

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

The Energy Policy Act of 1992 (EPAAct) 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). The 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.

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 (otherwise known as the State and Alternative Fuel Provider Fleet Program), as codified in 10 CFR Part 490, implements provisions in Titles III and V of the EPAAct, as amended. These provisions call for DOE to:

- Issue rules requiring state government and alternative fuel provider fleets to acquire AFVs in certain percentages
- Establish a mechanism 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
- Establish regulations allowing fleets to reduce petroleum use in lieu of acquiring AFVs
- Establish reporting procedures
- Authorize exemptions in certain instances
- Establish enforcement procedures and provisions.

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; specifies to whom and to what extent the requirements apply; provides procedures for exemptions and administrative remedies; and sets forth a mechanism 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.

State agencies and alternative fuel providers covered by these provisions must take steps to ensure compliance. Covered fleets have two methods through which to comply with the 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 often.

Alternative Compliance

Find guidance regarding the Alternative Compliance option on the E Pact website (epact.energy.gov/alternative-compliance).

Section 1 covers state government fleets. **Section 2** covers alternative fuel provider fleets. **Sections 3 through 5** cover the credit program, interpretive rulings, and enforcement, and are of interest to all covered fleets. Likewise, the three appendices 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 and CMSAs, respectively) that are used to determine whether a fleet is covered under the E Pact. **Appendix C** provides additional information about alternative fuels, AFVs, and the Alternative Fuel Transportation Program.

Questions can be directed to DOE by 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 regulations, the language of the regulations (10 CFR Part 490) always governs.

Section 1 — State Government Fleets

This section assists state government and state agency fleets in determining whether they are required to acquire alternative fuel vehicles (AFVs) under the Energy Policy Act (EPAAct) of 1992, as amended. 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 A State Fleet is Covered under the Alternative Fuel Transportation Program

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

- The fleet owns, operates, leases, or otherwise controls 50 or more light-duty vehicles (LDVs) (8,500-pounds 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).
- At least 20 of those LDVs are used primarily in any single Metropolitan Statistical Area (MSA) or Consolidated Metropolitan Statistical Area (CMSA) (see Appendix B).
- 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 on the Statutes and Regulations page (epact.energy.gov/statutes-regulations)) (see the definition of “centrally fueled” in Appendix A of this document).

Examples of agencies that 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 the EPAAct or for purposes of calculating AFV-acquisition 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**
- Nonroad 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

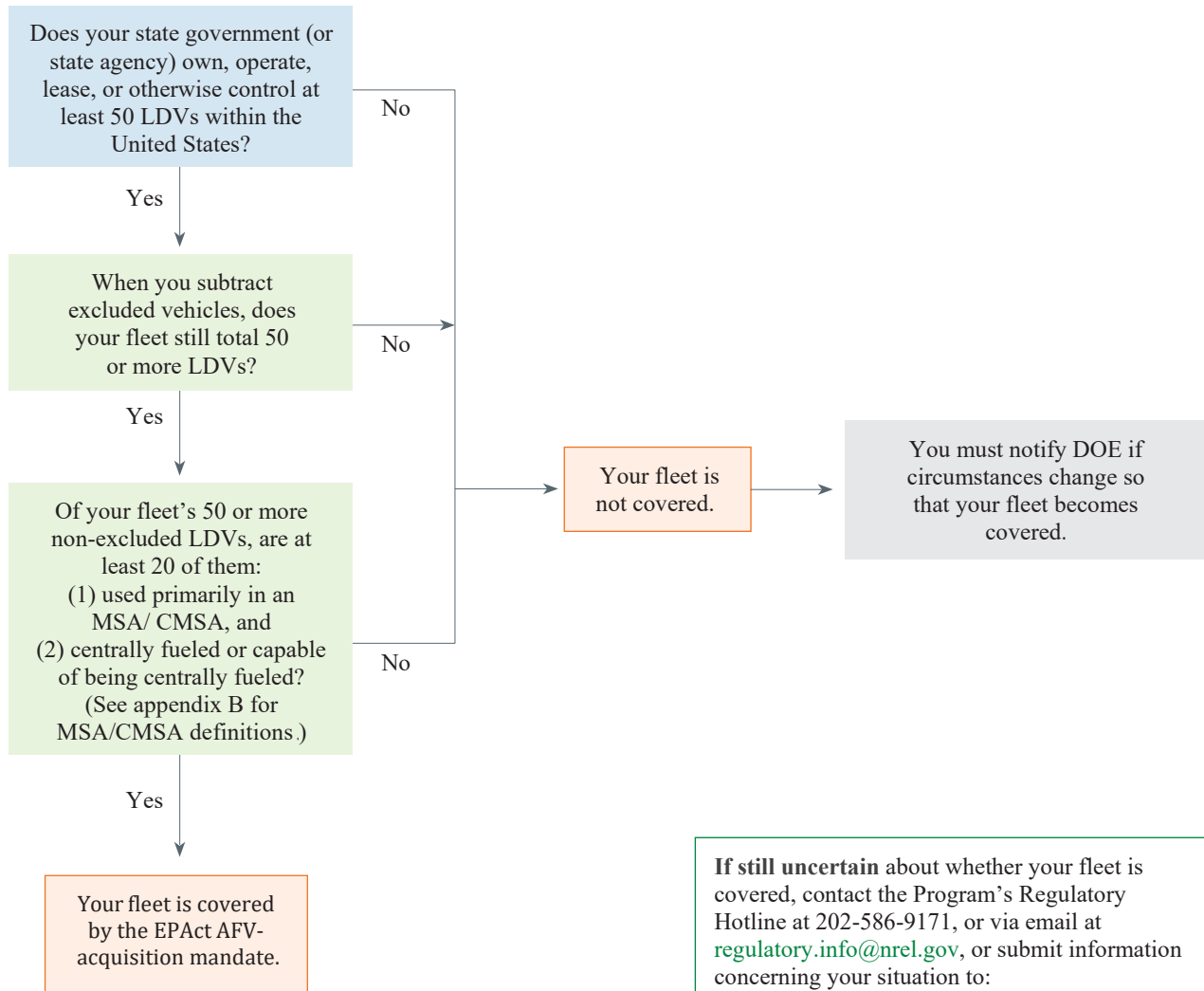
* *Consistent with section 707 of the Energy Policy Act of 2005, DOE must approve all emergency motor vehicle exclusions. Guidance on the exclusion process is found at eere.energy.gov/vehicle-sandfuels/epact/pdfs/section_707_guidance.pdf.*

** *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, 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 (see text box, this page).



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-3V)

U.S. Department of Energy
1000 Independence Avenue, SW

Washington, DC 20585-0121

The number of nonexcluded LDVs in your fleet and the number of your fleet's nonexcluded LDVs operating 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 decide whether they wish to comply with the AFV-acquisition requirements as a single, aggregated entity or allow individual state agencies to comply separately. DOE prefers that each state complies 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 nonexcluded LDVs acquired by all individual agency fleets regardless of any agency's location or fleet size,
 - Allow individual state agency fleets or groups of two or more fleets to count their vehicles and report their compliance separately, or
1. 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 size and location criteria (guidelines described in subsection 1-1), then that individual agency fleet is not covered under the Program; thus, it is not subject to 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. However, they must submit an annual report together as one entity or fleet.

1-3 Reporting Changes in Fleet Status

Fleet characteristics often change, and a state fleet that once was covered under the EPA Act might no longer be subject to EPA Act 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 the EPA Act requirements because of an increase in the size of its LDV fleet or a relocation of LDVs to the same MSA/CMSA. A fleet should notify DOE at the following address when such changes occur:

Regulatory Manager

Alternative Fuel Transportation Program Vehicle Technologies Office (EE-3V)
U.S. Department of Energy
1000 Independence Avenue, SW
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 Fleet AFV-Acquisition Requirements

This subsection addresses how many AFVs a covered state fleet must acquire during a specific model year 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 EPart requirements (as defined in 10 CFR Part 490) is referred to as the model year, which runs from September 1 of the previous calendar year through the following August 31. Fleets should determine whether they are subject to the Program prior to each model year. When a state fleet is subject to the EPart requirements and acquires nonexcluded LDVs that are new to the fleet, 75% of those 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. LDVs that are new to the fleet may include used vehicles (e.g., acquiring a used LDV manufactured in 2017 on October 15, 2019, a date that falls within model year 2020).

A 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 the fleet during the model year and that will be garaged within listed MSAs/CMSAs.
2. Subtract any excluded vehicles.
3. Multiply the result by 75% to get the number of nonexcluded LDVs that must be AFVs for that model year.
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 or 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.

The example worksheet to the right shows the following case:

A covered state fleet plans to acquire 105 LDVs in model year 2019 and 5 of those will be excluded vehicles because they are law enforcement vehicles. As such, of the 105 LDVs this fleet plans to acquire, at least 75 must be light-duty AFVs for the fleet to meet its EPart requirements. The online Standard Compliance reporting tool performs this calculation automatically.

Example Worksheet	
Total Planned LDV Acquisitions in Given Model Year	105
Excluded Vehicle Acquisitions	– 5
Total Nonexcluded 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.	

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

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

1-5 Meeting a Fleet’s AFV-Acquisition Requirements

Having determined both that a state fleet is covered under the EPA Act and the number of acquisitions that must be light-duty AFVs, the fleet manager may satisfy the 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) 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 fleet (regardless of when the vehicles were manufactured).
 - Any LDV acquired by a covered state fleet that operates solely on, or that can operate on an alternative fuel (a dedicated or dual-fueled vehicle) is counted toward the fleet’s AFV-acquisition requirements. This includes LDVs that are on the excluded list (e.g., emergency vehicles, law enforcement vehicles) if acquired as AFV models. To be counted, the AFV must not previously have been in the possession or under the control of the state fleet, regardless of when the vehicle was manufactured.
2. As described below and in more detail in Section 3 (AFV Credit Program), fleets may also satisfy AFV-acquisition requirements by acquiring the following electric vehicles:
 - Light-duty hybrid electric vehicles (HEVs) 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 (PHEVs) 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 do not also qualify as dual-fueled electric automobiles) —½ AFV credit.
 - 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.
 - Neighborhood electric vehicles—¼ AFV credit.
3. 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 fleet (regardless of 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 antitampering) and appropriate emissions requirements.
4. 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 fleet (regardless of when it was manufactured).
 5. Convert an LDV to operate on an alternative fuel within four months after the state fleet comes under the control of the alternative fuel provider.
 6. Additionally, as explained in Section 3, fleets may also satisfy AFV-acquisition requirements by investing in the following:
 - Alternative fuel infrastructure—1 AFV credit for every \$25,000 invested
 - Alternative fuel nonroad equipment—1 AFV credit for every \$25,000 invested
 - An emerging technology—2 AFV credits for the first \$50,000 invested and 1 AFV credit for every \$25,000 thereafter.
 7. 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).
 8. 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 a state fleet’s annual AFV-acquisition requirements.
 - Only biodiesel used in vehicles rated at more than 8,500 pounds of gross vehicle weight counts under Standard Compliance. One biodiesel fuel use credit will be counted as one AFV acquisition and will be awarded for every 450 gallons of pure biodiesel fuel (B100) used in blends of at least 20% biodiesel.¹ (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.
 - All covered fleets operating under Standard Compliance are encouraged to maximize their use of biodiesel in blends of B20 or greater. 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 available in the United States, state fleets must address their use of and capacity to use biodiesel in medium- and heavy-duty onroad diesel vehicles when they

¹ 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.

request exemptions for more than 50% of their AFV-acquisition requirements. Fleets seeking exemptions in excess of that level may justify their nonusage of biodiesel only on the basis of lack of medium- or heavy-duty diesel vehicles or nonavailability of biodiesel in their operating areas.

- More information on the use of biodiesel in the Program is available under the “Purchasing Biodiesel” section of the Standard Compliance page (epact.energy.gov/standard-compliance/?tab=4#biodiesel) and the Statutes and Regulations page (epact.energy.gov/statutes-regulations).

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

A 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 four 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. When a covered fleet orders an LDV or AFV sufficiently early in a particular model year but does not take possession or control of the vehicle until the following model year (due to no fault of the fleet), the fleet can count the vehicle as an LDV or 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 that have one fuel tank and operate on an alternative fuel, a petroleum fuel, or any mixture of the two; and (2) bi-fuel vehicles that 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 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.

Alternative Fuels Under the 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

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 the EPA Act. Also, biodiesel blends of any type do not qualify as alternative fuels, though pure/neat biodiesel (B100) and pure/neat renewable diesel

(RD100) are alternative fuels. 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, the fleet is not required to convert conventional vehicles to operate on alternative fuels. However, the fleet 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 a fleet's requirements and when those requirements have been met, yield AFV credits for future use. To qualify as an excluded vehicle, the vehicle 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, a fleet can earn AFV credits toward compliance for the acquisition of medium- or heavy-duty AFVs (and medium- or heavy-duty fuel cell electric or HEVs that are not AFVs) only after it has fulfilled its light-duty AFV-acquisition requirements for that model year. A 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 a 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 HEVs can generate credits toward AFV-acquisition requirements for the next or any subsequent model year.

What Does Not Count Toward Meeting the EPA Act Requirements

The acquisition of reformulated gasoline vehicles and clean diesel vehicles may not be counted toward the EPA Act 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 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 HEVs, 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 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 where 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 HEVs are widely available throughout the country and generate for acquiring fleets one half of an AFV credit, DOE emphasizes that 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. Therefore, a fleet seeking exemptions 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

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

Requesting an Exemption for Financial Hardship

A state fleet may apply for an exemption from its AFV-acquisition requirements for a given model year if the application of those requirements would pose an unreasonable financial hardship. DOE considers these requests on a case-by-case basis. States requesting exemptions on the basis of unreasonable financial hardship must submit compelling evidence to DOE.

Submitting Exemption Requests

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

Although DOE accepts manually assembled exemption requests, it strongly recommends that fleets pursuing exemptions use the online "Exemption Request Tool." This tool is available for approved annual reports from September 1 through January 31 following the reporting model year. Sign in to the reporting section of the website (epact.energy.gov/users/sign_in) and click on the highlighted "Request an Exemption" text next to the annual report in the fleet's Annual Reporting - Standard Method section.

The Exemption Request Tool uses a set of forms to ensure requests include all of the necessary information and attachments. Pertinent information is automatically loaded from a fleet's records already in the database. Fleets using the tool only need to complete the form fields online and attach any files that support the exemption requests. The tool automatically creates a PDF copy of each submitted request that is saved in the fleet's reports section, where it can be viewed or downloaded.

When applying for exemptions, refer first to guidance found on the Exemptions from Standard Compliance page (epact.energy.gov/exemptions). 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 may be insufficient to grant the exemption request.

DOE strongly recommends that fleets also review the sample exemption request available on its website. If a fleet chooses not to use the recommended Online Exemption Request Tool, it may submit an exemption request by email (regulatory.info@nrel.gov). Within 45 business days of receipt of a complete request, DOE will issue a written determination stating 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/oha/office-hearings-and-appeals) to learn about previous decisions on appeals under the Alternative Fuel Transportation Program. Send appeals to the following address:

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

1-7 State Fleet Annual Reporting Requirement

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

9. Collect all reports and submit them to DOE at one time
10. Have each separate agency fleet submit its report directly to DOE
11. Submit a report with fleets for some agencies grouped together.

Fleets may complete their annual reports during the relevant model year, but they must be submitted after September 1 and no later than December 31 following that model year. For example, a report for model year 2019, which began on September 1, 2018, is due by December 31, 2019.

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. For example, materials related to a report filed on November 1, 2018, for the 2018 model year (due December 31, 2018), must be retained by the state fleet until December 31, 2021.

Reminder

A model year runs from September 1 of one year through August 31 of the following year.

Model year 2019, for example, began on September 1, 2018, and ends on August 31, 2019.

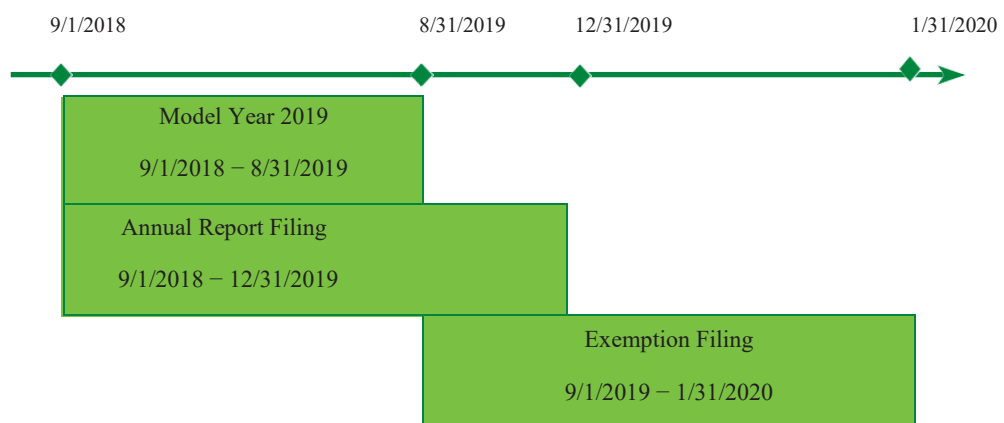


Figure 1. Example timeline for Standard Compliance reporting in model year 2019

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 a form for a fleet’s annual report. The list below provides the only

acceptable methods for submitting acquisition information to DOE. DOE strongly encourages the use of online and electronic forms—and electronic submittal of forms.

Option 1: Report Online

The AFV Acquisition and Credits Database can be accessed at: https://epact.energy.gov/users/sign_in. Enter the requested data into the online forms and submit.

Option 2: Complete a Downloadable Spreadsheet

The Excel spreadsheet template can be downloaded from the same website in Option 1. Download and complete the spreadsheet. Submit the completed spreadsheet by email to: 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 toward compliance the AFV acquisitions by any number of noncovered state fleets, municipal and local government fleets, and private fleets. In this way, the voluntary participation of fleets not covered under the Program reduces the AFV-acquisition burden that each of the covered state fleets would otherwise bear on their own. Moreover, the submitted plan may include as creditable actions the acquisition of light-duty AFVs in excluded vehicle categories—except nonroad 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 are included in a separate annual report from fleet three. Fleet combinations included in a report for a particular model year 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 otherwise responsible for any credit deficit that results from that annual report.

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

Writing a 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. It must include the following elements:

- Certification by the governor or the governor's designee that the plan meets the Program's requirements
- Identification of the covered state fleet that is submitting the plan and the point of contact responsible for its contents
- Identification of all state, municipal/local, and private fleets that will participate in the plan
- Written statement of commitment from, and the number of, AFVs that will be acquired by each plan participant
- Identification of which covered state fleet(s) will submit an annual report. For each annual report, include:

- Identification of covered and noncovered fleets that will be included in the annual report
- An estimate of the LDV count for all covered fleets in the annual report (the sum of counts for each covered fleet in the report)
- An estimate of the total AFV requirement for the annual report (the rounded product of 0.75 times the total LDV count)
- 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
- 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 to 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 submitted by a state. 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 because of a particular participant's financial or other difficulties, the state may request the unsuitable participant be substituted with a new plan participant. Of course, states can always 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 nonroad vehicles). Conversions must be made within four months of the vehicles entering a fleet.

A state must submit its Light-Duty AFV Plan no later than June 1 prior to the particular model year. An original version of the plan, plus two copies, should be sent to the following address:

Regulatory Manager
Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-3V)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0121

To facilitate receipt and review, the plan should also be submitted by email to the Program at: epact.sfp.fleets@nrel.gov.

Until DOE approves a state's Light-Duty AFV plan, the state is subject to the statutory AFV-acquisition requirements. If DOE does not approve the plan, a state may revise and resubmit its plan to DOE within a reasonable time. However, the state 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 submit proposed modifications to the plan (with adequate justifications) for DOE's consideration at any time. However, until such modifications are approved, the state must comply with its

existing commitments or the statutory acquisition requirements. Requests for modifications must be sent to DOE at the Regulatory Manager address indicated above.

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 also applies 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
- Importing or selling (at wholesale or retail) any alternative fuel (other than electricity).

Or, if its principal business is:

- Generating
- Transmitting
- Importing
- Selling electricity (at wholesale or retail).

Or, if it produces and imports (in combination) an average of 50,000 barrels per day or more of petroleum and 30% (a “substantial portion”) or more of its gross annual revenue is derived from producing alternative fuels.

Exceptions

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

1. A fuel provider whose principal business is that of transforming alternative fuel into products that are *not* alternative fuels.
2. 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 that 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” That Must Acquire Alternative Fuel Vehicles

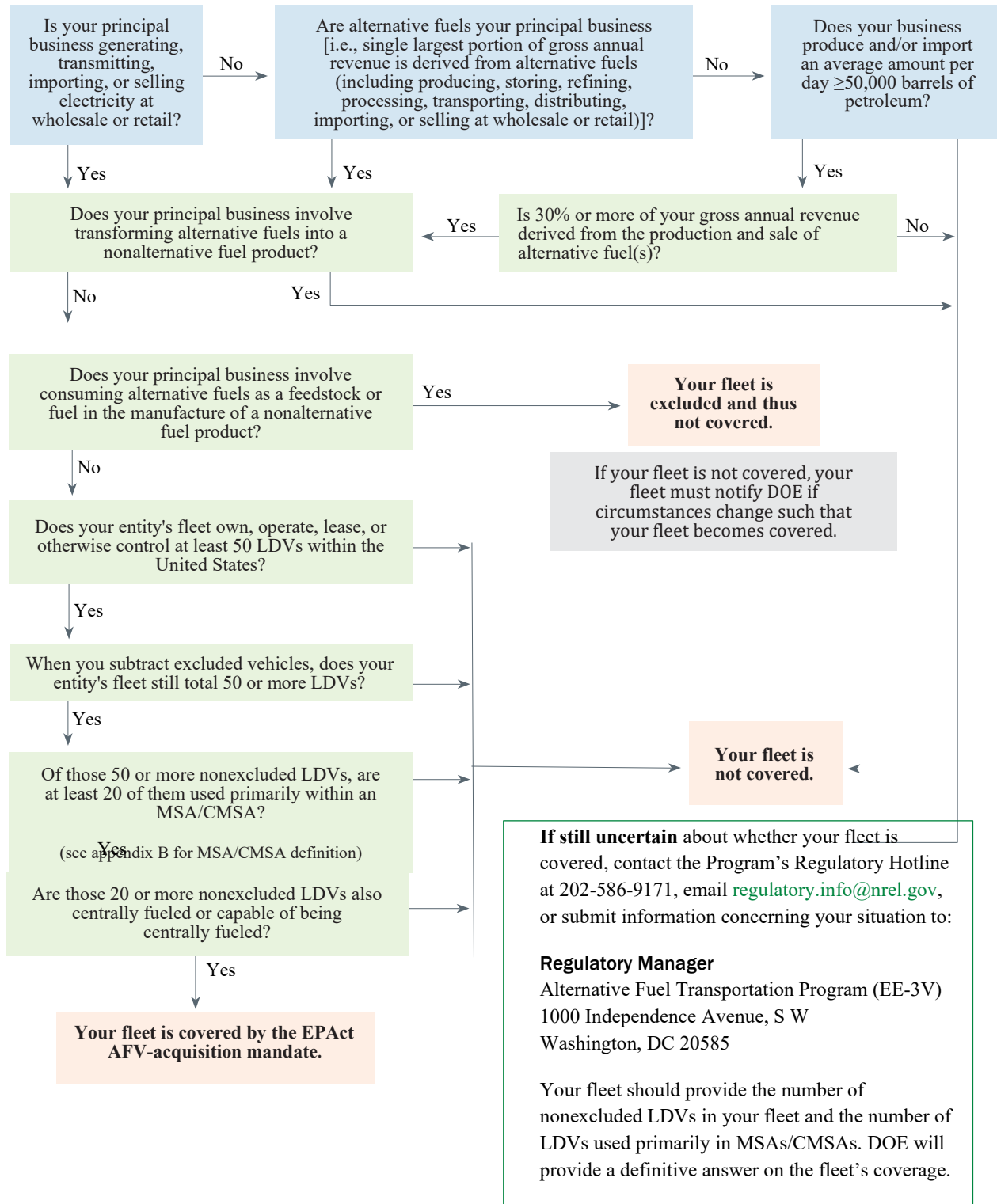
For the purposes of being subject to the Program’s AFV-acquisition requirements, a “covered person” is one who satisfies all of the following conditions:

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 page X).
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 that established 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 or epact.energy.gov/statutes-regulations) (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 appropriate branches of the decision tree on the next page of this document.

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 at: [regulatory.info@nrel.gov].



2-2 Alternative Fuel Provider AFV-Acquisition Requirements

This subsection addresses how many AFVs a covered alternative fuel provider fleet must acquire in a particular model year 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 EPA Act requirements (as defined in 10 CFR Part 490) is referred to as the model year, which runs from September 1 of the previous calendar year through the following August 31. Fleets should determine whether they are subject to the Program prior to each model year. When alternative fuel provider fleets are subject to the EPA Act 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%.

Excluded Vehicles

The following vehicles are not to be counted in determining whether a fleet is covered by the EPA Act or for purposes of calculating AFV-acquisition 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**.
- Nonroad 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:
https://epact.energy.gov/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.

The example worksheet to the right shows the following case:

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

Use the second worksheet 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 (assuming it is a covered person) may choose to comply with its AFV-acquisition requirements as a single entity, or any of 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 nonexcluded LDVs acquired by all of 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 size and location criteria (size guidelines are described in subsection 2-1), that individual entity’s fleet is not covered under the Program and thus is not subject to 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.

Example Worksheet	
Total Planned Acquisitions in Given Model Year	105
Excluded Vehicle Acquisitions	– 5
Total Nonexcluded 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 Nonexcluded LDV Acquisitions	
AFV-Acquisition Fraction in Model Year 20XX	× 0.90
AFV Acquisitions Required in Model Year 20XX	

2-3 Identifying Vehicles to Meet a Fleet's AFV- Acquisition Requirements

Having determined both that an alternative fuel provider fleet is covered under the EPA Act and the number of acquisitions that must be light-duty AFVs, the fleet manager may satisfy the 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 and which were not previously in the possession or under the control of the alternative fuel provider fleet (regardless of 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, regardless of when the vehicle was manufactured.
 - As described below and in more detail in Section 3 (AFV Credit Program), fleets may satisfy AFV-acquisition requirements in model year 2014 and later by acquiring the following electric vehicles:
 - Light-duty HEVs 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
 - Light-duty PHEVs 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
 - 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
 - Neighborhood electric vehicles— $\frac{1}{4}$ 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:
 - Alternative fuel infrastructure—1 AFV credit for every \$25,000 invested
 - Alternative fuel nonroad equipment—1 AFV credit for every \$25,000 invested
 - 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 aftermarket 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 OEM light-duty AFV (including a demonstration model) that was not previously in the possession or under the control of the alternative fuel provider (regardless of when it was manufactured).

4. Convert an LDV to operate on an alternative fuel within four 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. 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 a fleet's annual AFV-acquisition requirements.
 - Biodiesel fuel must be for use only in vehicles of more than 8,500-pounds 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.² (B20 is 20% biodiesel 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.
 - All covered fleets operating under Standard Compliance are encouraged to maximize their use of biodiesel in blends of B20 or greater. 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 onroad 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 nonusage of biodiesel only on the basis of a lack of medium- or heavy-duty diesel vehicles or the nonavailability of biodiesel in their operating areas.
 - More information on the use of biodiesel is available on the Program's Statutes and Regulations page (epact.energy.gov/statutes-regulations) and under the "Purchasing Biodiesel" section of the Standard Compliance page (epact.energy.gov/standard-compliance/?tab=4-biodiesel).

Counting Light-Duty Vehicles Converted to Alternative Fuel Vehicles that a Fleet Already Owns

A 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 four 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 took possession or control of a vehicle. When a covered fleet orders an LDV or 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 or AFV

² 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.

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 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 a 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, a 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 HEVs that are not AFVs) only after it has fulfilled its light-duty AFV-acquisition requirement for that model year. A 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 an 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, the acquisition of any medium- or heavy-duty AFVs or non-AFV HEVs 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.

Alternative Fuels Under the EPAct

- 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

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 EPAct. Also, biodiesel blends of any type do not qualify as alternative fuels, though pure/neat biodiesel (B100), and pure/neat renewable diesel (RD100), are alternative fuels. Any changes to the approved list of alternative fuels may be made by DOE only through a rulemaking published in the Federal Register.

The EPO Act requires that covered alternative fuel providers always 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 the EPO Act 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, the fleet is not required to convert conventional vehicles to operate on alternative fuels. However, the fleet 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 the EPO Act Requirements

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

2-4 Addressing Mergers, Acquisitions, and Divestitures

If two alternative fuel providers merge, or a company breaks up and its fleet splits into several fleets—covered or uncovered under the EPO Act—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 for Alternative Fuel Providers

Alternative fuel provider fleets may apply for exemptions from their EPO 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 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 HEVs, 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 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 onroad fleet vehicles. In instances where 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 HEVs are widely available throughout the country and generate for acquiring fleets one half of an AFV credit, DOE emphasizes that 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 acquisition. Therefore, a fleet seeking exemptions 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

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

Submitting Exemption Requests

For those fleets seeking exemptions, requests must be submitted no earlier 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." The tool is available for *approved* annual reports September 1 through January 31 following the reporting model year. Sign in to the reporting section of the website at (epact.energy.gov/users/sign_in) and click on the highlighted "Request an Exemption" text next to the annual report in the fleet's Annual Reporting - Standard Method section.

The Exemption Request Tool uses a set of forms to ensure requests include all of the necessary information and attachments. Pertinent information is automatically loaded from a fleet's records already in the database. Fleets using the tool need only complete the form fields online and attach any files that support the exemption requests. The tool automatically creates a PDF of each submitted request that is saved in the fleet's Reports section.

When applying for exemptions, refer first to the Exemptions from Standard Compliance page (epact.energy.gov/exemptions). 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 may be insufficient to grant the exemption request.

DOE strongly recommends that fleets review the sample exemption request available on its website. If a fleet chooses not to use the recommended online Exemption Request Tool, the fleet may submit an exemption request by email to regulatory.info@nrel.gov or by mail to:

Regulatory Manager: Alternative Fuel Transportation Program

U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0121

Within 45 business days of receipt of a complete request, DOE will issue a written determination stating 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/oha/office-hearings-and-appeals) to learn about previous decisions on appeals for the Alternative Fuel Transportation Program. Appeals must be sent to:

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

2-6 Alternative Fuel Provider Annual Reporting Requirement

Each covered alternative fuel provider fleet must file an annual report with DOE. 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
- Have each separate fleet submit its report directly to DOE.

Reminder

A model year runs from September 1 of one year through August 31 of the following year. Model year 2019, for example, began on September 1, 2018, and ends on August 31, 2019.

Fleets may complete their annual reports during the relevant model year, but they must be submitted after September 1 and no later than December 31 following that model year. For example, a report for model year 2019, which began on September 1, 2018, is due by December 31, 2019.

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, 2018, for the 2018 model year (due December 31, 2018) must be retained by the state fleet until December 31, 2021.

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 a form for a fleet’s annual report. The list below provides the only accepted methods for submitting acquisition information to DOE. DOE strongly encourages the use of online and electronic forms as well as electronic submittal of such forms.

Option 1: Report Online

The AFV Acquisition and Credits Database can be accessed via the Compliance Reporting Tool page (epact.energy.gov/users/sign_in). Enter the requested data into the online forms and submit.

Option 2: Complete a Downloadable Spreadsheet

An Excel spreadsheet template can be downloaded from the same website in Option 1. Download and complete the spreadsheet. Submit the completed spreadsheet by email to: epact.sfp.fleets@nrel.gov.

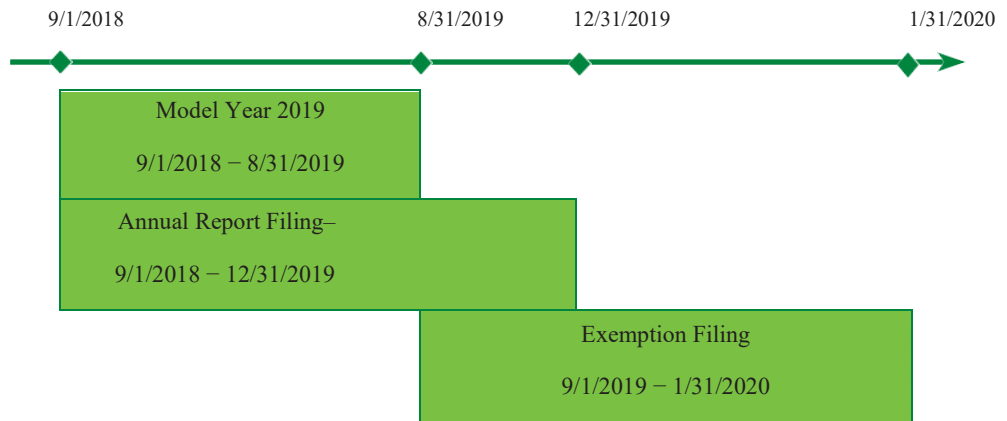


Figure 2. Example timeline for Standard Compliance reporting in model year 2019

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 the EPA Act requirements earn AFV credits that can be used in the future. Fleets that are unable to meet the EPA Act 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 by:

- Acquiring AFVs in greater numbers than required in any model year (including by acquiring AFVs of more than 8,500-pounds gross-vehicle-weight rating after light-duty AFV acquisition requirements have been met)
- Or, acquiring AFVs (light-duty as well as medium- or heavy-duty AFVs) earlier than required.

DOE allocates 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 for each AFV that the fleet acquired in the model year prior to the model year in which the requirements became applicable.

Covered fleets may also earn AFV credits, in the stated amounts, for the following vehicle acquisitions and investments:

- Acquiring light-duty HEVs 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 PHEVs 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
- 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 HEVs 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 nonroad 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.

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

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

Plug-in electric drive vehicles include battery electric vehicles, which are AFVs, and 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's) 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 the 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 one half of an 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 stations for vehicles propelled by electricity. Covered fleets that invest in such infrastructure during a model year earn one AFV credit for each \$25,000 invested, up to a maximum of ten credits for publicly accessible stations and five credits for stations that are not publicly accessible, with an aggregate maximum of ten 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 nonroad equipment includes mobile cargo and handling equipment (e.g., forklifts) and mobile farm, landscaping, and construction equipment (e.g., riding lawnmowers, forklifts, tractors, bulldozers, and backhoes).

Covered state and alternative fuel provider fleets that invest in (i.e., acquire) such equipment during a model year earn one AFV credit for each \$25,000 invested, up to a maximum of five credits per model year. For credit to be allocated, the fleet must demonstrate that the nonroad 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 preproduction or precommercially 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 technologies earn two AFV credits for the first \$50,000 invested and one AFV credit for each additional \$25,000 invested—up to a maximum of five AFV credits per model year. For credit to be allocated, the fleet must demonstrate that the preproduction 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—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 nonroad equipment will generate only one AFV credit. However, covered fleets 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., uncredited) \$10,000 that it invested in alternative fuel nonroad equipment to earn a total of two 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 Banked Credits

Credits that a fleet has earned 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 that entity with a certification that the credit represents a vehicle that operated on alternative fuel whenever 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 a fleet buys, sells, or transfers credits, it must provide proof of the transfer on this form, which is accessible via the Online Compliance Reporting page (epact.energy.gov/users/sign_in). The form should be received by DOE within 30 days of the transfer date and should be sent to:

Regulatory Manager

Alternative Fuel Transportation Program
Vehicle Technologies Office (EE-3V)
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585-0121

A copy of the credit transfer form should also 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 or check the list of Fleets with Excess Credits, accessible via the Compliance Reporting Tool page (epact.energy.gov/users/sign_in). Fleets must be logged in to access the bulletin board and list of fleets with excess credits.

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 requests it.

DOE can choose whether to provide public notice of the request for an interpretive ruling and whether it will request public comments. 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:

Office of Energy Efficiency and Renewable Energy (EE-2G)
U.S. Department of Energy
1000 Independence Avenue, SW
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, and 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; therefore, it must be published in the Federal Register.

Section 5 — Enforcement

Under the EPAct, 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 \$10,506 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 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 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.
Aftermarket Converted Vehicle	An original equipment manufacturer’s (OEM’s) vehicle that is reconfigured by a conversion company. The vehicle is not under contract to the OEM to operate on an alternative fuel and its conversion-kit components are under warranty from 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; 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 Nonroad Equipment	Mobile, nonroad 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 delegated 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 pounds, except: (1) A vehicle operated only on a rail line; (2) a vehicle manufactured in different stages by two or more original equipment manufacturers (OEMs), if no intermediate or final-stage OEM of that vehicle manufactures more than 10,000 multistage 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 pounds and thereby meet up to 50% of their annual AFV-acquisition requirements.
Bifuel 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 nonpetroleum 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 biodiesel 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	<p>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.</p> <p>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.</p> <p>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.</p>
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 prelease 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 preproduction or precommercially 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 nonroad vehicle that uses a fuel cell. A fuel cell is a device that directly converts the chemical energy of a fuel that is supplied from an external source, and an oxidant, into electricity by electrochemical processes occurring at separate electrodes in the device.
Hybrid Electric Vehicle (HEV)	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 pounds 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 pounds.

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 nonroad 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 four-wheeled, onroad or nonroad vehicle that: (1) Has a top attainable speed in one mile of more than 20 mph and not more than 25 mph on a paved, level surface; (2) Is propelled by an electric motor and an onboard, rechargeable energy storage system that is rechargeable using an offboard 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.
Nonroad Vehicle	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 onroad 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 kilowatt hours (kWh) Can be recharged from an external source of electricity for motive power

Is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle, as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)

In the case of a PHEV, also includes an onboard 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% nonpetroleum 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 United 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 that 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 pounds and less than or equal to 10,000 pounds 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	Denver-Boulder-Greeley CMSA	CO
Albuquerque MSA	NM	Des Moines MSA	IA
Allentown-Bethlehem-Easton MSA	PA	Detroit-Ann Arbor-Flint CMSA	MI
Appleton-Oshkosh-Neenah MSA	WI	Duluth-Superior MSA	MN-WI
Atlanta MSA	GA	El Paso, MSA	TX
Augusta-Aiken MSA	GA-SC	Erie MSA	PA
Austin-San Marcos MSA	TX	Eugene-Springfield MSA	OR
Bakersfield MSA	CA	Evansville-Henderson MSA	IN-KY
Baton Rouge MSA	LA	Fort Wayne MSA	IN
Beaumont-Port Arthur MSA	TX	Fresno MSA	CA
Binghamton MSA	NY	Grand Rapids-Muskegon-Holland MSA	MI
Birmingham MSA	AL	Greensboro-Winston Salem-High Point MSA	NC
Boise City MSA	IS	Greenville-Spartanburg-Anderson MSA	SC
Boston-Worcester-Lawrence CMSA	MA-NH-ME-CT	Harrisburg-Lebanon-Carlisle MSA	PA
Buffalo-Niagara Falls MSA	NY	Hartford MSA	CT
Canton-Massillon MSA	OH	Hickory-Morgantown MSA	NC
Charleston MSA	WV	Honolulu MSA	HI
Charlotte-Gastonia-Rock Hill MSA	NC-SC	Houston-Galveston-Brazoria CMSA	TX
Chattanooga MSA	TN-GA	Huntington-Ashland MSA	WV-KY-OH
Chicago-Gary-Kenosha CMSA	IL-IN-WI	Indianapolis MSA	IN
Cincinnati-Hamilton CMSA	OH-KY-IN	Jackson MSA	MS
Cleveland-Akron CMSA	OH	Jacksonville MSA	FL
Colorado Springs MSA	CO	Johnson City-Kingsport-Bristol MSA	TN-VA
Columbia MSA	SC	Johnstown MSA	PA
Columbus MSA	GA-AL	Kalamazoo-Battle Creek MSA	MI
Columbus MSA	OH	Kansas City MSA	MO-KS
Corpus Christi MSA	TX	Knoxville MSA	TN
Dallas-Fort Worth CMSA	TX	Lakeland-Winter Haven MSA	FL
Davenport-Moline-Rock Island MSA	IA-IL	Lancaster MSA	PA
Dayton-Springfield MSA	OH	Lansing-East Lansing MSA	MI
Daytona Beach MSA	FL	Las Vegas MSA	NV-AZ

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

Lexington MSA	KY	Reading MSA	PA
Little Rock - N. Little Rock MSA	AR	Richmond-Petersburg MSA	VA
Los Angeles-Riverside-Orange County CMSA	CA	Rochester MSA	NY
Louisville MSA	KY-IN	Sacramento-Yolo CMSA	CA
Macon MSA	GA	Saginaw-Bay City-Midland MSA	MI
Madison MSA	WI	St. Louis MSA	MO-IL
McAllen-Edinburg-Mission MSA	TX	Salinas MSA	CA
Melbourne-Titusville-Paim Bay MSA	FL	Salt Lake City-Ogden MSA	UT
Memphis MSA	TN-AR-MS	San Antonio MSA	TX
Miami-Fort Lauderdale CMSA	FL	San Diego MSA	CA
Milwaukee-Racine CMSA	WI	San Francisco-Oakland-San Jose CMSA	CA
Minneapolis-St. Paul MSA	MN-WI	San Juan-Caguas-Arecibo MSA	PR
Mobile MSA	AL	Santa Barbara-Santa Maria-Lompoc MSA	CA
Modesto MSA	CA	Scranton-Wilkes Barre-Hazleton MSA	PA
Montgomery MSA	AL	Seattle-Tacoma-Bremerton CMSA	WA
Nashville MSA	TN	Shreveport-Bossier City MSA	LA
New London-Norwich MSA	CT-RI	Spokane MSA	WA
New Orleans MSA	LA	Springfield MSA	MA
New York-N. New Jersey-Long Island CMSA	NY-NJ-CT-PA	Stockton-Lodi MSA	CA
Norfolk-Virginia Beach-Newport News-MSA	VA-NC	Syracuse MSA	NY
Oklahoma City MSA	OK	Tampa-St. Petersburg-Clearwater MSA	FL
Omaha MSA	NE-IA	Toledo MSA	OH
Orlando MSA	FL	Tucson MSA	AZ
Pensacola MSA	FL	Tulsa MSA	OK
Peoria-Pekin MSA	IL	Utica-Rome MSA	NY
Philadelphia-Wilmington-Atlantic City CMSA	PA-NJ-DE-MD	Washington-Baltimore CMSA	DC-MD-VA-WV
Phoenix-Mesa MSA	AZ	West Palm Beach-Boca Raton MSA	FL
Pittsburgh MSA	PA	Wichita MSA	KS
Portland-Salem CMSA	OR-WA	York MSA	PA
Providence-Fall River-Warwick MSA	RI-MA	Youngstown-Warren MSA	OH
Raleigh-Durham-Chapel Hill MSA	NC		

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: afdc.energy.gov
Alternative Fuel Transportation Program	General information on DOE’s Alternative Fuel Transportation Program	Website: epact.energy.gov 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-3V) U.S. Department of Energy 1000 Independence Avenue, SW 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: cleancities.energy.gov

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