For fossil natural gas it's the owner of the compressor where the CNG is being fueled into vehicles. For renewable natural gas it's the producer or importer of the fuel that is eligible.

## **When does fossil natural gas become a regulated fuel?**

The different forms of fossil natural gas become regulated fuels when the carbon intensity of that fuel is no longer below the applicable Clean Fuels Standard for that year. Fossil Liquefied-to-Compressed Natural Gas and Liquefied Natural Gas becomes a regulated fuel in 2022, and Fossil Compressed Natural Gas becomes a regulated fuel in 2026.

# Chapter 4: Renewable and Fossil LPG (Propane) Reporting in the CFP

## **How does reporting differ between fossil and renewable LPG?**

The actual reporting of renewable LPG and fossil LPG is very similar – reporting entities for both register the fuel supply equipment and then report the amount of fossil or renewable LPG that is dispensed into vehicles from that fuel supply equipment. The main difference between the two is that the credit generator is different between fossil and renewable LPG. For fossil LPG it is the owner of the fueling equipment. For renewable LPG it is the producer or importer of the fuel that is eligible.

## **What happens if I don't know who owns a piece of propane fueling equipment?**

You must determine with your propane fuel supplier who owns the fueling equipment. If no documentation can be found, please email [OregonCleanFuels@DEQ.Oregon.Gov](mailto:OregonCleanFuels@DEQ.Oregon.Gov) with the details and ask for specific guidance.

## **Do I have to stop reporting for my propane fueling supply equipment (FSE) if my supplier tells me that they're switching me to renewable propane?**

Yes, in this instance. The credit generator for renewable LPG/Propane is the importer or producer of that fuel, so if your fuel supply equipment is no longer dispensing fossil propane then you must cease reporting for that fuel supply equipment.

## **Do I need to report on a per-FSE basis if I'm supplying renewable LPG?**

Yes. Renewable LPG is only credit-generating if it is used in a motor vehicle, so you must report the fuel at the FSE level to prove that it has been delivered into a motor vehicle. Renewable LPG does not generate credits if it goes into other applications.

# Chapter 5: Hydrogen Reporting in the CFP

## **Who is eligible to generate credits for hydrogen put into a vehicle?**

The owner of the hydrogen where the fuel is being dispensed into motor vehicles is eligible to generate credits. Except in the case of hydrogen forklifts, where it's the forklift fleet operator who is eligible to generate credits for the hydrogen they supply into forklifts.

## **How do I know what the right fuel pathway code for hydrogen is?**

The producer of the hydrogen should be able to supply the correct fuel pathway code to you. There are a number of lookup table fuel pathway codes they may have assigned to their hydrogen production, or they may have a producer-specific fuel pathway code that they will give you.

## Chapter 6: Fuel Supply Equipment Registration in the CFP

**We have removed and replaced some electric vehicle chargers in the last quarter. Can DEQ remove and replace the serial numbers associated with the registered Fuel Supply Equipment ID's we have been assigned?**

Submit a request via email to: [Oregoncleanfuels@deq.oregon.gov](mailto:Oregoncleanfuels@deq.oregon.gov) to deactivate the current FSE registrations for the old chargers and then submit a new FSE registration for the new chargers.

**Is there specific language that is required for the affidavit that can be supplied to attest to certain facts for a fuel supply equipment registration?**

There are a wide variety of scenarios that a given reporting party may need to attest to based on what they need to prove that the equipment is operational. DEQ requires that the signed and dated affidavit must be clear and specific for all the points that are being attested to. In addition, the following declaration below must be included and sworn to:

"I hereby declare that the information submitted here is true to the best of my knowledge and belief, and that I understand that this information will be used by Oregon DEQ for purposes of compliance with OAR Chapter 340 Division 253 and is subject to penalty for perjury."

To give an example, if an applicant has an inventory spreadsheet that includes the date of purchase and date that EV charging equipment was commissioned at a specific site that it was using for an FSE registration, the applicant would submit the spreadsheet with an accompanying letter describing how the data in that spreadsheet is collected and filled out. That accompanying letter would need to include the attestation above covering both the letter and spreadsheet itself.

**Can multiple non-residential chargers be registered under a single FSE registration?**

No, unless you are registering multiple level 2 chargers that are on a single dedicated circuit and share the same meter.

**When are we required to update DEQ regarding changes to registered equipment?**

You are required to update your FSE Detail Sheet prior to submitting the quarterly report where a change in the composition of a fleet has occurred. Email the updated FSE Detail Sheet to: [OregonCleanFuels@deq.oregon.gov](mailto:OregonCleanFuels@deq.oregon.gov).

**Please provide clarification on Column N in the FSE Detail sheet which asks if the equipment is 'currently' operational at a facility.**

	N	
Where the equipment is located	Is the Equipment Currently Operational at the facility? (Y or N)	When was the equipment taken out of service at the Facility?

To register equipment, it must be operational at the time that the registration application is submitted. If equipment has been taken out of service for more than 90 days, this must be reported to DEQ. For a facility where the FSE detail sheet is being updated and submitted to DEQ this column allows the credit generator or their aggregator to report that the equipment is out of operation.

**What documents are acceptable as proof of ownership?**

For proof of ownership, the acceptable documents are the ones that allow DEQ to assess that you are the owner of the FSE being registered. This includes, but is not limited to:

- purchase orders with the serial number of the FSE being registered
- a bill of sale with the serial number of the FSE being registered
- a shipping order with the serial number of the FSE being registered along with a purchase related email thread between the buyer and the seller
- an affidavit confirming you are the owner of the FSE being registered.

If you have any other document that you think can prove that you are the owner of the FSE being registered, then you can email the document to DEQ at [OregonCleanFuels@deq.oregon.gov](mailto:OregonCleanFuels@deq.oregon.gov) for consideration.

Note: DEQ will not accept an affidavit alone as the document to demonstrate both ownership and operability of the FSE being registered. It will only be accepted for proof of one either ownership or operability when accompanied by other supporting documentation, that supporting documentation must prove ownership, operability, or that you are the operator of the equipment.

**What documents are acceptable as proof of operation?**

For proof of operation, the acceptable documents are the ones that allows DEQ to assess that the FSE being registered is operational at the time of the registration. This may include inventory and maintenance spreadsheets so long as they are accompanied by a letter on letterhead from the credit generator with a detailed description of what data is included in the spreadsheet, how it is collected, and how to interpret that data. The spreadsheet must include the serial number of

the FSE being registered. The letter must include an attestation that is clear and specific to all the data points that they are attesting to being true and accurate.

Proof of operation can also include pictures of a webpage or online web application that clearly shows that the equipment is operational along with the webpage address, the physical address of the FSE being registered, and the serial number of the FSE being registered as well as picture of the FSE itself that includes the serial number and shows it in operation.

Note: DEQ will not accept an affidavit alone as the document to demonstrate both ownership and operability of the FSE being registered. It will only be accepted for proof of one either ownership or operability when accompanied by other supporting documentation, that supporting documentation must prove ownership, operability, or that you are the operator of the equipment.

**What is needed for an Operator to prove they have the right to generate credits?**

An operator can submit the FSE registration application with the "Operator" selected in the column asking for information <Is the Company Owner or Operator of the Equipment> for the types of credit-generating equipment where the operator is eligible to be the credit generator. DEQ will assess, based on our records, to see if there is any conflict with the owner of the equipment (i.e., if owner is also registering or has already registered the equipment) and decide accordingly. We do not require any proof that the operator contacted the owner. In cases where there is no conflict, the operator's registration will be accepted, and the operator can generate credits until and unless the owner decides to claim that equipment for themselves.

**Will there be a required timeline for updating the "date fleet information was last collected or updated" field in FSE Detail Sheet?**

B		
E is/was initially reporting	Date Fleet Information was last collected or updated (MM/DD/YYYY)	Registered Name

The detail sheet needs to be up to date at the time of submittal and the credit generator must make reasonable efforts to make sure that all information submitted in a registration is true and accurate.

**Could DEQ define the "operational" date further? Can this simply be the date of installation for the chargers?**

For chargers, it is the date they were activated for use. If there was a gap between the chargers being installed and energized (for example, the chargers were installed but the electrical panel work was done two months later and the chargers were only energized then), you should go with the later date. For forklifts, it could also be the delivery date to the facility, if that is different from the purchase date and you have records that establish both dates.

**Sometimes EV charging networks fully own the charging equipment and sometimes they are just the network service provider. For such situations, could DEQ define “Owner” and “Operator”?**

In situation When the EV charging networks owns the equipment, they are the “Owner”. When they are just the network service provider, they are the “Operator”. The rule defines who has the right to generate credits.

**Are there acceptable alternatives to direct metering on the charger?**

If there is no metering on the charger itself, then here are some examples of acceptable alternatives for metering on the charger:

- If the charging equipment is isolated to one or more circuits that have no other devices or outlets on them, you can meter the electricity through either an accurate sub-meter on that circuit.
- If you cannot isolate the charging equipment on a circuit, you can use an accurate plug-in 120-volt outlet meter. If the electric vehicles you are charging have metering and you can isolate the charging at the chargers you own or operate, then you can use fleet or energy measurement software on the vehicle.

An hour meter (which is a device that tracks the number of hours a vehicle is operating) is not an acceptable alternative to direct metering. The use of an hour meter would fall into the category of an estimation methodology and the approved forklift methodology for Q1-Q3 2023 reporting does not consider the use of an hour meter.

You may submit a proposal to use an alternative to DEQ. DEQ may require some additional reporting or an attestation in order to ensure that you are only reporting charging of electric vehicles. In all cases, you must provide details on how you will accurately meter and report the electricity to DEQ at the time you are registering the FSE.

**Is information on the meter (such as make, serial number) required to be registered? If so, how would that be uploaded into OFRS in the templates relative to the existing information on lift trucks (forklifts) and how would that vary in the different types of metering installations (1:1 meter to unit vs. 1 meter across many units, etc.). If the**

**metering is done at the charger, does charger information (such as make or serial number) need to be registered or documented, similarly if the meter is installed on a battery, is that battery's specific information required to be documented with registrations?**

In case of metering at the point of dispensation or its acceptable alternatives, the meter become the FSE and the new FSE registration should be reflective of that. That is, the meter serial number becomes the EVSE serial number and the date it became operational should also reflect the date when the meter became operational. This applies to both, 1:1 meter as well as 1 meter across many units. Please note that if you are registering 1 meter across many units, then you need to showcase, either by circuit diagram or an affidavit, that the circuit only serves forklift chargers and that the site has taken steps to ensure that no other equipment is plugged in on that circuit and that the chargers only serve qualifying forklifts for the Clean Fuels Program.

If the meter is installed on a battery, then battery specific information is not required.

**If a meter is moved from lift truck to lift truck, or battery to battery, does the registration need to be updated, and if so how and when (i.e., would it be a new registration or a supplemental report)**

No, so long as the lift trucks or forklifts are all registered to you as a credit generator. But, you may need to update the fleet information by email the updated FSE Detail Sheet to: [OregonCleanFuels@deq.oregon.gov](mailto:OregonCleanFuels@deq.oregon.gov). wherever applicable. If the lift trucks or forklifts are not currently registered to you, or another party has claimed them in the CFP, then you cannot report kWh associated with those lift trucks. If you cannot distinguish charging between lift trucks in that case, you cannot reporting charging for either lift truck.

**Are there additional documents on the meters or their installation that are required.**

In case of metering at the point of dispensation or its acceptable alternatives, the meter become the FSE and the new FSE registration should be reflective of that. This includes the requirement of FSE registration related supporting documents, i.e., the proof of ownership and the proof of operation.