



## S&FP Program: Frequently Asked Questions

The U.S. Department of Energy (DOE) is implementing the provisions of the Energy Policy Act of 1992, or EPA<sup>ct</sup>, which calls for programs designed to accelerate the introduction of alternative fuel vehicles (AFVs) in an effort to reduce the nation's dependence on imported oil. As a quick reference to information about DOE's State & Alternative Fuel Provider Program, DOE has prepared the following questions and answers for managers of these types of fleets.

### EPA<sup>ct</sup> Compliance

***Q. What are some good resources that will help me understand EPA<sup>ct</sup> compliance?***

**A.** The best place to begin is the State & Alternative Fuel Provider Program Web site at [www.ott.doe.gov/epact/state\\_fleets.html](http://www.ott.doe.gov/epact/state_fleets.html), which contains:

- Program background,
- A detailed compliance guide called "A Guidebook to the U.S. DOE's Alternative Fuel Transportation Program for State and Alternative Fuel Provider Fleets,"
- Exemption guidances,
- Biodiesel information, and
- A link to the online reporting database.

In addition, the Fleet Buyer's Guide at [www.fleets.doe.gov](http://www.fleets.doe.gov) can help you understand whether you need to comply with EPA<sup>ct</sup>, and the vehicle and fuel options available. It also locates refueling and recharging sites across the United States.

***Q. How do I determine if my company meets the definition of an alternative fuel provider?***

**A.** The rulemaking states that an entity is an alternative fuel provider if its "principal business" is:

- Producing, storing, refining, processing, transporting, distributing, importing, or selling (at wholesale or retail) any alternative fuel (other than electricity); or

- Generating, transmitting, importing, or selling (at wholesale or retail) electricity; or
- Producing, importing, or producing and importing (in combination) an average of 50,000 barrels per day or more of petroleum; and
- Deriving 30% or more (a "substantial portion") of your gross annual revenues from producing alternative fuels.

***Q. Which fuels are allowable for EPA<sup>ct</sup> compliance?***

**A.** Fuels that fall under EPA<sup>ct</sup> compliance are:

- Neat (100%) 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 (compressed or liquefied);
- Liquefied petroleum gas (propane);
- Electricity (including electricity from solar energy);
- Hydrogen;
- Coal-derived liquid fuels; and
- Fuels (other than alcohol) derived from biological materials (including neat or 100% biodiesel).

Additionally, DOE has made a ruling that qualifies three blends of the "P-series fuel" as alternative fuels. DOE also released a rulemaking that

allows covered fleets to obtain credits for purchase of biodiesel for B20 or higher blends. DOE is also in the process of issuing guidance on gas to liquid fuels. Watch the Web site for the latest information.

***Q. How does an organization acquire credit for using biodiesel? How does the process work?***

- A.** The rulemaking, located at [www.ott.doe.gov/epact/state\\_fleets.html](http://www.ott.doe.gov/epact/state_fleets.html), explains the conditions under which a fleet may receive credit for biodiesel. An organization that purchases blends of B20 or higher for use as fuel in vehicles of more than 8,500 pounds gross-vehicle-weight rating may count only the pure biodiesel portion toward EPart requirements. A fleet can receive one EPart credit for each 450 gallons of pure biodiesel (2,250 gallons of B20) purchased for use in medium and heavy vehicles. Fleets may earn a maximum of 50% of credits for biodiesel use unless the fleet is a biodiesel fleet, which earns 100% of credits.

***Q. Are electric-hybrid vehicles counted as AFVs under EPart?***

- A.** Electric-hybrid vehicles are not currently included in the State & Alternative Fuel Provider Program.

***Q. What are the penalties for non-compliance with EPart?***

- A.** 10 CFR Part 490 Subpart G, Section 490.604 of the rulemaking defines the penalties as:
- A fine of \$5,000 per violation for civil penalties,
  - A criminal fine of \$10,000 per willful violation, and
  - A criminal fine of \$50,000 if violations are willful and repeated.

***Q. Is a state university or college covered under EPart section 507(o)?***

- A.** Probably. DOE has decided to allow each state to determine for itself which agencies operate or control a state fleet for reporting purposes. However, DOE expects states to follow the common understanding of what constitutes a “state agency.” State agencies are usually authorized and funded by the state legislature, receive funding from the state budget, or are situated on state property. Examples of agencies that DOE expects to be classified as state agencies are departments, offices, and divisions of state government; state colleges and universities; and port authorities.

***Q. Are school districts considered state entities if they are state-funded?***

- A.** It is up to the state to decide whether school districts are state agencies. Consult your state’s legal authority. (See previous question.)

***Q. Are state agencies required to use an alternative fuel in their AFVs?***

- A.** No. EPart requires covered state fleets to acquire AFVs but does not require them to use an alternative fuel.

***Q. Are fuel providers required to always use an alternative fuel in their AFVs?***

- A.** EPart requires fuel providers to use the fuel in their vehicles—except where and when it is not available. Fuel providers must keep records of their fuel use for a minimum of three years (see 10 CFR Part 490 Subpart D, Section 490.306).

***Q. Can a fuel provider receive credit under EPart for acquiring an E85 flexible-fuel vehicle?***

- A.** A fuel provider may receive credit as long as E85 fuel is available in the operating territory and the fuel is used to the most practical extent possible. If no E85 is available in proximity to the fuel provider’s fleet, the fuel provider should acquire a type of AFV for which the alternative fuel is available. The fuel provider should apply for an exemption if there are no alternative fuels available within the fleet’s territory.

## Filing Annual Fleet Reports

### ***Q. How can I file an annual fleet report with DOE?***

- A.** There are several ways to submit a report:
- File your report electronically on DOE's Web site at [www.ott.doe.gov/epact/state\\_fleets.html](http://www.ott.doe.gov/epact/state_fleets.html). Just select the "File/Edit a Report" option on the drop down menu and click go.
  - Download an Excel spreadsheet from the Web site ([www.ott.doe.gov/epact/compliance\\_reporting.html](http://www.ott.doe.gov/epact/compliance_reporting.html)), fill it out, and e-mail the completed spreadsheet to Jaycor using the link at the bottom of the [www.ott.doe.gov/epact/compliance\\_reporting.html](http://www.ott.doe.gov/epact/compliance_reporting.html) Web page.
  - Request hard copies of DOE/OTT 101 Reporting Form from the National Alternative Fuels Hotline at (800) 423-1363 (or download them from the [www.ott.doe.gov/epact/compliance\\_reporting.html](http://www.ott.doe.gov/epact/compliance_reporting.html) Web page), fill them out, and send them to Jaycor at the AFV Project Office, 11410 Isaac Newton Square North, Suite 103, Reston, VA 20190, or fax it to (703) 397-9359.
- Because fax transmissions can be difficult to read, we suggest that you follow up a fax with a mailed copy.

### ***Q. Where on the Web site can I find help with submitting an AFV fleet report?***

- A.** Detailed instructions on how to submit the DOE/OTT 101 Reporting Form are available on the EAct Web site ([www.ott.doe.gov/epact/state\\_fleets.html](http://www.ott.doe.gov/epact/state_fleets.html)). A separate set of instructions specific to online reporting is also available at the EAct Web site at the [www.ott.doe.gov/epact/compliance\\_reporting.html](http://www.ott.doe.gov/epact/compliance_reporting.html) page. If questions remain, contact the Credits Webmaster at the National Renewable Energy Laboratory in Golden, CO, via fax at 303-275-4415, or e-mail at [webmaster.credits@afdc.nrel.gov](mailto:webmaster.credits@afdc.nrel.gov).

### ***Q. How will I know DOE has received my annual fleet report?***

- A.** All fleet reports will be reviewed for accuracy as they are received. Usually within a week of

receipt, you will receive a fax or e-mail message confirming that we received your report, and you will be asked for any missing information at that time. If you don't receive an acknowledgment, call the S&FP Program office at (800) 959-5780 to find out where your report stands.

### ***Q. What information do I need to review my fleet report data on the Web?***

- A.** You need a user name and password to review your data on the Web. If you have already registered online as a fleet point of contact, you already have a user name and password. If you have not, you can obtain a user name and password by registering as a fleet point-of-contact at [www.ott.doe.gov/epact/compliance\\_reporting.html](http://www.ott.doe.gov/epact/compliance_reporting.html). Depending on your situation, click on either the first reporting option ("Click here if the fleet has never reported and you have not registered as a point of contact for ANY fleet") or the second one ("Click here if you have already registered as a point of contact for another fleet and you want to register a fleet that has never previously reported"). Alternatively, you can contact Jaycor at the AFV Project Office, 11410 Isaac Newton Square North, Suite 103, Reston, VA 20190 or by phone at (800) 959-5780.

### ***Q. I omitted an AFV when I made my last annual fleet report submission. Can I amend my annual fleet report later?***

- A.** Yes. You can submit and amend an annual report online any time during the reporting year for that annual report (e.g., from September 1, 2001, to December 31, 2002, for the 2002 model year). If you discover the correction after the reporting year for that annual report has ended, or if you do not use the Web to submit your annual reports, just contact Jaycor with the required information on the vehicle at the AFV Project Office, 11410 Isaac Newton Square North, Suite 103, Reston, VA 20190 or by fax at (703) 397-9359.

### ***Q. Are fuel providers required to report vehicles outside a Metropolitan Statistical Area (MSA) or Consolidated Metropolitan Statistical Area (CMSA)?***

**A.** Yes. Any new light-duty vehicle (LDV) acquired by a covered fuel provider is counted in determining AFV acquisition requirements if the fleet owns, operates, leases, or otherwise controls 50 or more LDVs. These LDVs must not be on the list of excluded vehicles, 20 of them must be used primarily within the MSA/CMSAs, and those same 20 LDVs must be centrally fueled or capable of being centrally fueled.

***Q. What happens if I can't identify a vehicle by its VIN?***

**A.** All on-road certified vehicles have a VIN. If the vehicle doesn't have a VIN, it can't be included in the program.

***Q. Do I have to report the vehicle identification number (VIN) and other information about all of my LDVs, or just AFVs?***

**A.** Only AFVs must be reported in detail.

***Q. What if my organization fails to make its annual report to DOE?***

**A.** The deadline for filing a report is December 31 of the relevant model year (for example, December 31, 2000, for the model year (MY) 2000 report). Failure to file an annual fleet report or a late filing of the report may subject your organization to civil or criminal penalties. You may avoid being out of compliance by submitting your annual report in a timely and complete manner. See [www.ott.doe.gov/credits](http://www.ott.doe.gov/credits) for instructions on how to submit your report. You may ask the DOE Program Manager, in writing, for a submission extension.

## Vehicle Acquisition or Conversion

***Q. What does "acquisition date" really mean?***

**A.** Acquisition date means the date upon which the vehicle is taken into possession or control, such as through purchase or lease.

***Q. When I provide my total LDV count, should I include AFVs in that figure?***

**A.** Yes, you should include light duty AFVs in the LDV count.

***Q. Do I have to report acquisition information on LDVs or AFVs for MY 1993-1996?***

**A.** No. The program does not require LDV or AFV information before MY 1997. However, any AFVs acquired after October 24, 1992, and before September 1, 1996, do earn credits.

***Q. If I report a vehicle that was acquired as an AFV, do I have to report its conversion date?***

**A.** No. If you acquired the vehicle as an AFV, it was either an original equipment manufacturer (OEM) vehicle, or it had been converted by a previous owner. However, if the vehicle was converted when you owned it, you must report the conversion date.

***Q. Can I report vehicles acquired or converted before EPOA was signed into law to get credits?***

**A.** No. Vehicles acquired or converted before EPOA became a law on October 24, 1992, are not included in this program and don't earn AFV credits.

***Q. We are an electric utility that took the electric utility option, which delayed our acquisition requirements for one year. Must we meet EPOA requirements using only electric vehicles? Do we have to evaluate other choices as well?***

**A.** DOE put electric utilities on notice that designation of the electric utility option did not permit an electric utility to consider only EVs to meet requirements. DOE might consider granting an exemption if an electric utility were able to show that it was unable to acquire any fuel-type AFVs that met the "normal requirements and practices" of its business. Several fleets asked DOE's



Alternative Fuel Transportation Program for exemptions based on lack of suitable electric vehicles. When these requests were denied, two were appealed to DOE's Office of Hearings and Appeals (OHA), but OHA denied both appeals.

***Q. How do credits for vehicles over 8,500 pounds gross-vehicle-weight rating work? How may they be applied?***

**A.** You may receive one credit for each medium- or heavy-duty AFV once your EPCa requirements for LDVs are fully met. They are reported to DOE as acquisitions with your annual report (see 10 CFR Part 490 Subpart F Section 490.502).

***Q. Our fleet did not acquire enough vehicles or credits during the past model year. How can I reconcile the problem?***

**A.** You may obtain credits through transfer or purchase from another entity. If the model year is not over, you may also want to purchase biodiesel for use in blends of B20 or higher for your medium- and heavy-duty vehicles to meet your requirements for that model year. Note that this is limited to 50% of requirements for non-biodiesel fuel providers. Please refer to [www.ott.doe.gov/epact/state\\_fleets.html](http://www.ott.doe.gov/epact/state_fleets.html) for a list of state and fuel provider fleets with excess credits or for guidance on obtaining credit for biodiesel purchases. Another option would be to contact the program manager and propose other options such as purchasing more AFVs in the next model year. DOE is interested in having fleets that are out of compliance reconcile with DOE as soon as possible.

***Q. What happens if I ordered my AFVs early in the model year and through no fault of my own did not receive the vehicles before the model year ended?***

**A.** You must inform DOE in writing that the vehicles were received late and explain the circumstances that led to their late arrival. DOE will evaluate the situation and will work with you to develop an equitable solution.

## Exclusion of Vehicles

***Q. Can I count excluded vehicles in my calculations?***

**A.** If you acquire an AFV in any of the excluded-vehicle categories—see list of vehicles in 10 CFR Subpart A, Section 490.3 of the rule—you may apply this AFV toward your compliance requirements or for additional credit. The only exception to this is that non-road vehicles do not count toward your requirements or for additional credits.

## Exemption Requests

***Q. If AFVs or alternative fuels are not available in my area but my organization is covered by EPCa, what should I do?***

**A.** If you can't find AFVs or alternative fuels that meet your normal business practices and requirements, you may file for exemptions from EPCa acquisition requirements. A complete guide to filing your request is located at [www.ott.doe.gov/credits](http://www.ott.doe.gov/credits). After DOE receives complete documentation justifying your request, the department has 45 working days to make a decision about whether you qualify for exemptions from EPCa. With proper proof, DOE may offer your organization a partial or complete exemption from the acquisition requirements. (State agencies may also file for exemptions as a result of financial hardship. See 10 CFR Part 490 Subpart 490.204.)

***Q. If DOE's Office of Energy Efficiency and Renewable Energy denies our exemption request, do we have other options?***

**A.** Yes. If an exemption request is denied, you may file an appeal with DOE's OHA within 30 days of the date of DOE's determination. (See Section 490.308 [g] of 10 CFR Part 490 and the OHA Web site at [www.ohadoe.gov/eecases.htm](http://www.ohadoe.gov/eecases.htm). The Web site contains OHA decisions of appeals filed by covered entities under the Alternative Fuel Transportation Program.)

***Q. When DOE grants exemptions, how are they applied to an organization's credit account?***

- A.** Exemptions directly reduce a fleet's requirements for acquiring AFVs or credits for the model year in which they are applied. Thus, if a fleet is required to acquire 10 AFVs or credits and applies for and receives five exemptions, the fleet has to actually acquire five AFVs or credits. If the fleet acquires more than the five required AFVs, the excess vehicles are counted as credits that may be banked, traded, or sold.

***Q. We think our organization is not or no longer covered by the requirements of 10 CFR Part 490 for state government and fuel provider fleets. How can I confirm this with DOE?***

- A.** One of the following conditions will apply:
- Not enough vehicles in the fleet (fewer than 50 LDVs if fleet is in the United States): DOE must receive information in writing before determining whether a fleet is covered. Provide a list of all of the LDVs currently in your fleet (of 8,500 pounds gross-vehicle-weight rating or less), and include the make, model, and VIN of each vehicle.
  - Not enough vehicles in an MSA (fewer than 20 LDVs in a single MSA): Again, DOE needs this in writing. Provide a list of all the LDVs currently in your fleet; where they are located; and the model, make, and VIN of each of these vehicles.
  - Not enough revenue from alternative fuels: Send DOE written notification with certified financial statements or an annual report so DOE may verify that your organization is not deriving at least 30% of its total revenues from the sale of an alternative fuel.
  - Does not operate in any of the 125 EPCa locations listed in Appendix A of the rulemaking: Provide DOE with a map of your service

territory and/or a list of the counties in which you operate.

Please contact DOE at the S&FP Program information line at (202) 586-9171 to confirm your status and notify DOE of these changes.

***Q. Who is the DOE contact responsible for overseeing compliance of state and alternative fuel provider fleets?***

- A.** Unless otherwise noted in this document, direct all correspondence to Mr. Dana O'Hara, Program Manager, Alternative Fuel Transportation Program, EE-34, 1000 Independence Ave. SW, Washington, DC 20585; phone: 202-586-9171; fax: 202-586-1610. To send e-mail about the program, address it to [regulatory\\_info@afdc.nrel.gov](mailto:regulatory_info@afdc.nrel.gov).

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***What is EPCa?***

The Energy Policy Act of 1992, or EPCa, was passed by Congress to reduce the nation's dependence on imported petroleum. Provisions of EPCa require certain fleets to purchase alternative fuel vehicles. DOE administers the regulations through its State & Fuel Provider Program, Federal Fleet Program, Private & Local Government Program, and Fuel Petition Program. EPCa also includes voluntary programs, such as Clean Cities, which help accelerate the use of alternative fuels in transportation.

For more information, visit <http://www.ott.doe.gov/epca/>, or call the Regulatory Information Line at (202) 586-9171.

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