

DOCKETED	
Docket Number:	20-SPPE-01
Project Title:	Great Oaks South Backup Generating Facility Small Power Plant Exemption
TN #:	234353
Document Title:	ROC with US EPA and CEC staff G Bemis
Description:	---Supersedes TN 234348--- Regarding Federal credits on renewable diesel and bio diesel
Filer:	Lisa Worrall
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	8/19/2020 9:54:34 AM
Docketed Date:	8/19/2020

CALIFORNIA ENERGY COMMISSION
REPORT OF CONVERSATION Page 1 of 1



*Siting, Transmission
 and Environmental
 Protection Division*

FILE: N/A

**PROJECT TITLE: Great Oaks South
 Backup Generating Facility**

DOCKET: (20-SPPE-01)

<input checked="" type="checkbox"/> Telephone	<input type="checkbox"/> Email	Technical Section: Greenhouse Gas Emissions	
NAME: Gerry Bemis, Air Resources Supervisor I, CEC	DATE: 7/6/2020 7/7/2020	TIME: various	
WITH:	Paul Machiele Robert Anderson United States Environmental Protection Agency; Office of Transportation and Air Quality		
SUBJECT:	Federal Credits for Use of Renewable Diesel and Biodiesel Instead of Petroleum Diesel		

COMMENTS:

California Energy Commission (CEC) staff, Gerry Bemis, emailed Mr. Machiele and Mr. Anderson with the United States Environmental Protection Agency (US EPA) regarding the various data centers proposed in the cities of San Jose and Santa Clara.

CEC staff wanted to inquire about federal credits for the use of renewable diesel and biodiesel in place of conventional petroleum diesel in backup engines at proposed data centers. CEC staff received two replies (attached) from Mr. Machiele, the first one dated July 6, 2020 and the second one dated July 7, 2020.

CC:	Signed: S
	Name: Gerry Bemis, Air Resources Supervisor I

July 6, 2020 Email:

From: Machiele, Paul <machiele.paul@epa.gov>

Sent: Monday, July 6, 2020 2:42 PM

To: Bemis, Gerry@Energy <Gerry.Bemis@energy.ca.gov>

Cc: Anderson, Robert <Anderson.Robert@epa.gov>

Subject: RE: Federal Credits for Use of Renewable Diesel and Biodiesel Instead of Petroleum Diesel

Gerry, I'm happy to have a call with you whenever our schedules align. However, it may be a pretty short call, as our statutory authority (copied below) on what counts under the RFS program is pretty prescriptive. Changing it would require an act of Congress, not just a change to our implementing regulations.

Paul

211(o)(1)(J) Renewable fuel

The term "renewable fuel" means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

211(o)(1)(L) Transportation fuel

The term "transportation fuel" means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).

July 7, 2020 Email:

Follow up email on July 7, 2020 with the definition of "nonroad engines":

"Nonroad" under the Clean Air Act refers to off-highway engines and vehicles regulated under Section 216 that are not stationary engines regulated under Section 111.

Here are the definitions. Of course, there are years of experience behind the implementation of these to determine the dividing line, but in general if the engines move about, they are nonroad and if they don't, they are stationary. Except for the small consumer electrical generators, most electrical generators have been considered stationary.

(10) Nonroad engine —The term "nonroad engine" means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards promulgated under section 7411 (stationary sources under CAA section 111) of this title or section 7521 (motor vehicles under CAA 202) of this title.

(11) Nonroad vehicle —The term "nonroad vehicle" means a vehicle that is powered by a nonroad engine and that is not a motor vehicle, or a vehicle used solely for competition.

Hope this helps.

Paul Machiele
Fuel Center Director
Office of Transportation and Air Quality
(734) 214-4264