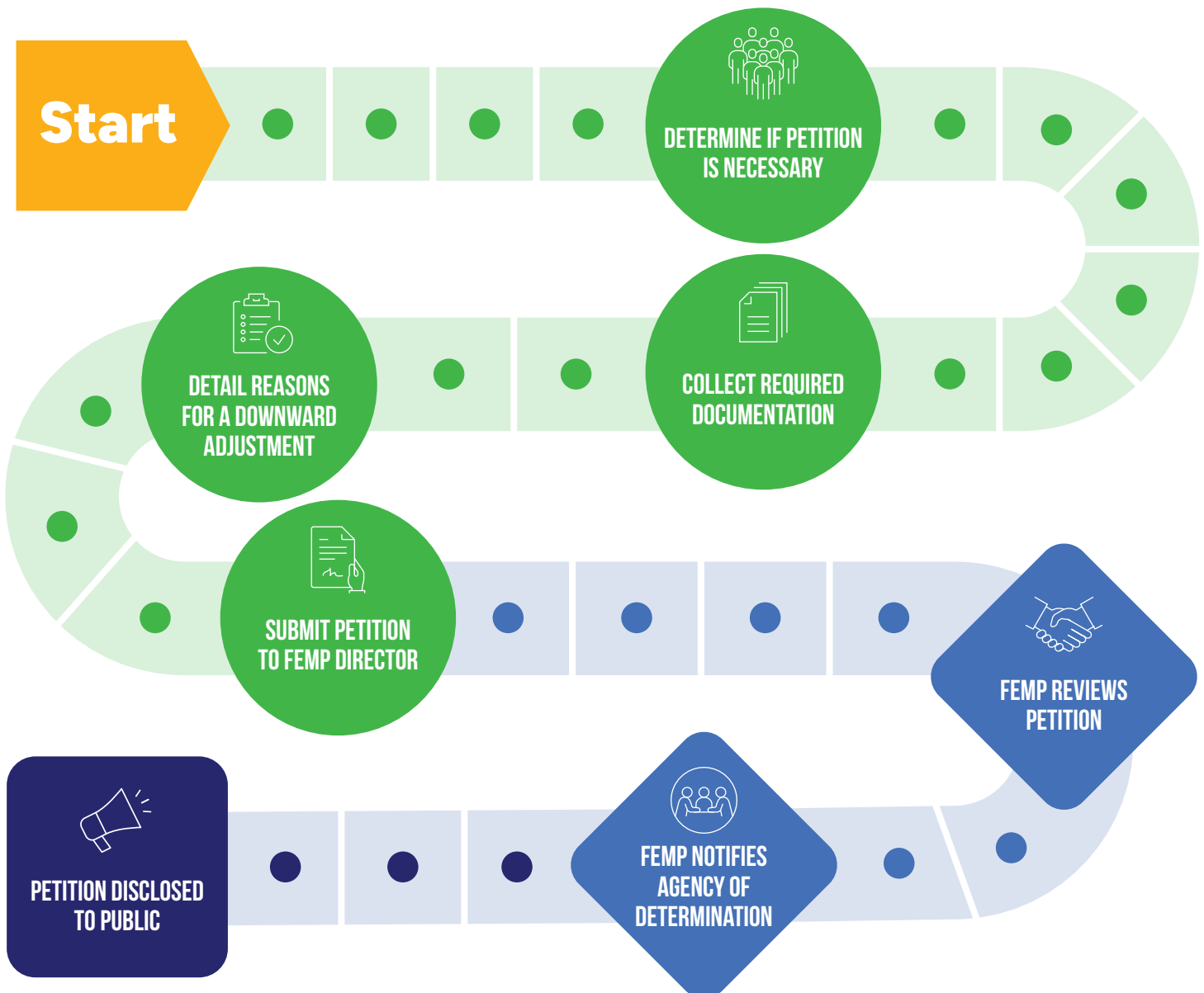


Clean Energy Rule Petition Process Operational Planning

Below is an outline of the steps an agency should expect when petitioning for downward adjustment of the Clean Energy Rule's Scope 1 fossil fuel energy performance thresholds. Steps in **green** are completed by the **agency**, steps in **blue** are completed by the **Federal Energy Management Program (FEMP)**.

What does the typical process look like?





Determine if petition is necessary

Agencies may petition for a downward adjustment to the fossil fuel-generated energy performance standard with respect to a specific building if meeting the requirement is technically impracticable in light of the agency's functional needs for the building.

“Technical impracticability” exists when achieving the targets would:

- Not be feasible from an engineering design or execution standpoint due to existing physical or site constraints that prohibit modification or addition of elements or spaces.
- Obstruct building operations and the functional needs of a building, specifically for industrial process loads, critical national security functions, mission critical information systems as defined in [NIST SP 800-60 Vol. 2 Rev. 1](#), and research operations.
- Significantly degrade energy resilience and security of building operations as defined in [10 U.S.C. § 101\(e\)\(6\)](#) and [10 U.S.C. § 101\(e\)\(7\)](#), respectively.

ENERGY RESILIENCE

The ability to avoid, prepare for, minimize, adapt to, and recover from anticipated and unanticipated energy disruptions in order to ensure energy availability and reliability sufficient to provide for mission assurance and readiness, including mission-essential operations related to readiness, and to execute or rapidly reestablish mission-essential requirements.

ENERGY SECURITY

Having assured access to reliable supplies of energy and the ability to protect and deliver sufficient energy to meet mission-essential requirements.

OTHER NOTES ON PETITION ELIGIBILITY:

Cost may not be used as the only basis for technical impracticability.

Petitions are **not** required when loads are exempted or excluded from the basis of on-site fossil fuel-generated energy consumption. This includes:

- Manufacturing and industrial process loads
- Alternatively fueled vehicles
- Energy generation associated with the supply of emergency backup electricity
- Biomass fuels

Agencies may bundle petitions to reuse documentation for projects of similar scope, design, and location—see details in Section 4.7 Bundling Petitions of the Implementation Guidance.

Once an agency has identified a technical impracticability that would prevent a qualifying project’s compliance with the Clean Energy Rule (and as early in the design process as possible), it should begin the petition process for obtaining a downward adjustment of the compliance thresholds. After the agency collects and submits the information required for a complete petition, FEMP will review and notify within 30 calendar days whether the petition is approved or rejected.



Collect required documentation



Agencies should initiate these steps as early in the design process as possible. Please see the [see the petition template](#), which requires the following information:

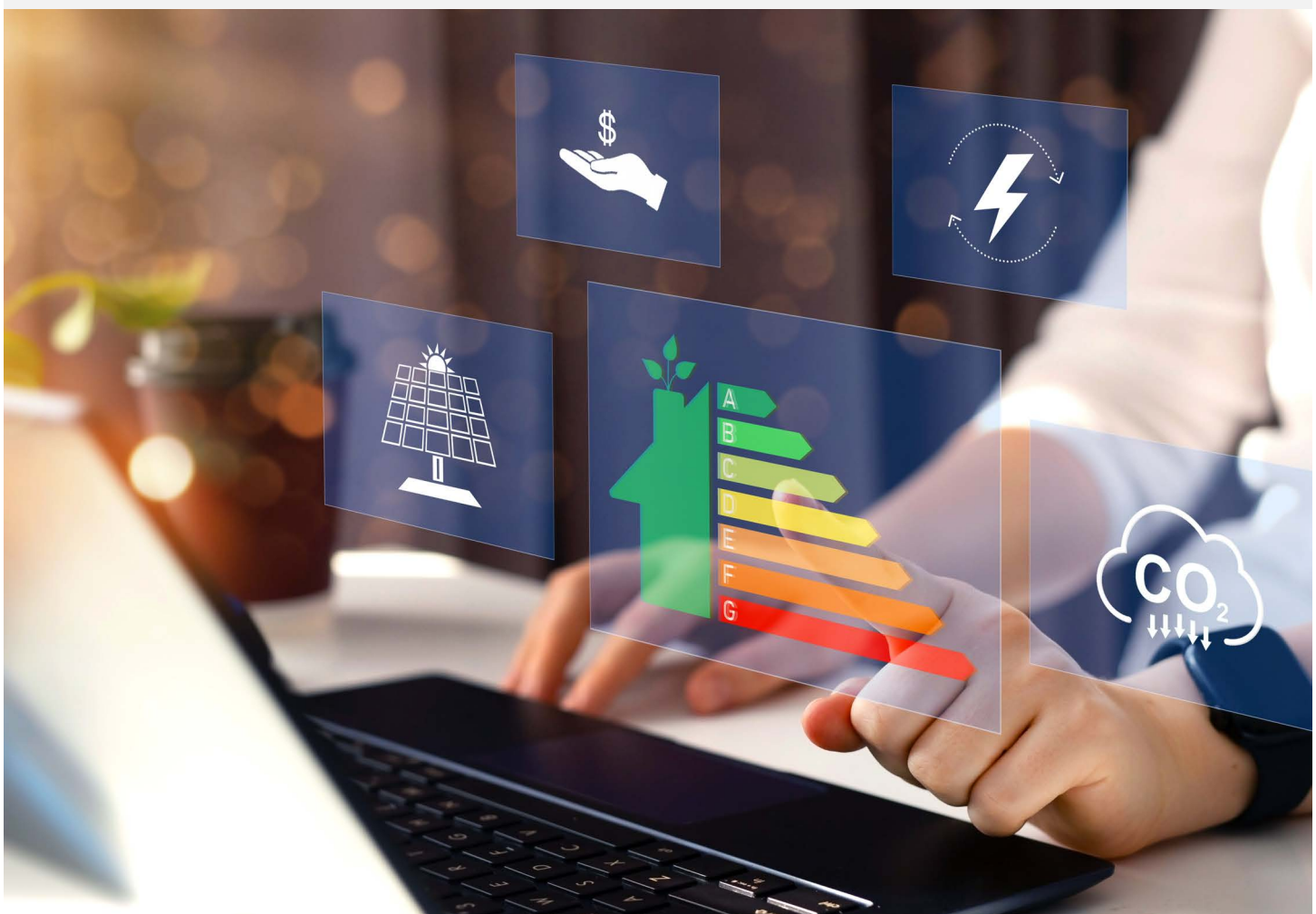
- A description of the systems, technologies, and practices that were evaluated and unable to meet the required fossil fuel reduction, including a justification of technical impracticability for achieving the on-site fossil fuel-generated energy consumption targets.
- A general description of the building or modifications to an existing building including (but not limited to) location, use type, floor area, stories, expected number of occupants and occupant schedule, project type, project cost, functional needs, mission critical activity, research, and national security operations, as applicable.
- The maximum allowable on-site fossil fuel energy consumption for the building.
- The estimated on-site fossil fuel energy consumption of the proposed building.
- A description of the proposed building's energy-related features.
- Any other information the agency determines would help explain its request.





Note that the petition process is not a full exemption; rather, it is a requested downward adjustment. The building must still aim to achieve as much reduction as practicable.

The head of the agency or their designee must provide a statement requesting the petition for downward adjustment for the building or renovation, stating that the building or renovation reduces Scope 1 fossil fuel energy consumption in accordance with the applicable energy performance standard to the maximum extent practicable, and that each fossil fuel-using product included in the proposed building meets ENERGY STAR® or FEMP designated product criteria.





Email the completed petition to cer-petition@hq.doe.gov.

BUNDLING PETITIONS: ALLOWABLE PROJECT TYPES

1. New buildings or whole renovations to buildings. Buildings that:
 - are the same design,
 - have the same set of reduction targets,
 - and would require similar measures to reduce the fossil fuel-generated energy consumption.

The bundled petitions must clearly state any differences between the buildings and explain why the differences do not warrant the submission of separate evaluations.

2. Component-level major renovations. FEMP will allow bundling petitions that are of the same component and building type.
3. Project with multiple buildings. File one petition if the buildings:
 - Are of the same building type and of similar size and location.
 - Are being designed and constructed to the same set of targets for fossil fuel-generated energy consumption reduction.
 - Would require similar measures to reduce fossil fuel-generated energy consumption and similar adjustment to the numeric reduction requirement.

The bundled petition must include the required information that pertains to all buildings included in the petition and an additional description of the differences between each building. In this case the agency is only required to show work for adjustment once.





FEMP reviews petition

- Petitions that are incomplete will not be accepted.
- Petitions that do not demonstrate technical impracticability will not be approved.
- FEMP will notify the agency as early as possible if a petition is determined not to successfully demonstrate technical impracticability. FEMP will work with the agency directly to determine an appropriate resolution. The agency may revise their design and/or petition documentation and resubmit.
- It should be noted that overall rule compliance will be tracked and reported (as detailed in Section 5.3, and completed petitions, both approved or rejected, will be disclosed to the public (subject to classification allowances).





      **FEMP notifies agency of determination** 

- FEMP will notify an agency within 30 calendar days of submittal of a complete petition whether that petition is approved or rejected.
- FEMP may establish an adjusted value of on-site fossil fuel-generated energy consumption standard, other than the adjusted value requested in a petition. If DOE finds that the petition does not support the requested adjusted value but that the statutorily required level was nonetheless technically impracticable, DOE can establish a new adjusted value.





 **Petition disclosed to public**

- FEMP will make its best effort to publish any petitions for downward adjustment that are filed, deemed complete, and screened for national security concerns.
- Publication will be subject to classification allowances.
- Complete/approved petitions will be available on the [Clean Energy Rule webpage](#).

