



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 20, 2025

TIME: 8:32 AM

WSR 25-21-106

Agency: Department of Ecology AO # 23-10

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: This rulemaking adopts amendments to Chapter 173-424 WAC, Clean Fuels Program Rule.

The adopted rule amendments update the Clean Fuel Standard (CFS) to expand credit generating opportunities for fuels used in hard-to-decarbonize sectors, increase environmental benefits, streamline reporting and compliance procedures, and make other changes identified during rule development and through program implementation.

Adopted rule amendments include:

- Updated requirements regarding the production of low-carbon intensity alternative jet fuel, in alignment with Engrossed Substitute Senate Bill 5447 (Chapter 232, Laws of 2023).
- New requirements for electrolysis energy used in the production of alternative jet fuel and alternative marine fuel.
- Third-party verification requirements to improve the accuracy of information used to generate credits and deficits in the program.
- Amended requirements for the use of indirect ("book-and-claim") accounting of low-carbon intensity biomethane or electricity. This accounting method allows fuel producers to use indirectly supplied renewable electricity or biomethane to lower the carbon intensities of fuels they report in the program, subject to certain conditions specified in rule. The amendments aim to encourage in-state and regional renewable energy production and maximize local environmental benefits.
- Updated requirements to "avoided methane crediting", which grants fuel producers additional credits for voluntarily capturing methane from dairy and swine manure and organic waste diverted from landfills. To maximize short-term climate pollution reduction benefits, the highest incentives will be granted to new methane capture projects that begin initial construction on or before December 31, 2029. The adopted rule also adds safeguards intended to mitigate the risk of negative environmental and public health externalities occurring from these incentives.
- Amended requirements related to capacity credits for zero emission vehicle infrastructure, including expanding credit generation opportunities to electric charging and hydrogen refueling sites shared by multiple heavy-duty vehicle fleets.
- Updated requirements to harmonize the rule with policies in California and Oregon's low-carbon fuels programs.
- Amendments to improve clarity and readability, correct errors, and streamline reporting and registration requirements.

The adopted amendments are expected to decrease compliance burdens on regulated parties, strengthen stability of the credit market, and ensure the credibility of environmental benefits claimed in the program.

Citation of rules affected by this order:

New:
Repealed:
Amended: Chapter 173-424 WAC, Clean Fuels Program Rule
Suspended:

Statutory authority for adoption: Transportation Fuel – Clean Fuels Program, RCW 70A.535

Other authority: Ecology has completed an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-13-080 on June 16, 2025 (date).

Describe any changes other than editing from proposed to adopted version: Ecology made changes in response to the comments we received and to ensure clarity and consistency, correct errors and omissions, and meet the intent of the authorizing statute. For a complete list of changes made and the rationale for such changes, please see the Concise Explanatory Statement.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Web site: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-424>

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>9</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: October 20, 2025

Name: Casey Sixkiller

Title: Director

Signature:

