



Standard Compliance

Guidelines to Help State and Alternative Fuel Provider
Fleets Meet Their Energy Policy Act Requirements

10 CFR Part 490

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Preface

Federal legislation looks to the vehicle fleets that government agencies and other specified entities operate to serve as launching pads for new technologies that will lead the nation's transition to petroleum-fuel substitutes and advanced transportation technologies.

The Energy Policy Act (EPAAct) of 1992 called on the U.S. Department of Energy (DOE) to expand research and development in the transportation sector and to create programs for accelerating the introduction of alternative fuel vehicles (AFVs) to replace conventional models fueled by petroleum (gasoline and diesel). EPAAct 1992 and subsequent amendments to it, including the Energy Conservation Reauthorization Act of 1998 (ECRA), EPAAct 2005, and the Energy Independence and Security Act of 2007 (EISA), established compliance options and petroleum-use-reduction measures. Taken together, these requirements are intended to create a core demand for alternative fuels and advanced vehicles, stimulating markets for these technologies while reducing petroleum use in regulated fleets.

The DOE Alternative Fuel Transportation Program, as codified in 10 CFR Part 490, implements provisions in titles III and V of EPAAct, as amended. These provisions:

- Call for DOE to put rules into effect requiring state government fleets and alternative fuel provider fleets to acquire AFVs in certain percentages;
- Set forth a program of marketable AFV credits for the benefit of fleets that purchase or lease AFVs either earlier than required or in greater numbers than required, as well as fleets that acquire specified electric vehicles that are not AFVs (e.g., gasoline-fueled hybrid electric vehicles) or make certain investments;
- Call for DOE to establish regulations allowing fleets to reduce petroleum use in lieu of acquiring AFVs;
- Establish reporting procedures;
- Implement exemption provisions; and
- Set forth enforcement procedures and provisions.

State agencies and alternative fuel providers must determine whether they are covered by these provisions and, if covered, must take steps to ensure compliance. Covered fleets have two methods through which to comply with

Alternative Fuel Transportation Program

DOE established the Alternative Fuel Transportation Program to implement statutorily imposed AFV-acquisition requirements for certain state government and alternative fuel provider vehicle fleets.

The program sets forth the AFV-acquisition requirements under Standard Compliance; interprets to whom and to what extent the requirements apply; provides procedures for exemptions and administrative remedies; and sets forth a program of marketable credits that rewards fleets that voluntarily acquire AFVs in excess of mandated requirements or that acquire the AFVs before the requirements take effect, and that can be used to demonstrate compliance with the requirements. The program became effective April 15, 1996.

EPAAct requirements: Standard Compliance (primarily AFV acquisitions) or Alternative Compliance (petroleum-use reductions in lieu of AFV and other vehicle acquisitions). This guidebook addresses the primary requirements of the Alternative Fuel Transportation Program for states and alternative fuel providers that comply via the Standard Compliance method. It also addresses the topics that covered fleets ask about most frequently.

Alternative Compliance

Guidance regarding the Alternative Compliance option can be found at eere.energy.gov/vehiclesandfuels/epact/state_alt_compliance.html.

Section 1 covers state government fleets. Section 2 covers alternative fuel provider fleets. Sections 3 through 5 cover credit programs, interpretive rulings, and enforcement, and are of interest to all covered fleets. The three appendices likewise are useful for all covered fleets. Appendix A is a comprehensive glossary. Appendix B lists the Metropolitan Statistical Areas and Consolidated Metropolitan Statistical Areas (MSAs/CMSAs), which are used to determine which fleets are covered under EPAAct. Appendix C provides additional information about alternative fuels, AFVs, and the Alternative Fuel Transportation Program.

Questions can be directed to DOE by mail, email, or telephone. DOE contact information is provided throughout the document and in Appendix C. This guidebook is only a summary of the program. Should questions arise concerning the language of this publication in relation to that of the regulation, the language of the regulation (10 CFR Part 490) always governs.

Section 1 — State Fleets

This section assists state government/state agency fleets in determining whether they are required to acquire alternative fuel vehicles (AFVs) under the Energy Policy Act (EPA) of 1992. Guidance is also provided on how a state may report—as a single entity or as individual agencies—and on the types of vehicles that qualify for compliance and credit.

1-1 Determining Whether Your State Fleet is Covered under the Alternative Fuel Transportation Program

A state government (or state agency) fleet is “covered” and must meet the EPA requirements set forth in the Alternative Fuel Transportation Program if it satisfies all of the following conditions.

1. It owns, operates, leases, or otherwise controls 50 or more light-duty vehicles (LDVs) (8,500-pound gross vehicle weight rating or less) within the United States that are not on the list of excluded vehicles found in 10 CFR Section 490.3 (see the list of **excluded vehicles** in the sidebar).
2. At least 20 of those LDVs are used primarily in any single Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area (see Appendix B).
3. Those same 20 LDVs are “centrally fueled” or “capable of being centrally fueled.” LDVs are centrally fueled if they are or could be fueled at least 75% of the time at a location that is owned, operated, or controlled by the fleet or is under contract or could be under contract with that fleet for fueling purposes. This issue is discussed in detail in the preamble to the final rulemaking establishing the Program (published in the *Federal Register* on March 14, 1996 (61 FR 10627–10628) and available at eere.energy.gov/vehiclesandfuels/epact/pdfs/fed_reg.pdf) (see the definition of “centrally fueled” in Appendix A of this document).

Examples of agencies that the U.S. Department of Energy (DOE) expects to be classified as state agencies are, among others, departments, offices, and divisions of state government; state colleges and universities; and port authorities.

Excluded Vehicles

The following vehicles are not to be counted in determining whether a fleet is covered by EPA requirements. To qualify as an excluded vehicle, the vehicle in question must qualify as an excluded vehicle for the entire time it is part of the fleet.

- Emergency motor vehicles, including vehicles directly used in the emergency repair of transmission lines and in the restoration of electricity service following power outages, as determined by DOE*
- Law enforcement vehicles**
- Non-road vehicles
- Vehicles that, under normal operations, are parked at private residences when not in use***
- Vehicles used for evaluating or testing products of a motor vehicle manufacturer, including vehicles owned or held by a university for research purposes
- Vehicles owned or held by a testing laboratory or other evaluation facility solely for evaluating their performance for engineering, research and development, or quality- control reasons
- Motor vehicles acquired and used for purposes that the U.S. Secretary of Defense has certified to DOE must be exempted for national security reasons

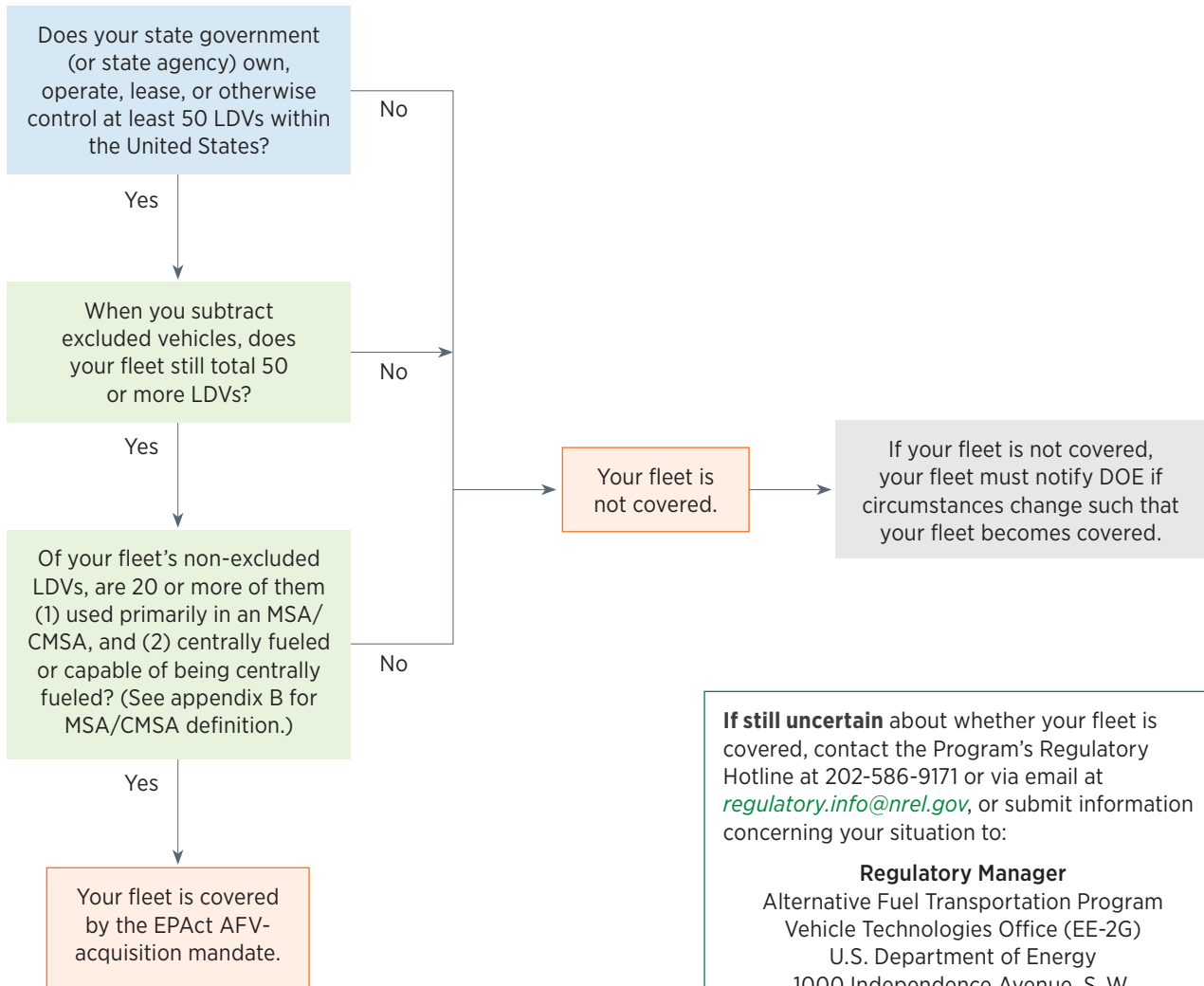
* Consistent with section 707 of the Energy Policy Act of 2005, DOE must approve all emergency motor vehicle exclusions. Guidance on the exclusion process can be found at eere.energy.gov/vehiclesandfuels/epact/pdfs/section_707_guidance.pdf.

** Administrative vehicles of law enforcement agencies are not considered law enforcement vehicles.

*** A state fleet that excludes such vehicles, either in the context of determining whether it is a covered fleet or for purposes of calculating its AFV-acquisition requirements (see 1-4 below), must be able to provide DOE, upon request, with a written take-home vehicle policy or other documentation that addresses the fleet’s employee take-home vehicles.

Decision Tree for State Government Fleets

Use this decision tree to determine whether your fleet is covered. If you still are uncertain about your fleet’s coverage, contact the Alternative Fuel Transportation Program staff.



If your fleet is not covered, your fleet must notify DOE if circumstances change such that your fleet becomes covered.

If still uncertain about whether your fleet is covered, contact the Program’s Regulatory Hotline at 202-586-9171 or via email at regulatory.info@nrel.gov, or submit information concerning your situation to:

Regulatory Manager
 Alternative Fuel Transportation Program
 Vehicle Technologies Office (EE-2G)
 U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0121

The number of non-excluded LDVs in your fleet and the number of your fleet’s LDVs in MSAs/CMSAs is information your fleet should provide. DOE will provide a definitive answer.

1-2 Deciding Whether to Comply Statewide or As Individual Fleets

Decision makers for covered state government fleets must choose whether they wish to comply with AFV-acquisition requirements as a single entity or allow individual state agencies to comply separately. DOE prefers that each state comply as a whole but understands that each state is unique. Therefore, DOE allows a covered state to select from among the following options:

- Comply as one large fleet, counting the total number of non-excluded LDVs acquired by all individual agency fleets, regardless of any agency's location or fleet size;
- Allow individual state fleets or groups of two or more fleets to count their vehicles and report their compliance separately; or
- Implement a combination of the above two options, such that a state fleet might comply as a combination of several state fleets while other fleets from that state might report separately.

If a covered state allows its fleet operators to comply individually, *and* an individual fleet does not meet the fleet-size coverage requirements (size guidelines described in subsection 1-1), then that individual agency fleet is excluded from the program and from its AFV-acquisition requirements, unless the agency otherwise participates in an optional Light-Duty AFV Plan that the state develops. (See Subsection 1-8 of this guidebook discussing participation in a Light-Duty AFV Plan.)

State agencies that join together for reporting purposes (i.e., to calculate their compliance responsibilities) do not have to acquire their vehicles together. They must, however, submit an annual report together as one entity/fleet.

1-3 Reporting Changes in Fleet Status

Fleet characteristics often change, and a state fleet that once was covered under EPCAct might no longer be subject to EPCAct requirements. For example, a state agency's fleet could shrink to the point that it no longer owns, operates, leases, or otherwise controls at least 50 LDVs. Likewise, a fleet previously not covered could find itself subject to EPCAct requirements because of an increase in the size of its LDV fleet or a relocation of LDVs to the same MSA/CMSA. A fleet must notify DOE at the following address when such changes occur.

Regulatory Manager

Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-2G)
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-0121

Fleets are also encouraged to contact program staff about such changes via email (regulatory.info@nrel.gov) or telephone (202-586-9171).

1-4 State Acquisition Requirements

This subsection examines how many AFVs a covered state fleet must acquire to be in compliance. For purposes of the Alternative Fuel Transportation Program, the date of vehicle acquisition means the date on which the fleet has taken possession or control of a vehicle.

Calculating the Number of Alternative Fuel Vehicles That Covered State Fleets Must Acquire

The time period in which a covered state fleet is subject to the EPCAct requirements (as defined in 10 CFR Part 490) is referred to as the model year, which runs from September 1 of one year through August 31 of the following year. Fleets determine whether they are subject to the program prior to each model year. When state fleets are subject to EPCAct requirements and acquire LDVs that are new to the fleets, 75% of the newly acquired LDVs must be light-duty AFVs. Medium- and heavy-duty vehicles and neighborhood electric vehicles are not included in this calculation. The LDVs are not limited to brand-new vehicles. Those LDVs that are new to the fleet may include used vehicles (e.g., acquiring a used LDV manufactured in 2009 on October 15, 2013, a date that falls within model year 2014).

The state fleet should calculate its precise AFV-acquisition requirements using the following approach.

1. Start with the number of LDVs that will be acquired for a fleet for the model year and that will be garaged within listed MSAs/CMSAs.
2. Subtract any excluded vehicles.
3. Multiply the result by 75% for that model year to get the number of LDVs that must be AFVs.
4. Long-term vehicle leases and rentals (contracts longer than 120 days) qualify as LDV acquisitions and must be included in covered fleet LDV-acquisition calculations for the model year in which the lease/rental agreement begins.

5. Donated vehicles the fleet receives also constitute LDV acquisitions during the model year in which they are received and must be included in covered fleet LDV-acquisition calculations.

If a covered state fleet plans to acquire 105 LDVs in model year 2014, and 5 of those will be excluded vehicles, then the following is the case:

| Example Worksheet | |
|---|--------|
| Total Planned LDV Acquisitions in Given Model Year | 105 |
| Excluded Vehicle Acquisitions | - 5 |
| Total Non-Excluded LDV Acquisitions | 100 |
| AFV-Acquisition Percentage in Given Model Year | × 0.75 |
| AFV Acquisitions Required in Given Model Year | 75* |
| * If the resulting AFV-acquisition number is a fraction, then fractions of 0.5 or greater are rounded up to the nearest whole number; fractions less than 0.5 are rounded down. | |

Of the 105 LDVs this fleet plans to acquire, at least 75 must be light-duty AFVs for the fleet to meet its EPAAct requirements.

Use the following worksheet to determine how many of your fleet’s planned light-duty vehicle acquisitions must be AFVs.

| Worksheet for Any Covered State Fleet | |
|---|--------|
| Total Planned LDV Acquisitions in Model Year 20XX | |
| Excluded Vehicle Acquisitions | - |
| Total Non-Excluded LDV Acquisitions | |
| AFV-Acquisition Percentage in Model Year 20XX | × 0.75 |
| AFV Acquisitions Required in Model Year 20XX | |

1-5 Identifying Vehicles to Meet Your Fleet’s AFV-Acquisition Requirements

Having determined both that a state fleet is covered under EPAAct and the number of acquisitions that must be light-duty AFVs, the fleet manager may satisfy those AFV-acquisition requirements by one or more of the following methods.

1. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) new LDVs that operate solely on or are capable of operating on an alternative fuel, which were not previously in the possession or under the control of the state (no matter when the vehicles were manufactured).

- Any LDV acquired by a covered state fleet that operates solely on (a dedicated vehicle) or that can operate on an alternative fuel (a dual fueled vehicle) is counted toward the fleet’s compliance requirements. This includes LDVs that are on the excluded list (e.g., emergency vehicles, law enforcement vehicles) if they are acquired as AFV models. To be counted, the AFV must not previously have been in the possession or under the control of the state, no matter when the vehicle was manufactured.
- As described below and in more detail in Section 3 (AFV Credit Program), fleets may satisfy their AFV-acquisition requirements in model year 2014 and later by acquiring the following electric vehicles:

- o **Light-duty hybrid electric vehicles** that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel)—½ AFV credit
- o **Light-duty plug-in hybrid electric vehicles** that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel and also do not qualify as dual fueled electric automobiles)—½ AFV credit
- o **Light-duty fuel cell electric vehicles** that are not AFVs (because they are not fueled by hydrogen or some other alternative fuel)—½ AFV credit
- o **Neighborhood electric vehicles** —¼ AFV credit.

Additionally, as explained in Section 3, fleets may satisfy their AFV-acquisition requirements in model year 2013 and later by investing in the following:

- o **Alternative fuel infrastructure**—1 AFV credit for every \$25,000 invested

- o **Alternative fuel non-road equipment**—1 AFV credit for every \$25,000 invested
 - o **An emerging technology**—2 AFV credits for the first \$50,000 invested and 1 AFV credit for every \$25,000 thereafter
2. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) any after-market converted LDV (including a demonstration model) that was not previously in the possession or under the control of the state (no matter when the vehicle was manufactured) and is capable of operating on an alternative fuel.
 - All conversions must meet the specifications in the U.S. Environmental Protection Agency Memorandum 1A (on anti-tampering) and appropriate emissions requirements.
 3. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) any used original equipment manufacturer (OEM) light-duty AFV (including a demonstration model) that was not previously in the possession or under the control of the state (no matter when it was manufactured).
 4. Convert an LDV to operate on an alternative fuel within 4 months after the vehicle comes under the control of the state.
 5. Apply banked AFV credits or AFV credits earned by virtue of the fleet having acquired any of the specified electric vehicles that are not AFVs and those earned by virtue of the fleet having made any of the qualifying investments (see Section 3, AFV Credit Program).
 6. Purchase biodiesel for use in the fleet’s medium- or heavy-duty vehicles in blends of B20 or greater; these credits can account for up to 50% of your state fleet’s annual AFV-acquisition requirements.
 - Only biodiesel used in vehicles of more than 8,500-pound gross vehicle weight rating counts under Standard Compliance. One biodiesel fuel use credit will be counted as one AFV acquisition and will be awarded to state fleets for every 450 gallons of pure biodiesel fuel (B100) used in blends of at least 20% biodiesel.* (B20 fuel is 20% biodiesel and 80% standard diesel fuel by volume.) Biodiesel fuel use credits may account for

no more than 50% of a state fleet’s annual AFV-acquisition requirements.

- Biodiesel credits may not be banked or traded.
- No credit is given for the portion of biodiesel used in a blend of B20 or greater if the biodiesel purchased for use is consumed in a state where biodiesel is required by federal or state law.
- Please note that all covered fleets operating under Standard Compliance are encouraged to maximize their use of biodiesel in blends of B20 or greater, and that in most cases, state fleets may not obtain exemptions for more than 50% of their annual AFV-acquisition requirements if they have medium- or heavy-duty vehicles that can access and use B20 or higher blends. Because biodiesel is increasingly more available in the United States, state fleets must address their use of and capacity to use biodiesel in medium- and heavy-duty on-road diesel vehicles when they request exemptions for more than 50% of their AFV-acquisition requirements. Fleets seeking exemptions in excess of that level may justify their non-usage of biodiesel only on the basis of lack of medium- or heavy-duty diesel vehicles or non-availability of biodiesel in their operating area.
- More information on the use of biodiesel in the program is available at eere.energy.gov/vehiclesandfuels/lepact/stand_comp_resources.html and eere.energy.gov/vehicle-sandfuels/lepact/statutes_regulations.html.

Counting Light-Duty Vehicles Converted to Alternative Fuel Vehicles That Your Fleet Already Owns

Your fleet may count any vehicles that it already owns or controls to satisfy AFV-acquisition requirements so long as the vehicles were converted to AFVs within 4 months of the date that the fleet acquired the LDVs.

Date of Vehicle Acquisition

For purposes of the Alternative Fuel Transportation Program, the date of vehicle acquisition means the date on which the fleet has taken possession or control of a vehicle. Note that when a covered fleet orders an LDV/AFV sufficiently early in a particular model year but—due to no fault of the fleet—does not take possession or control of the vehicle until the following model year, the fleet can count the vehicle as an LDV/ AFV acquisition either in the model year in which the vehicle was ordered or the model year in which it was delivered.

* Rounding of biodiesel fuel use credits is not allowed; each allocation of a biodiesel fuel use credit requires that the full 450 gallons of biodiesel be purchased for use.

Determining the Differences Between Light-Duty Alternative Fuel Vehicles

Light-duty AFVs can be classified as either dedicated vehicles or dual fueled vehicles. A dedicated vehicle is a vehicle that operates solely on one or more alternative fuels, while a dual fueled vehicle is a vehicle that is capable of operating on alternative fuel and on conventional petroleum fuel (gasoline or diesel). Dual fueled vehicles include (1) flexible fuel vehicles, which have one fuel tank and operate on an alternative fuel, a petroleum fuel, or any mixture of the two; and (2) bi-fuel vehicles, which have two separate fueling systems (i.e., tanks, sources), one that uses an alternative fuel (e.g., compressed natural gas), and one that uses a conventional fuel, and which can operate on only one fuel at a time.

Choosing Appropriate Alternative Fuels to Satisfy AFV-Acquisition Requirements

Regardless of whether they are dedicated or dual fueled vehicles, light-duty AFVs must be designed to operate on at least one of the fuels defined as an alternative fuel to satisfy AFV-acquisition requirements.

Currently, no fuels other than those listed in the sidebar on this page are designated as alternative fuels. Reformulated gasoline and diesel fuel are not alternative fuels under EPCa, and biodiesel blends of any type likewise do not qualify as alternative fuels, though pure/neat biodiesel (B100) itself is an alternative fuel. Any changes to the approved list of alternative fuels may be made by DOE only through a rulemaking published in the *Federal Register*.

Converting Vehicles to Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

If no OEM vehicles are available from automakers that meet the state fleet's operational requirements, then the fleet is not required to convert conventional vehicles to operate on alternative fuels. The fleet, however, may *choose* to convert vehicles to meet its AFV-acquisition requirements, according to guidelines discussed in subsection 1-6 of this document.

Acquiring Excluded Vehicles as Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

The AFV models of excluded vehicles (see subsection 1-1) *will* help satisfy your fleet's requirements, and when those requirements have already been met, yield AFV credits for future use. To qualify as an excluded vehicle, the vehicle in

Alternative Fuels Under EPCa

- Methanol
- Denatured ethanol and other alcohols
- Mixtures containing 85% by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels
- Natural gas (compressed or liquefied) and liquid fuels domestically produced from natural gas
- Liquefied petroleum gas (propane)
- Electricity (including electricity from solar energy)
- Hydrogen
- Coal-derived liquid fuels
- Fuels (other than alcohol) derived from biological materials, including neat (100%) biodiesel
- Three P-Series fuels

question must qualify as an excluded vehicle for the entire time that the vehicle is in the covered fleet.

Acquiring Medium-Duty or Heavy-Duty Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

Because the program's primary emphasis is on light-duty AFVs, your fleet can earn AFV credits toward compliance for the acquisition of medium- or heavy-duty AFVs (and in model year 2014 or later, for the acquisition of medium- or heavy-duty fuel cell electric or hybrid electric vehicles that are not AFVs) only after it has fulfilled its light-duty AFV-acquisition requirement for that model year. Your fleet may bank credits earned in this manner and later apply these (or other) banked credits toward its AFV-acquisition requirements in future model years. For example, if your state fleet fulfills its AFV-acquisition requirements for a given model year by ensuring that 75% of its LDV acquisitions are light-duty AFVs, then the acquisition of any medium- or heavy-duty AFVs or non-AFV hybrid electric vehicles can generate credits toward AFV-acquisition requirements for the next or any subsequent model year.

What Does Not Count Toward Meeting EPCa Requirements

The acquisition of reformulated gasoline vehicles and clean diesel vehicles *may not* be counted toward the EPCa AFV-acquisition requirements.

1-6 Exemptions for States

State fleets may apply for exemptions from their EPA Act AFV-acquisition requirements; DOE will grant exemptions on a case-by-case basis. Any exemption is valid for one model year only. Fleets must apply to DOE for exemptions annually, presenting updated documentation for DOE consideration.

The opportunity for covered fleets to request exemptions serves as administrative relief in the unlikely event a fleet is unable to satisfy its AFV-acquisition requirements through the normally available compliance alternatives. These alternatives include: acquiring AFVs; acquiring gasoline-fueled hybrid electric vehicles; purchasing and using biodiesel to the maximum extent allowed; converting conventional vehicles to AFVs within 120 days of their acquisition; and purchasing or trading for banked AFV credits. DOE expects fleets to continue to minimize the need for exemptions. Numerous guidance documents and tools are available on the DOE website, and DOE also offers hotline support to assist covered fleets in complying with program requirements.

In all instances, for fleets that do not meet their AFV-acquisition requirements solely through AFV acquisitions, DOE limits the number of exemptions the fleet may obtain to no more than one half of the fleet's AFV-acquisition requirements. This is because DOE expects fleets to meet up to half of their AFV-acquisition requirements through the purchase and use of biodiesel. As biodiesel is increasingly more available in the United States, DOE has determined that it is a viable option for all fleets unless a fleet provides DOE with information clearly indicating otherwise. As a result, exemption requests must address the fleet's use and capacity to use biodiesel fuel blends of B20 or higher in any medium- and heavy-duty on-road fleet vehicles. In instances in which fleets either lack diesel vehicles or are unable to obtain biodiesel, DOE—before granting exemptions—requires such fleets to provide information substantiating their inability to earn biodiesel fuel use credits.

Because gasoline-fueled hybrid electric vehicles (HEVs) are widely available throughout the country and will generate for acquiring fleets ½ of an AFV credit starting in model year 2014, DOE emphasizes that in and after that model year, fleets can meet 100% of their AFV-acquisition requirements through a combination of non-AFV HEV acquisitions (50%) and biodiesel fuel use credits (50%). For this reason, DOE will further limit the number of exemptions that a fleet may obtain based on a shortfall of non-AFV HEV acquisitions. A fleet seeking exemptions therefore must demonstrate in its exemption request why it was unable to acquire such

gasoline-fueled vehicles and thereby meet at least 50% of its AFV-acquisition requirements.

Requesting an Exemption for Unavailability of Suitable Alternative Fuels or Alternative Fuel Vehicles

Your state fleet may apply for an exemption from the AFV-acquisition requirements if no alternative fuels or AFVs that meet your fleet's operating needs are available in the fleet's territory. For example, an exemption may be requested if the only AFVs available that meet your operating needs are natural gas vehicles and if compressed natural gas is not available in your fleet's operating area. As another example, if original equipment manufacturers do not offer an AFV of the vehicle model or type that your fleet requires (e.g., small pickup truck), then your fleet might be eligible to receive an exemption from DOE.

Requesting an Exemption for Financial Hardship

Your state fleet may apply for an exemption from its AFV-acquisition requirements for a given model year if the additional costs associated with AFVs pose an unreasonable financial hardship for the state. DOE considers these requests on a case-by-case basis. States requesting exemptions as a result of unreasonable financial hardship must submit compelling evidence to DOE.

Submitting Exemption Requests

For those fleets seeking exemptions, requests must be submitted no sooner than September 1 following the relevant model year and no later than January 31 following that model year. Most importantly, exemption requests may be filed only after DOE approves the fleet's annual report for the relevant model year to determine whether an exemption is warranted.

Although DOE accepts manually assembled exemption requests, it strongly recommends that fleets pursuing exemptions use the Online Exemption Request Tool (eere.energy.gov/vehiclesandfuelslepact/exemptions.html) to ensure requests include required information and are easy to read. The easy-to-use tool loads pertinent information automatically from a fleet's identification and annual report records already in the database, eliminating labor-intensive steps associated with manually assembled exemption requests. Fleets using the tool need only complete the form fields online and attach any files that support the exemption requests. The tool automatically creates an electronic copy of each fleet's request that fleet staff then save, print, and send to DOE.

When applying for exemptions, refer first to the exemption guidance provided on the DOE website at eere.energy.gov/vehiclesandfuels/epact/stand_comp_resources.html. If the documentation is incomplete, DOE will ask for additional information before considering the request. For submitted exemption requests on which DOE seeks clarification or additional information, the requesting fleet must respond to DOE within 30 days. After that period expires, DOE will process the exemption request based on the information provided to date, which information may be insufficient to support the granting of the exemption request. DOE strongly recommends that fleets review the sample exemption request available at the website provided above. If your fleet chooses not to use the recommended Online Exemption Request Tool (see above), submit your exemption request by email to regulatory.info@nrel.gov or by mail to the following address.

Regulatory Manager
Alternative Fuel Transportation Program
 Vehicle Technologies Office (EE-2G)
 U.S. Department of Energy
 1000 Independence Avenue, S.W. Washington, DC
 20585-0121

Within 45 business days of receiving an adequate request, DOE will issue a written determination of whether the fleet’s request for an exemption has been granted. If the exemption request is denied, the fleet may file an appeal within 30 working days of the date of DOE’s determination. It may be helpful to review “Prior Decisions” provided on the DOE Office of Hearings and Appeals’ website (energy.gov/ohal/office-hearings-and-appeals) to learn about previous decisions on appeals for the Alternative Fuel Transportation Program. Appeals must be sent to the following address.

Office of Hearings and Appeals
 U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0121

1-7 State Reporting Requirements

Each covered state fleet must file an annual report with DOE. As indicated above, if a state’s individual agencies are tracking their compliance separately, then the state government can choose to:

- Collect all reports and submit them to DOE at one time, **or**
- Have each separate agency fleet submit its report directly to DOE, **or**

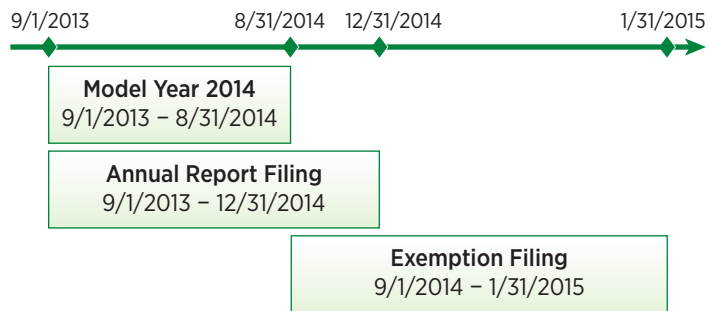
- Submit a report with fleets for some agencies grouped together.

Fleets may submit their annual reports during the relevant model year but no later than December 31 following that model year. For example, a report for model year 2014, which began on September 1, 2013, is due by December 31, 2014.

Fleets must retain copies of vehicle-acquisition records and compliance reports for three years beyond the due date of the report or the date it is filed (whichever is later). Materials related to a report filed on November 1, 2014, for the 2014 model year (due December 31, 2014), for example, must be retained by the state fleet until December 31, 2017.

Reminder

A model year runs from September 1 of one year through August 31 of the following year. Model year 2014, for example, began on September 1, 2013, and ends on August 31, 2014.



Example timeline for Standard Compliance reporting in model year 2014

Filing an Annual Report

Annual reports can be submitted to DOE using the online database or the spreadsheet template, both of which are described below. Please do not create your own form for your fleet’s annual report. The list below provides the only acceptable methods for submitting your acquisition information to DOE. DOE strongly encourages the use of online and electronic forms and electronic submittal of such forms.

- **Option 1: Report Online via the Internet**
 The AFV Acquisition and Credits Database can be accessed at eere.energy.gov/vehiclesandfuels/epact/annual_report.html. Enter the requested data into the online forms and submit them.

- **Option 2: Complete a Downloadable Spreadsheet**

The Excel spreadsheet template can be downloaded from the website noted above. Download a spreadsheet file and complete the spreadsheet. Submit the completed spreadsheet by email at epact.sfp.fleets@nrel.gov.

1-8 Light-Duty AFV Plans

States and covered state fleets can comply with the AFV-acquisition requirements under the Standard Compliance option through a Light-Duty AFV Plan. A DOE-approved plan allows the covered state fleets included in the plan to count towards compliance the AFV acquisitions by any number of non-covered state fleets, municipal and local government fleets, and private fleets. In this way, the voluntary participation of fleets that are not covered under the program alleviates the AFV-acquisition burden that the covered state fleets otherwise would each bear entirely. Moreover, the submitted plan may include as creditable actions the acquisition of light-duty AFVs in excluded vehicle categories—except non-road vehicles.

Each state is allowed to submit one plan, but not all covered state fleets must be included in a state's Light-Duty AFV Plan. Nonetheless, a Light-Duty AFV Plan must provide for the acquisition by the plan participants, in the aggregate, of at least the same number of AFVs that the covered state fleets included in the plan would have been required to acquire on their own. This one plan may include one or more covered state fleets and can result in the submission of one or more Standard Compliance annual reports. A state plan that includes six covered state fleets, for example, could specify that fleets one and two be included in fleet one's annual report, and fleets three through six be included in a separate annual report that comes from fleet three. Fleet combinations included in a report for 2012 may be changed in future years' plans. Whatever the fleet combination, the fleet that submits the annual report is the fleet that is credited with any credit surplus or is responsible for any credit deficit that results from that annual report.

States might find it simplest to obtain the voluntary participation of fleets by contacting local Clean Cities coalition coordinators (visit eere.energy.gov/cleancities for an updated coordinator list), who might be able to identify potential fleet participants. States and covered state fleets might need to determine what incentives, if any, to offer those other fleets as encouragement for their participation in the plan.

Writing an Optional Alternative State Plan

A Light-Duty AFV Plan must be submitted to DOE no later than June 1 prior to the model year that the plan covers and must include the following elements.

- A certification by the governor or the governor's designee that the plan meets the program's requirements;
- The identification of the covered state fleet that is submitting the plan and will be the point of contact that is responsible for its contents;
- The identification of all state, municipal/local, and private fleets that will participate in the plan;
- A written statement of commitment from and the number of AFVs that will be acquired by each plan participant;
- The identification of which covered state fleet(s) will submit an annual report; and for each annual report
 - o Identification of which covered and non-covered fleets will be included in the annual report;
 - o An estimate of the LDV count of all the covered fleets in the annual report (the sum of counts for each covered fleet in the report); and
 - o An estimate of the total AFV requirement for the annual report (the rounded product of 0.75 times the total LDV count);
- A statement of contingency measures the state will take in the event that plan participants fail to fulfill significant commitments;
- A provision obligating the state to monitor and verify implementation of the plan, including providing DOE with information sufficient to ensure the same AFV is not counted twice for purposes of program compliance; and
- A certification that all AFV acquisitions under the plan are voluntary (except for any AFVs that covered state fleets participating in the plan acquire) and that the acquisitions conform with the requirements of Section 247 of the Clean Air Act and any applicable safety requirements.

DOE has 60 days to review a Light-Duty AFV Plan that a state submits for approval. Importantly, a state may request a modification of its approved plan at any time. If, for example, a state foresees that it will be unable to implement its approved plan successfully due to a particular participant's financial or other difficulties, then the state may request the unsuitable participant be substituted with a new plan participant. Of course, states always can adjust the plan for the following year, which would be governed by a new plan.

Any acquisitions of light-duty AFVs and any conversions of conventional LDVs to AFVs may be included in the plan, even if they involve vehicles in excluded categories (except for non-road vehicles). Conversions must be made within 4 months of the vehicles entering a fleet.

A state must submit its Light-Duty AFV plan no later than June 1 prior to any new model year. An original and two copies of the plan should be sent to the following address.

Regulatory Manager

Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-2G)
U.S. Department of Energy
1000 Independence Avenue, S.W. Washington, DC
20585-0121

Until a Light-Duty AFV plan is approved, a state is subject to the statutory AFV-acquisition requirements. If the plan is not approved, then a state may revise and resubmit its plan to DOE within a reasonable time. The state, however, must comply with existing commitments or statutory acquisition requirements until a new plan is approved.

Monitoring the Implementation of Light-Duty AFV Plans

A state must monitor and verify the implementation of its approved plan and provide a description of its implementation in the annual report to DOE. If a state finds it impossible to implement its approved plan successfully, it may at any time submit proposed modifications to the plan (with adequate justifications) for DOE's consideration. Until such modifications are approved, however, the state must comply with its existing commitments or the statutory acquisition requirements. Requests for modifications must be sent to the following address.

Regulatory Manager

Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-2G)
U.S. Department of Energy
1000 Independence Avenue, S.W. Washington, DC
20585-0121

Additional Information

DOE strongly encourages covered state fleets and states—particularly those that do not report annually as a single entity under the Program—to consider the advantages of a Light-Duty AFV Plan. DOE also encourages formulating and submitting for approval a complete plan for a single model year. For additional information on this compliance option, send an inquiry to regulatory.info@nrel.gov or contact the program hotline at 202-586-9171.

Section 2 – Alternative Fuel Providers

The Alternative Fuel Transportation Program applies also to alternative fuel provider fleets. The information in this section addresses these fleets.

2-1 Defining an Alternative Fuel Provider

A fuel provider—or any “affiliate” or “business unit” under its control (see Appendix A for definitions of these terms)—is deemed an alternative fuel provider if its “principal business” (see Appendix A) involves:

- Producing,
- Storing,
- Refining,
- Processing,
- Transporting,
- Distributing, and/or
- Importing or selling (at wholesale or retail price) any alternative fuel (other than electricity);

or if its principal business is:

- Generating,
- Transmitting,
- Importing, and/or
- Selling electricity (at wholesale or retail price);

or if that fuel provider:

- Produces,
- Imports, and/or
- Produces and imports (in combination) an average of 50,000 barrels per day or more of petroleum, **and**
- Thirty percent (30%) (a “substantial portion”) or more of its gross annual revenues is derived from producing alternative fuels.

Exceptions

There are two types of alternative fuel providers (or affiliates or business units of those fuel providers) that are not covered by AFV-acquisition requirements:

- A fuel provider whose principal business is that of transforming alternative fuel into products that are *not* alternative fuels; and
- A fuel provider whose principal business is that of using alternative fuel as a feedstock or fuel in the manufacture of products that are *not* alternative fuels.

Examples of Exceptions

- A company that burns natural gas to make heat for a manufacturing operation.
- A manufacturer of windshield washer fluid who blends an alternative fuel (methanol) in producing windshield washer fluid, which is not an alternative fuel.

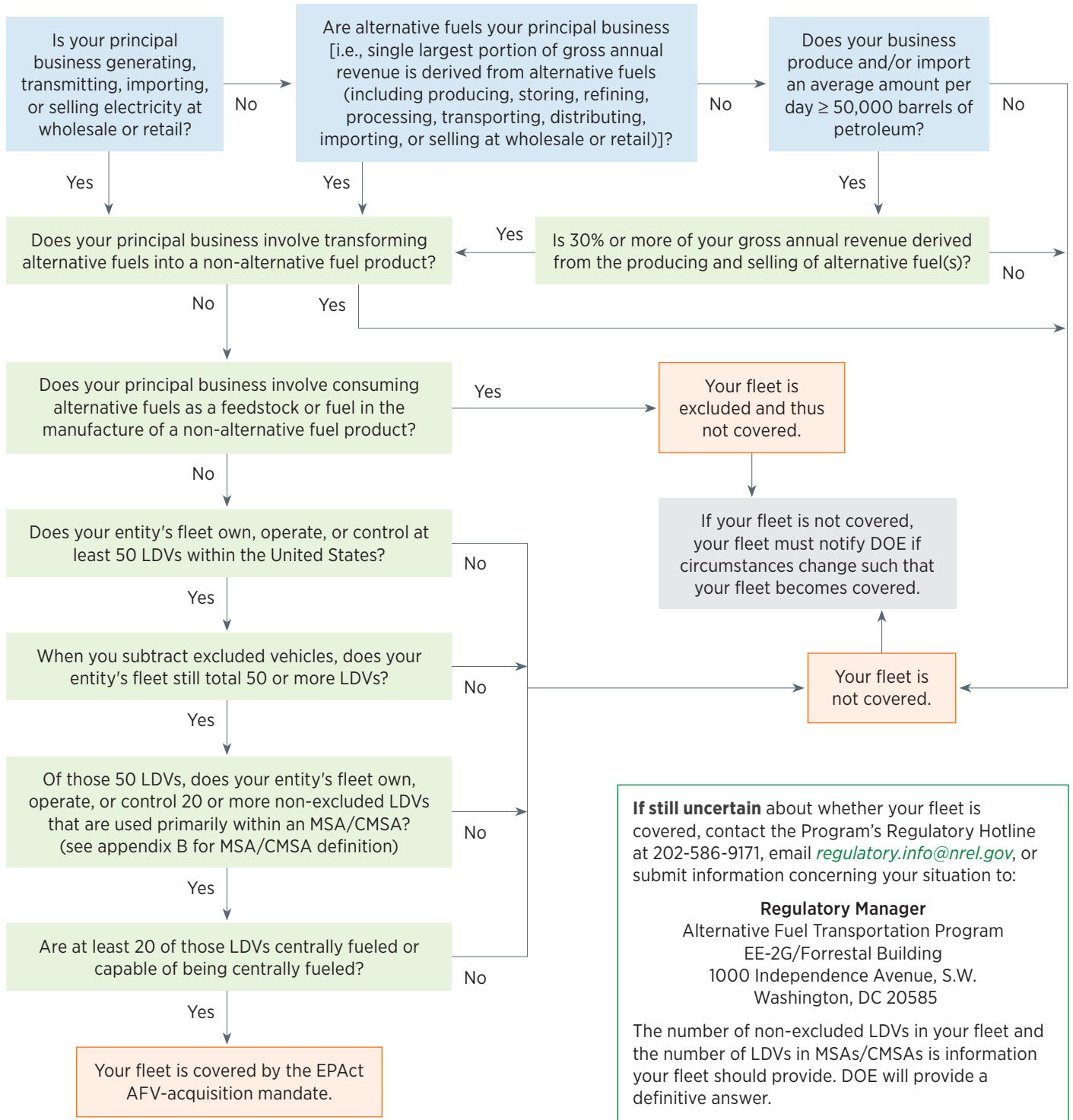
Determining Whether an “Alternative Fuel Provider” Is a “Covered Person” Who Must Acquire Alternative Fuel Vehicles

A “covered person” for purposes of being subject to the program’s AFV-acquisition requirements is one who satisfies *all* of the following conditions.

1. Owns, operates, leases, or otherwise controls 50 or more LDVs within the United States, which are not on the list of **excluded vehicles** (see the list of excluded vehicles in the sidebar on the next page).
2. At least 20 of those LDVs are used primarily in any single MSA or CMSA (see Appendix B).
3. Those 20 (or more) LDVs are “centrally fueled” or “capable of being centrally fueled.” Light-duty vehicles are centrally fueled if they are or could be fueled at least 75% of the time at a location that is owned, operated, or controlled by the covered person or is under contract or could be under contract with that covered person for fueling purposes. This issue is discussed in detail in the preamble to the final rulemaking establishing the program (published in the *Federal Register* on March

Decision Tree for Alternative Fuel Provider Fleets

Use this decision tree to determine whether your fleet is covered. If you still are uncertain about your fleet’s coverage, contact the Alternative Fuel Transportation Program staff.



14, 1996 (61 FR 10627–10628), and available at eere.energy.gov/vehiclesandfuels/epact/pdfs/efed_reg.pdf (see the definition of “centrally fueled” in Appendix A of this document).

For help in deciding whether your company’s fleet is subject to the program, follow the branches of the decision tree on the preceding page of this document.

2-2 Alternative Fuel Provider AFV-Acquisition Requirements

This subsection examines how many AFVs a covered alternative fuel provider fleet must acquire to be in compliance. For purposes of the Alternative Fuel Transportation Program, the date of vehicle acquisition means the date on which the fleet took possession or control of a vehicle.

Calculating the Number of Alternative Fuel Vehicles That Covered Alternative Fuel Provider Fleets Must Acquire

The time period in which a covered alternative fuel provider fleet is subject to the EPAAct requirements (as defined in 10 CFR Part 490) is referred to as the model year, which runs from September 1 of one year through August 31 of the following year. Fleets determine whether they are subject to the program prior to each model year. When alternative fuel provider fleets are subject to EPAAct requirements and acquire LDVs that are new to the fleets, 90% of the newly acquired fleet LDVs must be light-duty AFVs. Medium- and heavy-duty vehicles and neighborhood electric vehicles are not included in this calculation. The LDVs are not limited to brand-new vehicles. Those LDVs that are new to the fleet may include used vehicles (e.g., acquiring a used LDV manufactured in 2009 on October 15, 2013, a date that falls within model year 2014).

To calculate actual AFV acquisitions required, a covered alternative fuel provider fleet should use the following approach.

1. Start with the number of LDVs to be acquired for the model year.
2. Subtract any excluded vehicles.
3. Multiply the result by 90%.

For example, if an alternative fuel provider fleet plans to acquire 105 LDVs in model year 2014, and five of these will be excluded vehicles, then at least 90 of the LDVs must be light-duty AFVs for the fleet to meet its EPAAct requirements.

Excluded Vehicles

The following vehicles are not to be counted in determining whether a fleet is covered by EPAAct requirements. To qualify as an excluded vehicle, the vehicle in question must qualify as an excluded vehicle for the entire time it is part of the fleet.

- Emergency motor vehicles, including vehicles directly used in the emergency repair of transmission lines and in the restoration of electricity service following power outages, as determined by DOE*
- Law enforcement vehicles**
- Non-road vehicles
- Vehicles that, when not in use, are normally parked at private residences***
- Vehicles used for evaluating or testing products of a motor vehicle manufacturer, including vehicles owned or held by a university for research purposes
- Vehicles owned or held by a testing laboratory or other evaluation facility solely for evaluating their performance for engineering, research and development, or quality-control reasons
- Motor vehicles acquired and used for purposes that the U.S. Secretary of Defense has certified to DOE must be exempted for national security reasons

* Consistent with section 707 of the Energy Policy Act of 2005, DOE must approve all emergency motor vehicle exclusions. Guidance on the exclusion process can be found at eere.energy.gov/vehiclesandfuels/epact/pdfs/section_707_guidance.pdf.

** Administrative vehicles of law enforcement agencies are not considered law enforcement vehicles.

*** An alternative fuel provider fleet that excludes such vehicles, either in the context of determining whether it is a covered fleet or for purposes of calculating its AFV-acquisition requirements, must be able to provide DOE, upon request, with a written take-home vehicle policy or other documentation that addresses the fleet’s employee take-home vehicles.

Use the worksheet on the following page to determine how many of your alternative fuel provider fleet’s planned LDV acquisitions must be AFVs.

Companies with multiple corporate entities in the alternative fuels business must decide how they will comply with the program’s AFV-acquisition requirements. The company (as the covered person) may choose to comply with its AFV-acquisition requirements as a single entity, or any of

| Example Worksheet | |
|--|------------|
| Total Planned Acquisitions in Given Model Year | 105 |
| Excluded Vehicle Acquisitions | - 5 |
| Total Non-Excluded LDV Acquisitions | 100 |
| AFV-Acquisition Fraction in Given Model Year | × 0.90 |
| AFV Acquisitions Percentage in Given Model Year | 90* |

** If the resulting AFV-acquisition number is a fraction, then fractions of 0.5 or greater are rounded up to the nearest whole number; fractions less than 0.5 are rounded down.*

| Worksheet for Any Covered Person | |
|--|--------|
| Total Planned LDV Acquisitions in Model Year 20XX | |
| Excluded Vehicle Acquisitions | - |
| Total Non-Excluded LDV Acquisitions | |
| AFV-Acquisition Fraction in Model Year 20XX | × 0.90 |
| AFV Acquisitions Required in Model Year 20XX | |

its associated entities that are also determined to be covered persons may comply separately.

DOE allows alternative fuel provider fleets to choose how they will calculate their AFV-acquisition requirements and report their compliance. A covered alternative fuel provider fleet can select from among the following options.

- Comply as one large fleet, counting the total number of non-excluded LDVs acquired by all its associated entity fleets, regardless of any fleet’s location or size; or
- Allow individual entities of two or more fleets to count their vehicles and report their compliance separately.

If a covered alternative fuel provider allows its subsidiary fleets to comply individually, *and* an individual fleet does

not meet the fleet-size coverage requirements (size guidelines are described in subsection 2-1), then that individual entity’s fleet would be excluded from the program and from its AFV-acquisition requirements.

Associated alternative fuel provider fleets that join together for reporting purposes (i.e., to calculate their compliance responsibilities) do not have to acquire their vehicles together. They must, however, submit an annual report together as one entity/fleet. The fleet that submits the report is granted any credit surplus or is responsible for any credit deficit that results from the annual report.

2-3 Identifying Vehicles to Meet Your Fleet’s AFV-Acquisition Requirements

Having determined both that an alternative fuel provider fleet is covered under EPC and the number of acquisitions that must be light-duty AFVs, the fleet manager may satisfy those AFV-acquisition requirements via one or more of the following methods.

1. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) new LDVs that operate solely on or are capable of operating on an alternative fuel, which were not previously in the possession or under the control of the alternative fuel provider fleet (no matter when the vehicles were manufactured).
 - Any LDV acquired by a covered alternative fuel provider fleet that operates solely on (a dedicated vehicle) or that can operate on an alternative fuel (a dual fueled vehicle) is counted toward the fleet’s compliance requirements. This includes LDVs that are on the excluded list (e.g., emergency vehicles, law enforcement vehicles) if they are acquired as AFV models. To be counted, the AFV must not previously have been in the possession or under the control of the alternative fuel provider fleet, no matter when the vehicle was manufactured.
 - As described below and in more detail in Section 3 (AFV Credit Program), fleets may satisfy their AFV-acquisition requirements in model year 2014 and later by acquiring the following electric vehicles:
 - **Light-duty hybrid electric vehicles** that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel)—½ AFV credit
 - **Light-duty plug-in hybrid electric vehicles** that are not AFVs (because they are not equipped with an

engine that is capable of operating on a liquid or gaseous alternative fuel and also do not qualify as dual fueled electric automobiles)—½ AFV credit

- o **Light-duty fuel cell electric vehicles** that are not AFVs (because they are not fueled by hydrogen or some other alternative fuel)—½ AFV credit
- o **Neighborhood electric vehicles** —¼ AFV credit.

Additionally, as explained in Section 3, fleets may satisfy their AFV-acquisition requirements in model year 2014 and later by investing in the following:

- o **Alternative fuel infrastructure**—1 AFV credit for every \$25,000 invested
- o **Alternative fuel non-road equipment**—1 AFV credit for every \$25,000 invested
- o **An emerging technology**—2 AFV credits for the first \$50,000 invested and 1 AFV credit for every \$25,000 thereafter

2. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) any after-market converted LDV (including a demonstration model) that was not previously in the possession or under the control of the alternative fuel provider (no matter when it was manufactured) and is capable of operating on an alternative fuel.

- All conversions must meet the specifications in the U.S. Environmental Protection Agency Memorandum 1A (on anti-tampering) and appropriate emissions requirements.

3. Acquire (through purchase, lease, long-term rental of 120 days or longer, or donation) any used original equipment manufacturer (OEM) light-duty AFV (including a demonstration model) that was not previously in the possession or under the control of the alternative fuel provider (no matter when it was manufactured).

4. Convert an LDV to operate on an alternative fuel within 4 months after the vehicle comes under the control of the alternative fuel provider.

5. Apply banked AFV credits or AFV credits earned by virtue of the fleet having acquired any of the specified electric vehicles that are not AFVs and those earned by virtue of the fleet having made any of the qualifying investments (see Section 3, AFV Credit Program).

6. Additionally, your fleet may purchase biodiesel for use in medium- or heavy-duty vehicles in blends of B20 or greater to meet up to 50% of your fleet's annual AFV-acquisition requirements.

- Biodiesel fuel must be for use only in vehicles of more than 8,500-pound gross vehicle weight rating. One biodiesel fuel use credit will be counted as one AFV acquisition and will be awarded to covered persons for every 450 gallons of pure biodiesel (B100) purchased for use in blends of at least 20% biodiesel.* (B20 is 20% bio- diesel and 80% standard diesel fuel by volume.) Except for biodiesel providers, biodiesel fuel use credits may account for no more than 50% of an alternative fuel provider fleet's annual AFV-acquisition requirements. Biodiesel fuel providers may satisfy up to 100% of their acquisition requirements through biodiesel fuel use credits.

- Biodiesel credits may not be banked or traded.

- No credit is given for the portion of biodiesel used in a blend of B20 or greater if the biodiesel purchased for use is consumed in a state where biodiesel is required by federal or state law.

- Please note that all covered fleets operating under Standard Compliance are encouraged to maximize their use of biodiesel in blends of B20 or greater, and that in most cases, fleets may not obtain exemptions for more than 50% of their annual AFV-acquisition requirements if they have medium- or heavy-duty vehicles that can access and use B20 or higher blends. Because biodiesel is increasingly more available in the United States, alternative fuel provider fleets must address their use of and capacity to use biodiesel in medium- and heavy-duty on-road diesel vehicles when they request exemptions for more than 50% of their AFV-acquisition requirements. Fleets seeking exemptions in excess of that level may justify their non-usage of biodiesel only on the basis of a lack of medium- or heavy-duty diesel vehicles or the non-availability of biodiesel in their operating areas.

- More information on the use of biodiesel in the program is available at eere.energy.gov/vehiclesandfuels/epact/stand_comp_resources.html and eere.energy.gov/vehiclesandfuels/epact/statutes_regulations.html.

* Rounding of biodiesel fuel use credits is not allowed; each allocation of a biodiesel fuel use credit requires that the full 450 gallons of biodiesel be purchased for use.

Counting Light-Duty Vehicles Converted to Alternative Fuel Vehicles That Your Fleet Already Owns

Your fleet may count any vehicles that it already owns or controls to satisfy AFV-acquisition requirements so long as the vehicles were converted to AFVs within 4 months of the date that the fleet acquired the LDVs.

Date of Vehicle Acquisition

For purposes of the Alternative Fuel Transportation Program, the date of vehicle acquisition means the date on which the fleet has taken possession or control of a vehicle. Note that when a covered fleet orders an LDV/AFV sufficiently early in a particular model year but—through no fault of the fleet—does not take possession or control of the vehicle until the following model year, the fleet can count the vehicle as an LDV/AFV acquisition either in the model year in which the vehicle was ordered or the model year in which it was delivered.

Determining the Differences Between Light-Duty Alternative Fuel Vehicles

Light-duty AFVs can be classified as either dedicated vehicles or dual fueled vehicles. A dedicated vehicle is a vehicle that operates solely on one or more alternative fuels, while a *dual fueled vehicle* is a vehicle that is capable of operating on alternative fuel and on conventional petroleum fuel (gasoline or diesel). Dual fueled vehicles include (1) *flexible fuel vehicles*, which have one fuel tank and operate on an alternative fuel, a petroleum fuel, or any mixture of the two; and (2) *bi-fuel vehicles*, which have two separate fueling systems (i.e., tanks, sources), one that uses an alternative fuel (e.g., compressed natural gas) and one that uses a conventional fuel, and which can operate on only one fuel at a time.

Acquiring Excluded Vehicles as Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

The AFV models of excluded vehicles (see subsection 1-1) *will* help satisfy your fleet's requirements, and when those requirements have already been met, yield AFV credits for future use. To qualify as an excluded vehicle, the vehicle in question must qualify as an excluded vehicle for the entire time that the vehicle is in the covered fleet.

Acquiring Medium-Duty or Heavy-Duty Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

Because the program's primary emphasis is on light-duty AFVs, your fleet can earn AFV credits toward compliance

for the acquisition of medium- or heavy-duty AFVs (and in model year 2014 or later, for the acquisition of medium- or heavy-duty fuel cell electric or hybrid electric vehicles that are not AFVs) only after it has fulfilled its light-duty AFV-acquisition requirement for model year 2014. Your fleet may bank credits earned in this manner and later apply these (or other) banked credits toward its AFV-acquisition requirements in future model years. For example, if your alternative fuel provider fleet fulfills its AFV-acquisition requirements for a given model year by ensuring that 90% of its LDV acquisitions are light-duty AFVs, then the acquisition of any medium- or heavy-duty AFVs or non-AFV hybrid electric vehicles can generate credits toward AFV-acquisition requirements for the next or any subsequent model year.

Choosing Appropriate Alternative Fuels to Satisfy AFV-Acquisition Requirements

Regardless of whether they are dedicated or dual fueled vehicles, light-duty AFVs must be designed to operate on at least one of the fuels defined as an alternative fuel to satisfy AFV-acquisition requirements.

Currently, no fuels other than those listed in the sidebar on this page are designated as alternative fuels. Reformulated gasoline and diesel fuel are not alternative fuels under EPA Act, and biodiesel blends of any type likewise do not qualify as alternative fuels, though pure/neat biodiesel (B100) itself is an alternative fuel. Any changes to the

Alternative Fuels Under EPA Act

- Methanol
- Denatured ethanol and other alcohols
- Mixtures containing 85% by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels
- Natural gas (compressed or liquefied) and liquid fuels domestically produced from natural gas
- Liquefied petroleum gas (propane)
- Electricity (including electricity from solar energy)
- Hydrogen
- Coal-derived liquid fuels
- Fuels (other than alcohol) derived from biological materials, including neat (100%) biodiesel
- Three P-Series fuels

approved list of alternative fuels may be made by DOE only through a rulemaking published in the *Federal Register*.

EPA requires covered alternative fuel providers always to use alternative fuels in their AFVs except where and when the fuel is unavailable. DOE will grant credit to alternative fuel providers for the acquisition of an AFV regardless of whether the AFV will be operated or located in an area where the appropriate alternative fuel is available. Although the acquired AFV will not be operated on the appropriate alternative fuel where it is unavailable, this situation will not necessarily continue because the fuel might become available in the operating area in the future. Thus, granting AFV-acquisition credit is intended to spur demand for the alternative fuel. Once the fuel becomes available, it must be used pursuant to EPA Section 501(a)(4) and 10 CFR 490.306.

Converting Vehicles to Alternative Fuel Vehicles to Satisfy AFV-Acquisition Requirements

If no OEM vehicles are available from automakers that meet the alternative fuel provider fleet's operational requirements, then the fleet is not required to convert conventional vehicles to operate on alternative fuels. The fleet, however, may choose to convert vehicles to meet its AFV-acquisition requirements according to guidelines discussed in subsection 2-3 of this document.

What Does Not Count Toward Meeting EPA Act Requirements

The acquisition of reformulated gasoline vehicles and clean diesel vehicles may not be counted toward the EPA Act AFV-acquisition requirements.

2-4 Addressing Mergers, Acquisitions, and Divestitures

If two alternative fuel provider companies merge, or a company breaks up and its fleet splits into several fleets—covered or uncovered under EPA Act—then the fleets may report either separately or jointly for that model year.

Companies should notify DOE of the merger or split at the time it occurs, indicate how the fleets will report for the current model year, and provide necessary information for the new contact(s) who will be reporting compliance. The fleets should also indicate what they will do with any credits banked for either company or what they plan to do if either entity is out of compliance. This information should be provided, in writing, to the Regulatory Manager, Alternative Fuel Transportation Program (see Appendix C for complete address), with a copy also sent via email to regulatory.info@nrel.gov.

2-5 Exemptions from Acquisition Requirements for Alternative Fuel Providers

Alternative fuel provider fleets may apply for exemptions from their EPA Act AFV-acquisition requirements. DOE grants exemptions on a case-by-case basis, and any exemption is good for one year only. Fleets must apply to DOE for exemptions annually, presenting updated documentation for DOE consideration.

The opportunity for covered fleets to request exemptions serves as administrative relief in the unlikely event a fleet is unable to satisfy its AFV-acquisition requirements through the normally available compliance alternatives. These alternatives include: acquiring AFVs; acquiring gasoline-fueled hybrid electric vehicles; purchasing and using biodiesel to the maximum extent allowed; converting conventional vehicles to AFVs within 120 days of their acquisition; and purchasing or trading for banked AFV credits. DOE expects fleets to continue to minimize the need for exemptions. Numerous guidance documents and tools are available on the DOE website, and DOE also offers hotline support to assist covered fleets in complying with program requirements.

In all instances, for fleets that do not meet their AFV-acquisition requirements solely through AFV acquisitions, DOE limits the number of exemptions the fleet may obtain to no more than one half of the fleet's AFV-acquisition requirements. This is because DOE expects fleets to meet up to half of their AFV-acquisition requirements through the purchase and use of biodiesel. As biodiesel is increasingly more available in the United States, DOE has determined that it is a viable option for all fleets unless a fleet provides DOE with information clearly indicating otherwise. As a result, exemption requests must address the fleet's use and capacity to use biodiesel fuel blends of B20 or higher in any medium- and heavy-duty on-road fleet vehicles. In instances in which fleets either lack diesel vehicles or are unable to obtain biodiesel, DOE—before granting exemptions—requires such fleets to provide information substantiating their inability to earn biodiesel fuel use credits.

Because gasoline-fueled hybrid electric vehicles (HEVs) are widely available throughout the country and will generate for acquiring fleets ½ of an AFV credit starting in model year 2014, DOE emphasizes that in and after that model year, fleets can meet 100% of their AFV-acquisition requirements through a combination of non-AFV HEV acquisitions (50%) and biodiesel fuel use credits (50%). For this reason, DOE will further limit the number of exemptions that a fleet may obtain based on a shortfall of non-AFV HEV acqui-

tions. A fleet seeking exemptions therefore must demonstrate in its exemption request why it was unable to acquire such gasoline-fueled vehicles and thereby meet at least 50% of its AFV-acquisition requirements.

Requesting Exemptions for Unavailability of Suitable Alternative Fuels or Alternative Fuel Vehicles

Your alternative fuel provider fleet may apply for an exemption from the AFV-acquisition requirements if no alternative fuels or AFV models that meet your fleet's operating needs are available in the fleet's territory. For example, an exemption may be requested if the only AFV models available that meet your operating needs are natural gas vehicles, and compressed natural gas is not available in your fleet's operating area. As another example, if OEMs are not offering as an AFV a vehicle of the model or type your fleet requires (e.g., a small pickup), your fleet might be eligible to receive an exemption from DOE.

Submitting Exemption Requests

For those fleets seeking exemptions, requests must be submitted no sooner than September 1 following the relevant model year and no later than January 31 following that model year. Most importantly, exemption requests may be filed only after DOE approves the fleet's annual report for the relevant model year to determine whether an exemption is warranted.

Although DOE accepts manually assembled exemption requests, it strongly recommends that fleets pursuing exemptions use the Online Exemption Request Tool (eere.energy.gov/vehiclesandfuels/epact/exemptions.html) to ensure requests include required information and are easy to read. The easy-to-use tool loads pertinent information automatically from a fleet's identification and annual report records already in the database, eliminating labor-intensive steps associated with manually assembled exemption requests. Fleets using the tool need only complete the form fields online and attach any files that support the exemption requests. The tool automatically creates an electronic copy of each fleet's request that fleet staff then save, print, and send to DOE.

When applying for exemptions, refer first to the exemption guidance provided on the DOE website at eere.energy.gov/vehiclesandfuels/epact/stand_comp_resources.html. If the documentation is incomplete, DOE will ask for additional information before considering the request. For submitted exemption requests on which DOE seeks clarification or additional information, the requesting fleet must respond

to DOE within 30 days. After that period expires, DOE will process the exemption request based on the information provided to date, which information may be insufficient to support the granting of the exemption request. DOE strongly recommends that fleets review the sample exemption request available at the website provided above. If your fleet chooses not to use the recommended Online Exemption Request Tool (see above), submit your exemption request by email to regulatory.info@nrel.gov or by mail to the following address.

Regulatory Manager
Alternative Fuel Transportation Program
 Vehicle Technologies Office (EE-2G)
 U.S. Department of Energy
 1000 Independence Avenue, S.W. Washington, DC
 20585-0121

Within 45 business days of receiving an adequate request, DOE will issue a written determination of whether the fleet's request for an exemption has been granted. If the exemption request is denied, the fleet may file an appeal within 30 working days of the date of DOE's determination. It may be helpful to review "Prior Decisions" provided on the DOE Office of Hearings and Appeals' website (energy.gov/ohal/office-hearings-and-appeals) to learn about previous decisions on appeals for the Alternative Fuel Transportation Program. Appeals must be sent to the following address.

Office of Hearings and Appeals
 U.S. Department of Energy
 1000 Independence Avenue, S.W.
 Washington, DC 20585-0121

2-6 Alternative Fuel Provider Annual Reporting Requirements

Each covered alternative fuel provider fleet must file an annual report with DOE. As indicated above, if an alternative fuel provider's fleets are tracking their compliance separately, the alternative fuel provider may choose to:

- Collect all reports and submit them to DOE at one time,
or
- Have each separate fleet submit its report directly to DOE.

Fleets may submit annual reports during the relevant model year, but they must be submitted no later than December 31 following that model year. For example, a report for model year 2014, which began on September 1, 2013, is due by December 31, 2014.

Fleets must retain copies of their vehicle-acquisition records and compliance reports for three years beyond the due date of the report or the date it is filed (whichever is later). For example, materials related to a report filed on November 1, 2014, for the 2014 model year (due December 31, 2014), must be retained by the fleet until December 31, 2017.

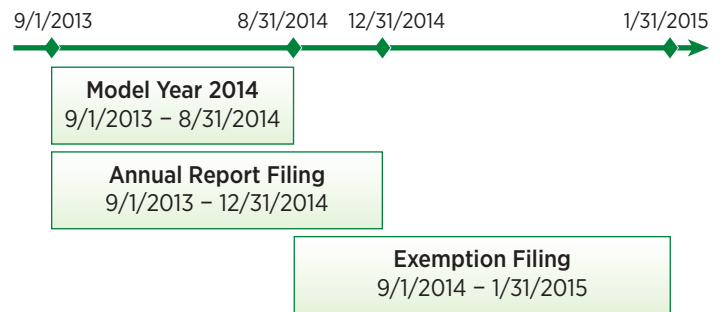
Filing an Annual Report

Annual reports can be submitted to DOE using the online database or the spreadsheet template, both of which are described below. Please do not create your own form for your fleet's annual report. The list below provides the only accepted methods for submitting your acquisition information to DOE. DOE strongly encourages the use of online and electronic forms and electronic submittal of such forms.

- Option 1: Report Online via the Internet**
 The AFV Acquisition and Credits Database can be accessed at eere.energy.gov/vehiclesandfuels/epact/annual_report.html. Enter the requested data into the online forms and submit them.
- Option 2: Complete a Downloadable Spreadsheet**
 The Excel spreadsheet template can be downloaded from the website noted above. Download a spreadsheet file and complete the spreadsheet. Submit the completed spreadsheet by email at epact.sfp.fleets@nrel.gov.

Reminder

A model year runs from September 1 of one year through August 31 of the following year. Model year 2014, for example, began on September 1, 2013, and ends on August 31, 2014.



Example timeline for Standard Compliance reporting in model year 2014

Section 3 — AFV Credit Program

The AFV Credit Program gives state and alternative fuel provider fleets some flexibility in meeting their requirements without sacrificing the overall Alternative Fuel Transportation Program's national energy-security goals. Fleets that exceed their EPCA requirements receive AFV credits they can use in the future. Fleets that are unable to meet their EPCA requirements may purchase or otherwise acquire credits from those holding them.

3-1 Earning AFV Credits Under the Program

States and alternative fuel providers may earn AFV credits in the following ways:

- Acquiring AFVs in greater numbers than required in any model year (including by acquiring AFVs of more than 8,500-pound gross vehicle weight rating after light-duty AFV acquisition requirements have been met); **or**
- Acquiring AFVs (light-duty AFVs as well as medium- or heavy-duty AFVs) earlier than required.
- Acquiring neighborhood electric vehicles— $\frac{1}{4}$ AFV credit;
- Acquiring medium- or heavy-duty fuel cell electric vehicles that are not AFVs (because they are not fueled by hydrogen or some other alternative fuel) or medium- or heavy-duty hybrid electric vehicles that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel), but only after the fleet's light-duty AFV-acquisition requirements have been met— $\frac{1}{2}$ AFV credit;
- Investing at least \$25,000 in alternative fuel infrastructure—1 AFV credit for every \$25,000 invested;
- Investing at least \$25,000 in alternative fuel non-road equipment—1 AFV credit for every \$25,000 invested;
- Investing at least \$50,000 in an emerging technology—2 AFV credits for the first \$50,000 invested and 1 AFV credit for every \$25,000 thereafter.

DOE will allocate one credit for each AFV that a covered state or alternative fuel provider fleet acquires beyond the light-duty AFV acquisition requirements for any model year, and one credit per AFV for each year that the vehicle was acquired prior to the model year in which the requirements became applicable.

As detailed in DOE's final rule under section 133 of EISA, starting with model year 2014, covered fleets may also earn AFV credits, in the stated amounts, for the following vehicle acquisitions and investments:

- Acquiring light-duty hybrid electric vehicles that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel)— $\frac{1}{2}$ AFV credit;
- Acquiring light-duty plug-in hybrid electric vehicles that are not AFVs (because they are not equipped with an engine that is capable of operating on a liquid or gaseous alternative fuel *and* also do not qualify as dual fueled electric automobiles)— $\frac{1}{2}$ AFV credit;
- Acquiring light-duty fuel cell electric vehicles that are not AFVs (because they are not fueled by hydrogen or some other alternative fuel)— $\frac{1}{2}$ AFV credit;

Several of these AFV credit opportunities are discussed more fully below. Definitions of the key terms can be found in Appendix A.

Light-duty hybrid electric vehicles (HEVs) that are equipped with an engine that operates solely on a liquid (e.g., E85) or gaseous (e.g., CNG) alternative fuel (dedicated vehicles) or an engine that is capable of operating on such an alternative fuel and on gasoline/diesel (dual fueled vehicles) already qualify as AFVs. Those light-duty HEVs that are not AFVs—because they lack this type of engine—earn $\frac{1}{2}$ AFV credit when acquired by covered fleets under the Program.

Plug-in electric drive vehicles include battery electric vehicles, which are AFVs, and plug-in hybrid electric vehicles (PHEVs). Light-duty PHEVs equipped with an engine that operates solely on, or one that is capable of operating on, a liquid or gaseous alternative fuel, also are AFVs, as are those light-duty PHEVs that, because they meet the National Highway Traffic Safety Administration's (NHTSA) minimum driving range requirement (i.e., they completed both the 7.5-mile EPA urban test cycle and the 10.2-mile EPA highway test cycle on electricity alone), are treated by NHTSA as dual fueled electric automobiles for corporate average fuel economy purposes. Light-duty PHEVs that are not AFVs—because they lack such an engine and do not qualify as dual fueled electric automobiles—likewise earn $\frac{1}{2}$ AFV credit when acquired by covered fleets.

Alternative fuel infrastructure encompasses fueling stations for vehicles that operate on liquid or gaseous alternative fuels and charging or battery exchange stations for vehicles propelled by electricity. Covered fleets that invest in such infrastructure during a model year earn 1 AFV credit for each \$25,000 invested, up to a maximum of 10 credits for publicly accessible stations and 5 credits for stations that are not publicly accessible, with an aggregate maximum of 10 credits per model year. Importantly, the public or private station must be put into operation during the model year for which AFV credit is sought.

Alternative fuel non-road equipment includes mobile cargo and handling equipment (e.g., forklifts) and mobile farm, landscaping, and construction equipment (e.g., riding lawnmowers, forklifts, tractors, bulldozers, backhoes). Covered state and alternative fuel provider fleets that invest in (i.e., acquire) such equipment during a model year earn 1 AFV credit for each \$25,000 invested, up to a maximum of 5 credits per model year. For credit to be allocated, the fleet must demonstrate that the non-road equipment is being operated on alternative fuel and was put into operation during the model year for which AFV credit is sought.

Emerging technology refers to pre-production or pre-commercially available versions of a fuel cell electric vehicle, HEV, medium- or heavy duty electric or fuel cell electric vehicle, neighborhood electric vehicle, or plug-in electric drive vehicle. Covered fleets that invest in (i.e., acquire) such technology earn 2 AFV credits for the first \$50,000 invested and 1 AFV credit for each additional \$25,000 invested, up to a maximum of 5 AFV credits per model year. For credit to be allocated, the fleet must demonstrate that the pre-production vehicle(s) was not otherwise allocated credit under the Program and was put into operation during the model year for which AFV credit is sought.

For each of the investment categories, DOE does not allocate fractional credits, which is to say investing \$15,000 in alternative fuel infrastructure will not generate any AFV credit, while investing \$35,000 during that same model year in alternative fuel non-road equipment will generate only 1 AFV credit. Covered fleets, however, may aggregate the monetary sums invested in a particular model year to reach an applicable credit threshold. Thus, a fleet may combine the \$15,000 that it invested in an alternative fueling or charging station with the excess (i.e., un-credited) \$10,000 that it invested in alternative fuel non-road equipment to earn a total of 2 AFV credits.

To receive AFV credit for any of the above AFVs, non-AFV vehicles, or investments, covered state and alternative fuel provider fleets must make sure to include a credit activity report with their annual report. DOE maintains a credit account for each fleet that obtains an AFV credit, and sends an annual credit account statement to each fleet that submits a credit activity report.

3-2 Transferring Earned Credits

Credits may be transferred to:

- Any state fleet that is required to acquire AFVs; or
- Any alternative fuel provider subject to the Program, although a state that transfers a credit to an alternative fuel provider must provide to the alternative fuel provider certification that the credit represents a vehicle that operates solely on alternative fuel whenever available. (Alternative fuel provider fleets must operate their AFVs on alternative fuel whenever it is available.)

Credits may be bought, sold, given away, or traded. After locating a buyer or seller, print and complete the Proof of Credit Transfer form. This form, which includes instructions on how to complete it, requires the original dated signatures of both the buying and selling parties. If your fleet buys, sells, or transfers credits, then it must provide proof of the transfer on a form available from DOE online at eere.energy.gov/vehiclesandfuels/lepact/. This documentation should be received by DOE within 30 days of the transfer date and should be sent to the following address.

Regulatory Manager

Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-2G)
U.S. Department of Energy
1000 Independence Avenue, S.W. Washington, DC
20585-0121

A copy of the credit transfer form also should be sent via email to regulatory.info@nrel.gov.

Fleets that are interested in buying or selling credits to meet annual AFV-acquisition requirements or resolve credit deficiencies may find it helpful to check the Credits Bulletin Board (afdc.energy.gov/vehiclesandfuels/lepact/state/progslvwbl/vwb.cgi) or check the list of Fleets with Excess Credits (afdc.energy.gov/vehiclesandfuels/lepact/state/progslpublic_rpt.cgi).

Section 4 — Requests for Interpretive Rulings and Rulemaking Petitions

Any organization that is or could be subject to the Program regulations has the right to request an interpretive ruling from DOE. An interpretive ruling is used to obtain a determination from DOE on how the regulation(s) applies to certain facts. An interpretive ruling only applies to the party that requested it.

DOE can choose whether to provide public notice of the request for an interpretive ruling and whether it will request public comments on it. DOE may conduct an investigation to make its determination. DOE's ruling is limited to the requestor only, although DOE may rely upon previous interpretive rulings. Additionally, DOE's ruling is conditioned solely upon the specific facts and circumstances set forth in the request. Details on how to file an interpretive ruling request are included in 10 CFR Section 490.5.

Submit requests for interpretive rulings to the following address.

Office of Energy Efficiency and Renewable Energy
(EE-2G)
U.S. Department of Energy
1000 Independence Avenue, S.W. Washington, DC
20585-0121

A petition for generally applicable rulemaking, addressed in 10 CFR Section 490.6, differs from an interpretive ruling request. Such a petition is used specifically to seek a modification of the regulations rather than an interpretation of how they apply to particular facts (although a request for an interpretive ruling also may include a request that clarification be added to the regulation). In the case of a petition, the full procedures for agency rulemaking are invoked (e.g., public notice, opportunity for comments, hearings). Additionally, once DOE has issued its determination on a petition for generally applicable rulemaking, the determination applies to all parties and not just the requestor. It therefore must be published in the *Federal Register*.

Section 5 — Enforcement

Under EPCAct, Congress granted DOE enforcement authority. Fleets that violate the requirements of the Alternative Fuel Transportation Program may incur the following penalties and fines.

1. Whoever violates the program may be subject to a civil penalty of \$8,523 for each violation.
2. Whoever willfully violates the program may be subject to a criminal fine of not more than \$10,000 for each violation.
3. Any person who knowingly and willfully violates the program after having been subjected to a civil penalty for a prior violation may be subject to a criminal fine of not more than \$50,000 for each subsequent violation.

Except for repeated violations or other unusual circumstances, DOE will notify individuals at least 90 days in advance of its intention to bring an enforcement action.

Refer to 10 CFR 490, Part 490, Subpart G (Investigations and Enforcement) for details on Assessments, Orders to Pay, Hearings, General or Special Orders, and Appeals.

Appendix C of this guide provides additional sources of helpful information concerning alternative fuels, AFVs, and the Alternative Fuel Transportation Program.

Appendix A — Glossary of Terms and Acronyms

Acquire. To take a vehicle into possession or control, such as through purchase or lease.

Act. The Energy Policy Act of 1992 (Public Law No. 102-486) and any amendments thereto.

Affiliate. A person who, directly or indirectly, controls, is controlled by, or is under common ownership or control of the subject person.

After-Market Converted Vehicle. An original equipment manufacturer's vehicle that is reconfigured by a conversion company. The vehicle is not under contract to the original equipment manufacturer to operate on an alternative fuel, and its conversion kit components are under warranty of the conversion company. (This applies to both dedicated and dual fueled vehicles.)

AFV. Alternative fuel vehicle.

Alternative Fuel. Methanol, denatured ethanol, and other alcohols; mixtures containing 85% or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas, including liquid fuels domestically produced from natural gas; liquefied petroleum gas; hydrogen; coal-derived liquid fuels; fuels (other than alcohol) derived from biological materials (including neat biodiesel); P-Series blends (as defined below); and electricity (including electricity from solar energy).

Alternative Fuel Infrastructure. Property used for one of these purposes:

- Storing and dispensing an alternative fuel into the fuel tank of a motor vehicle propelled by such fuel
- Recharging motor vehicles or neighborhood electric vehicles propelled by electricity.

Alternative Fuel Non-Road Equipment. Mobile, non-road equipment that operates on alternative fuel (including but not limited to forklifts, tractors, bulldozers, backhoes, front-end loaders, and rollers/compactors).

Alternative Fuel Transportation Program. The U.S. Department of Energy program concerned with accelerating the introduction of alternative fuel vehicles into public and private fleets, and in interpreting the regulations applicable to state and alternative fuel provider fleets, found at 10 CFR Part 490.

Alternative Fuel Vehicle (AFV). A dedicated vehicle or a dual fueled vehicle, as those terms are defined below.

Alternative Fuels Business. Activities undertaken to derive revenue from (1) producing, storing, refining, processing, transporting, distributing, importing, or selling at wholesale or retail any alternative fuel other than electricity; or (2) generating, transmitting, importing, or selling electricity at wholesale or retail prices.

Assistant Secretary. The Assistant Secretary for Energy Efficiency and Renewable Energy or any other DOE official to whom the Assistant Secretary's duties may be redelegated by the Secretary or Assistant Secretary.

Automobile. A four-wheeled vehicle propelled by conventional or alternative fuel, manufactured primarily for use on public streets, roads, and highways and having a gross vehicle weight rating of less than 10,000 lb, except: (1) A vehicle operated only on a rail line; (2) a vehicle manufactured in different stages by two or more original equipment manufacturers, if no intermediate or final-stage original equipment manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or (3) a work truck.

B20. A mixture of 20% biodiesel and 80% standard diesel fuel (by volume). Fleets may purchase biodiesel fuel in blends of B20 or higher for use in vehicles with a gross vehicle rating of greater than 8,500 lb. and thereby meet up to 50% of their annual AFV-acquisition requirements.

Bi-Fuel Vehicles. Vehicles that have two fuel systems, an alternative fuel system and a conventional fuel system, and which may operate on one fuel at a time or—in some medium- and heavy-duty systems—on a combination of alternative and conventional fuels.

Biodiesel Fuel. A diesel fuel substitute produced from non-petroleum renewable resources that meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545), including biodiesel derived from: (i) animal wastes, including poultry fats and poultry wastes, and other waste materials; or (ii) municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater. Covered fleets that use neat biodiesel (B100 or 100% biodiesel) or a blend of bio-diesel that is B20 (20% biodiesel and

80% diesel) or greater in medium- or heavy-duty vehicles may earn credits toward their annual AFV-acquisition requirements. Each 450 gallons of neat biodiesel equals one AFV credit. Credits obtained in this manner may not be banked for future use.

Business Unit. A semi-autonomous major grouping of activities for administrative purposes and organizational structure within a business entity and which is controlled by or is under the control of the subject person.

Centrally Fueled or Capable of Being Centrally Fueled.

A vehicle that can be fueled at least 75% of the time at a location that is owned, operated, or controlled by the fleet or covered person, or at a location that is under contract or could be under contract with the fleet or covered person for fueling purposes. DOE also defines centrally fueled as being conditioned on whether 75% of a vehicle's total annual miles traveled are derived from trips that are less than the operational range of the vehicle.

CFR. Code of Federal Regulations.

CMSA. Consolidated Metropolitan Statistical Area.

Code of Federal Regulations (CFR). The Code of Federal Regulations is the codification of the general and permanent rules and regulations (sometimes called administrative law) published in the *Federal Register* by the executive departments and agencies of the federal government of the United States.

Control. When “control” is used in the context of determining whether one person controls another or whether two persons are under common control, it means any one or a combination of the following: (1) a third person or firm has equity ownership of 51% or more in each of two firms; (2) two or more firms have common corporate officers, in whole or in substantial part, who are responsible for the day-to-day operation of the companies; or (3) one firm leases, operates, supervises, or in 51% or greater part owns equipment or facilities used by another person or firm, or has equity ownership of 51% or more of another firm.

When “control” is used to refer to the management of vehicles, it means a person has the authority to decide who may operate a particular vehicle, and can determine the purposes for which the vehicle may be operated.

When “control” is used to refer to the management of people, it means a person has the authority to direct the activities of another person or employee in a precise situation, such as in the workplace.

Covered Person. An alternative fuel provider covered under the Alternative Fuel Transportation Program.

Dealer Demonstration Vehicle. Any vehicle that is operated by a motor vehicle dealer solely for the purpose of promoting motor vehicle sales—either on the sales lot or through other marketing or sales promotions—or for permitting potential purchasers to drive the vehicle for prepurchase or pre-lease evaluation.

Dedicated Vehicle. An automobile that operates solely on one or more alternative fuels, or a motor vehicle (other than an automobile) that operates solely on one or more alternative fuels.

Division. A major administrative unit of an enterprise, comprising at least several enterprise units or constituting a complete integrated unit for a specific purpose and that is controlled by or is under the control of the subject person.

DOE. U.S. Department of Energy.

DOT. U.S. Department of Transportation.

Dual Fueled Vehicle. (1) An automobile that meets the criteria for a dual fueled automobile as set forth in 49 U.S.C. 32901 (a)(9); or (2) a motor vehicle, other than an automobile, that is capable of operating on alternative fuel and on gasoline or diesel.

ECRA. Energy Conservation Reauthorization Act of 1998.

EERE. U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy.

EISA. Energy Independence and Security Act of 2007.

Emergency Motor Vehicle. Any vehicle that is legally authorized by a government authority to exceed the speed limit to transport people and equipment to and from situations in which speed is required to save lives or property, such as a rescue vehicle, fire truck, or ambulance.

Emerging Technology. A pre-production or pre-commercially available version of a fuel cell electric vehicle, hybrid electric vehicle, medium- or heavy-duty electric vehicle, medium- or heavy-duty fuel cell electric vehicle, neighborhood electric vehicle, or plug-in electric drive vehicle.

EPAct. Energy Policy Act of 1992.

EPAct 2005. Energy Policy Act of 2005.

Fleet. Except as provided by 10 CFR Section 490.3, a group of 20 or more light-duty motor vehicles used primarily in a Metropolitan Statistical Area or Consolidated Metropolitan Statistical Area (as established by the U.S. Bureau of the Census as of December 31, 1992), with a 1980 Census population of more than 250,000 (see Appendix B), and which is centrally fueled or capable of being centrally fueled, and which is owned, operated, leased, or otherwise controlled by: (1) a person who owns, operates, leases, or otherwise controls 50 or more light-duty motor vehicles within the United States and its possessions and territories; (2) any person who controls such a person; (3) any person controlled by such a person; or (4) any person under common control with such a person.

Fuel Cell Electric Vehicle. A motor vehicle or non-road vehicle that uses a fuel cell. A fuel cell is a device that directly converts the chemical energy of a fuel, which is supplied from an external source, and an oxidant into electricity by electrochemical processes occurring at separate electrodes in the device.

Hybrid Electric Vehicle. A motor vehicle that draws propulsion energy from onboard sources of stored energy that are both an internal combustion or heat engine using consumable fuel and a rechargeable energy storage system. For more, see the definition of a “new qualified hybrid motor vehicle” in section 30B(d)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 30B(d)(3)).

Law Enforcement Motor Vehicle. Any vehicle that is primarily operated by a civilian or military police officer or sheriff, or by personnel of the Federal Bureau of Investigation, the Drug Enforcement Administration, or other agencies of the federal government, or by state highway patrols, municipal law enforcement, or other similar enforcement agencies, and which is used for the purpose of law-enforcement activities including (but not limited to) chase, apprehension, surveillance, or patrol of parties engaged in or potentially engaged in unlawful activities.

LDV. Light-duty motor vehicle.

Lease. The use and control of a motor vehicle for transportation purposes pursuant to a rental contract or similar arrangement and having a term of 120 days or longer.

Light-Duty Motor Vehicle (LDV). A light-duty truck or light-duty vehicle as defined under the Clean Air Act, section 216(7) (42 U.S.C. §7550(7)), having a gross vehicle weight rating of 8,500 lb or less prior to any aftermarket conversion.

Low-Speed Vehicle (LSV). Vehicles that are limited to a maximum speed of 25 miles per hour (mph) and that are not required to meet all the safety regulations of full-size passenger vehicles. These vehicles are never permitted to operate on highways.

MD/HD. A medium-duty or heavy-duty vehicle, which is a vehicle with a gross vehicle weight rating greater than 8,500 lb.

Medium- or Heavy-Duty Electric Vehicle. An electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight rating of more than 8,500 pounds..

Medium- or Heavy-Duty Fuel Cell Electric Vehicle. A fuel cell electric vehicle with a gross vehicle weight rating of more than 8,500 pounds.

Motor Vehicle. A self-propelled vehicle, other than a non-road vehicle, designed for transporting persons or property on a street or highway.

MSA. Metropolitan Statistical Area.

NEV. Neighborhood electric vehicle.

Neighborhood Electric Vehicle (NEV). A 4-wheeled, on-road or non-road vehicle that:

- Has a top attainable speed in 1 mile of more than 20 miles per hour and not more than 25 miles per hour on a paved, level surface
- Is propelled by an electric motor and an on-board, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

New LDV or Vehicle. A “new” LDV or vehicle is one that was not previously in the possession or under the control of the state fleet or alternative fuel provider, no matter when the vehicle was manufactured.

Non-Road Vehicle. This term includes vehicles used principally for industrial, farming, or commercial use; those used for rail transportation, at an airport, or for marine purposes; and other vehicles not licensed for on-road use.

Normal Requirements and Practices. The operating business practices and required conditions under which the principal business of the covered person operates.

OEM. Original equipment manufacturer.

Original Equipment Manufacturer (OEM) Vehicle. A vehicle engineered, designed, produced, and warranted by an original equipment manufacturer.

Person. In the United States, any individual, partnership, corporation, voluntary association, joint stock company, business trust, governmental entity, or other legal entity except United States Government entities.

Plug-In Electric Drive Vehicle. A vehicle that:

- Draws motive power from a battery with a capacity of at least 4 kWh
- Can be recharged from an external source of electricity for motive power
- Is a light-, medium-, or heavy-duty motor vehicle or non-road vehicle, as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)
- In the case of a plug-in hybrid electric vehicle, also includes an on-board method of charging the energy storage system and/or providing motive power.

Principal Business. An entity's sales-related activity that produces the greatest revenue.

Program. In this document, "program" refers to the Alternative Fuel Transportation Program, as set forth in 10 CFR 490, implementing statutorily imposed AFV-acquisition requirements for certain state agency and alternative fuel provider fleets.

P-Series Blends. Fuels termed "P-Series blends" (manufactured by the Pure-Energy Corporation) consist of ethanol and methyltetrahydrofuran and have at least 60% non-petroleum components. These were designated as alternative fuels in a final rulemaking on May 17, 1999. For more information on P-Series blends, refer to 64 Federal Register 26822 and the Pure-Energy website, www.pure-energy.com/products/pseries.html.

State. Any of the 50 U.S. states, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

Substantial Portion. At least 30% of the annual gross revenue of a covered person is derived from the sale of alternative fuels.

Substantially Engaged. A covered person, affiliate, division, or other business unit thereof regularly derives sales-related gross revenue from an alternative fuels business.

Used Primarily. A majority of a vehicle's total annual miles are accumulated within a covered metropolitan or consolidated metropolitan statistical area.

Work Truck. A vehicle having a gross vehicle weight rating of more than 8,500 lb. and less than or equal to 10,000 lb. that is not a medium-duty passenger vehicle as that term is defined in 40 CFR 86.1803-01.

Appendix B — Metropolitan Statistical Areas and Consolidated Metropolitan Statistical Areas with 1980 Populations of 250,000 or More (from 10 CFR 490)

| Area | States Encompassed | Area | States Encompassed |
|----------------------------------|-----------------------|--|--------------------|
| Albany-Schenectady-Troy MSA | NY | Duluth-Superior MSA | MN-WI |
| Albuquerque MSA | NM | El Paso, MSA | TX |
| Allentown-Bethlehem-Easton MSA | PA | Erie MSA | PA |
| Appleton-Oshkosh-Neenah MSA | WI | Eugene-Springfield MSA | OR |
| Atlanta MSA | GA | Evansville-Henderson MSA | IN-KY |
| Augusta-Aiken MSA | GA-SC | Fort Wayne MSA | IN |
| Austin-San Marcos MSA | TX | Fresno MSA | CA |
| Bakersfield MSA | CA | Grand Rapids-Muskegon-Holland MSA | MI |
| Baton Rouge MSA | LA | Greensboro-Winston Salem-High Point MSA | NC |
| Beaumont-Port Arthur MSA | TX | Greenville-Spartanburg-Anderson MSA | SC |
| Binghamton MSA | NY | Harrisburg-Lebanon-Carlisle MSA | PA |
| Birmingham MSA | AL | Hartford MSA | CT |
| Boise City MSA | ID | Hickory-Morgantown MSA | NC |
| Boston-Worcester-Lawrence CMSA | MA-NH-ME-CT | Honolulu MSA | HI |
| Buffalo-Niagara Falls MSA | NY | Houston-Galveston-Brazoria CMSA | TX |
| Canton-Massillon MSA | OH | Huntington-Ashland MSA | WV-KY-OH |
| Charleston MSA | SC | Indianapolis MSA | IN |
| Charleston MSA | WV | Jackson MSA | MS |
| Charlotte-Gastonia-Rock Hill MSA | NC-SC | Jacksonville MSA | FL |
| Chattanooga MSA | TN-GA | Johnson City-Kingsport-Bristol MSA | TN-VA |
| Chicago-Gary-Kenosha CMSA | IL-IN-WI | Johnstown MSA | PA |
| Cincinnati-Hamilton CMSA | OH-KY-IN | Kalamazoo-Battle Creek MSA | MI |
| Cleveland-Akron CMSA | OH | Kansas City MSA | MO-KS |
| Colorado Springs MSA | CO | Knoxville MSA | TN |
| Columbia MSA | SC | Lakeland-Winter Haven MSA | FL |
| Columbus MSA | GA-AL | Lancaster MSA | PA |
| Columbus MSA | OH | Lansing-East Lansing MSA | MI |
| Corpus Christi MSA | TX | Las Vegas MSA | NV-AZ |
| Dallas-Fort Worth CMSA | TX | Lexington MSA | KY |
| Davenport-Moline-Rock Island MSA | IA-IL | Little Rock-N. Little Rock MSA | AR |
| Dayton-Springfield MSA | OH | Los Angeles-Riverside-Orange County CMSA | CA |
| Daytona Beach MSA | FL | Louisville MSA | KY-IN |
| Denver-Boulder-Greeley CMSA | CO | Macon MSA | GA |
| Des Moines MSA | IA | Madison MSA | WI |
| Detroit-Ann Arbor-Flint CMSA | MI | McAllen-Edinburg-Mission MSA | TX |

| Area | States Encompassed |
|--|--------------------|
| Melbourne-Titusville-Paim Bay MSA | FL |
| Memphis MSA | TN-AR-MS |
| Miami-Fort Lauderdale CMSA | FL |
| Milwaukee-Racine CMSA | WI |
| Minneapolis-St. Paul MSA | MN-WI |
| Mobile MSA | AL |
| Modesto MSA | CA |
| Montgomery MSA | AL |
| Nashville MSA | TN |
| New London-Norwich MSA | CT-RI |
| New Orleans MSA | LA |
| New York-N. New Jersey-Long Island CMSA | NY-NJ-CT-PA |
| Norfolk-Virginia Beach-Newport News- MSA | VA-NC |
| Oklahoma City MSA | OK |
| Omaha MSA | NE-IA |
| Orlando MSA | FL |
| Pensacola MSA | FL |
| Peoria-Pekin MSA | IL |
| Philadelphia-Wilmington-Atlantic City CMSA | PA-NJ-DE-MD |
| Phoenix-Mesa MSA | AZ |
| Pittsburgh MSA | PA |
| Portland-Salem CMSA | OR-WA |
| Providence-Fall River-Warwick MSA | RI-MA |
| Raleigh-Durham-Chapel Hill MSA | NC |
| Reading MSA | PA |
| Richmond-Petersburg MSA | VA |
| Rochester MSA | NY |
| Rockford MSA | IL |

| Area | States Encompassed |
|--|--------------------|
| Sacramento-Yolo CMSA | CA |
| Saginaw-Bay City-Midland MSA | MI |
| St. Louis MSA | MO-IL |
| Salinas MSA | CA |
| Salt Lake City-Ogden MSA | UT |
| San Antonio MSA | TX |
| San Diego MSA | CA |
| San Francisco-Oakland-San Jose CMSA | CA |
| San Juan-Caguas-Arecibo MSA | PR |
| Santa Barbara-Santa Maria-Lompoc MSA | CA |
| Scranton-Wilkes Barre-Hazleton MSA | PA |
| Seattle-Tacoma-Bremerton CMSA | WA |
| Shreveport-Bossier City MSA | LA |
| Spokane MSA | WA |
| Springfield MSA | MA |
| Stockton-Lodi MSA | CA |
| Syracuse MSA | NY |
| Tampa-St. Petersburg-Clearwater MSA | FL |
| Toledo MSA | OH |
| Tucson MSA | AZ |
| Tulsa MSA | OK |
| Utica-Rome MSA | NY |
| Washington-Baltimore CMSA | DC-MD-VA-WV |
| West Palm Beach-Boca Raton MSA | FL |
| Wichita MSA | KS |
| York MSA | PA |
| Youngstown-Warren MSA | OH |

Appendix C — Additional Sources of Information on Alternative Fuels, Alternative Fuel Vehicles, and the U.S. Department of Energy’s Alternative Fuel Transportation Program

| Resource | Information Available | Contact Information |
|--|--|--|
| Alternative Fuels and Advanced Vehicles Data Center | Information (provided without charge) on alternative transportation fuels and alternative fuel vehicles | Website: afd.energy.gov |
| Alternative Fuel Transportation Program | General information on DOE’s Alternative Fuel Transportation Program | Website: eere.energy.gov/vehiclesandfuels/epact Phone: 202-586-9171 Fax: 202-586-1610 Email: regulatory.info@nrel.gov |
| Program Manager, Alternative Fuel Transportation Program | For general correspondence concerning DOE’s Alternative Fuel Transportation Program | Regulatory Manager Alternative Fuel Transportation Program Vehicle Technologies Program (EE-2G) U.S. Department of Energy 1000 Independence Avenue, S.W. Washington, DC 20585-0121 |
| Clean Cities | Information on the Clean Cities program (a voluntary federal program designed to accelerate and expand the use of AFVs in urban communities and to provide refueling and maintenance facilities for their operation) | Website: eere.energy.gov/cleancities/ |

DISCLAIMER

This publication is intended to familiarize interested parties with the requirements of the U.S. Department of Energy's Alternative Fuel Transportation Program, 10 CFR Part 490. It is not intended as a complete representation of the regulation, nor does it contain the complete information necessary for compliance with the regulation. In the event of any discrepancy, real or perceived, between the language of this publication and that of the regulation, the language of the regulation should be considered as governing.

For more information, visit
eere.energy.gov/vehiclesandfuels/epact
or contact the Regulatory Information Line at
202-586-9171 or regulatory.info@nrel.gov.

U.S. DEPARTMENT OF
ENERGY | Energy Efficiency &
Renewable Energy

Prepared by the National Renewable Energy Laboratory (NREL), a national laboratory of the U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy; NREL is operated by the Alliance for Sustainable Energy, LLC.

DOE/GO-102014-4347 • March 2014

Printed with a renewable-source ink on paper containing at least 50% wastepaper, including 10% post consumer waste.

Cover photos clockwise from right by: Pearson Fuels, NREL 16745; Coulomb Technologies; Pat Corkery, NREL 18192; and Pat Corkery, NREL 18099