



October 16, 2024

Comment letter submitted via electronic commenting system

Mr. Tony Brasil
Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Association of California Water Agencies' Comments on Preliminary Proposed Amendments to Advanced Clean Fleets Regulation

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide public comments to the California Air Resources Board (CARB) in response to the October 3, 2024, Workshop on Targeted Amendments to the Advanced Clean Fleets Regulation and the Preliminary Proposed Amendments to the Advanced Clean Fleets (ACF) State and Local Fleets Provisions (Preliminary Proposed Amendments) required by Assembly Bill 1594 (AB 1594)¹. This effort seeks to better reflect the needs of public agency utilities (PAUs)², including community water systems, water districts, and wastewater treatment providers (public water agencies) when purchasing medium-and-heavy duty (MHD) fleet vehicles to meet their needs. We appreciate CARB staff's work to incorporate input in the Preliminary Proposed Amendments from PAUs to make necessary improvements to the Advanced Clean Fleets regulation. ACWA represents more than 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses. We offer the following comments for consideration in response to the Preliminary Proposed Amendments.

Comments on the Preliminary Proposed Amendments

1. Support for the direction of the proposed definition for Traditional Specialty Utility Vehicles.

ACWA appreciates the direction of the Proposed Definition from CARB staff for Traditional Specialty Utility Vehicles (Proposed Definition) to grant much needed flexibility to PAUs that need to make use of the Zero Emission Vehicle (ZEV) Purchase Exemption and Daily Usage Exemption pathways enabled in ACF. The Proposed Definition is a result of ongoing substantive collaboration between CARB staff and PAUs. PAUs, including public water agencies, must be able to sustain and build their medium-and-heavy duty (MHD) fleets to meet their essential public service requirements.

¹ [AB 1594](#) enables public agency utilities to purchase replacements for traditional utility-specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events.

² [AB 1594](#) defines public agency utilities as including community water systems, water districts, and wastewater treatment providers.

2. Support for Early Access provision added to ZEV Purchase Exemption and Daily Usage Exemption pathways.

ACWA supports the Early Access provision to enable PAUs to replace MHD vehicles prior to the 13-year requirement presently tied to the ACF ZEV Purchase Exemption and Daily Usage Exemption pathways. The Early Access provision will enable PAU fleets, should fleets have cause either through an existing Vehicle Replacement Purchase Plan (Purchase Plan) or through mileage or usage thresholds to bypass the 13-year requirement. PAUs rely upon Purchase Plans to manage fleet needs strategically replace their fleet vehicles when existing fleet vehicles have exceeded useful life which does not align with the current 13-year requirement.

3. Support for Section 100 Change to include Highest Daily Usage Readings for Daily Usage Exemption Requests for PAUs.

ACWA supports the Section 100 change to allow PAUs to include the three highest mileage readings when requesting a Daily Usage Exemption. PAUs must be able to rely upon their entire fleets during emergency events, and this change enables PAUs to communicate the extreme duty cycles which their fleets must ensure to always maintain public safety.

4. Recommend incorporating additional, essential MHD vehicles with towing capacity into the Proposed Definition.

ACWA encourages CARB to further consider MHD vehicles with a substantial towing capacity into the Proposed Definition that do not have power take-off or 4/6-wheel drive. Examples include trucks towing: emergency potable water pumps and emergency pumps during floods, emergency generators and compressors during emergency conveyance system failures, and trucks with and without cranes used for water distribution. Public water agencies use numerous vehicles in MHD fleets that meet these criteria, which categorically are Traditional Utility Specialty Vehicles used by public water agencies, and that need the flexibility provided by the Proposed Definition to ensure essential public service needs provided by our MHD fleets are met. Therefore, we recommend adding a third bullet to page 10, section 5 of the definition of Traditional Specialty Utility Vehicle of the State and Local Fleets Provisions to cover MHD vehicles with a substantial towing capacity into the proposed definition that do not have power take-off or 4/6-wheel drive.

§ Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

Is either:

1. Equipped with power take off device that draws power directly from the engine or transmission, or

2. Equipped with four-wheel drive or six-wheel drive, specifically ones capable of providing torque and power to all wheels simultaneously, or
3. Equipped with towing capacity, but no power take-off or 4/6-Wheel Drive with a towing capacity of 30,000 pounds or greater.

5. Recommend broader usage focus to complement mileage threshold used in Table A for consideration Purchase Exemption and Daily Usage Exemption requests.

ACWA is concerned that the mileage thresholds proposed on page A-1-21 of the State and Local Fleet Provisions do not provide relief to the plurality of PAUs because usage in miles traveled can be so variable by duty cycles. More fully accounting for hours of usage will be essential to accurately consider Daily Usage Exemption request. Many traditional utility-specialized vehicles travel short distances, but operate at a job site for extended periods of time, especially during emergencies. In those cases, hours would more accurately reflect a fleet's needs. Many fleet managers prioritize hours of usage alongside or instead of mileage as criteria for measuring the useful life of MHDs³. We encourage building out the usage threshold in Table A as a more equitable standard to rely upon that removes the bias of jurisdiction size to account for how strenuous hours used could be. We recommend that CARB staff build out the hour threshold criteria for all Traditional Utility Specialty Vehicles (not exclusively PTO) informed by the industry recommended standard that every 1 hour of usage is equivalent to 30 miles of usage.

6. Recommend further consideration of PAUs that expand service territory in purchase decisions when there is no "replacement" but just adding to fleet total.

ACWA encourages further consideration within the Proposed Definition to consider new vehicles that are not replacements for existing MHD fleet vehicles to accommodate PAUs that must expand their existing operations. Public water agencies, often due to circumstances out of their control, must expand their MHD fleets to accommodate additional workload. A few examples experienced by public water agencies that apply here include, but are not limited to: (1) hiring additional operational staff usually necessitates purchasing new vehicles, (2) building new residential or industrial zones within existing service territory results in increased water service interconnections and necessitates purchasing new vehicles⁴, (3) annexing new developments or consolidating a failing water system into a public water agency's operations

³ According to [WorkTruck](#), many fleet managers contend that mileage is not a true indicator of actual vehicle wear and tear. As an engine idles, the wear to consume one gallon of fuel equals driving up to 30 miles. It may be more efficient to plan future vehicle replacements based on the hours of engine operation.

⁴ One water agency is building a regional water recycling program that would involve the development of a new Advanced Water Treatment Plant and Distribution System. To adequately support this new system, which is projected to transport purified water up to 60 miles through a network of pipelines, MHD vehicles would need to be added to the existing fleet. If at the start of 2027 the necessary MHD vehicles are not available as ZEVs, this may affect their overall resiliency as they would not be replacing existing vehicles, but needing to purchase new ICE. The existing fleet would not be able to cover the expanded territory.

results in expansion of service area territory and the amount of water service interconnection and necessitates purchasing new vehicles. In all of these scenarios, public water agencies must consider expansion of their existing MHD fleets to best service new water connections and need clarity within ACF for compliance. Thus, we recommend adding a definition for “Vehicle Replacement Purchase Plan” into ACF Definition Section (which starts on A-1-3 of the State and Local Government Agency Fleet Requirements) that considers both vehicles that replace existing vehicles, and new vehicles when a fleet expands, and slight edits to § Section 2013.1. to reflect situations where a PAU is expanding their fleet.

§ Section 2013. State and Local Government Fleet Applicability, Definitions, and General Requirements.

“Vehicle Replacement Purchase Plan” means a plan used by a public agency utility to either replace existing vehicles, or purchase new vehicles covered under “Traditional Utility Specialty Vehicles.”

§ Section 2013. State and Local Government Fleet Exemptions.

(b) Daily Usage Exemption. Fleet owners may request an exemption as specified in section 2013(n)(2) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced, or for a new ICE vehicle of the same configuration to expand a fleet, as specified in section 2013.1(b)(1) if no new BEV is available to purchase that can meet the demonstrated daily usage needs of any existing vehicles of the same configuration in the fleet, as determined by the criteria specified in section 2013.1(b)(2) through (5).

(d)(2) ZEV Purchase Exemption Application. Fleet owners may request an exemption as specified in section 2013(n)(4) to purchase a new ICE vehicle of the same configuration as an ICE vehicle being replaced, or for a new ICE vehicle of the same configuration to expand a fleet, as specified in section 2013.1(d)(2)(A)1.

7. Recommend removal of the added text under Section 2013.1 that adds more steps to get exemptions.

ACWA encourages removal of the added text under Section 2013.1 “All vehicles purchased during the compliance year will be assessed to determine whether an exemption in Sections 2013.1(b) or 2013.1(d) is necessary for the fleet owner to comply; if a sufficient number of ZEVs are available to purchase to meet their requirement under Section 2013(d), these exemptions will not be granted” because this added step will increasingly complicate compliance with ACF. Merging the 50/50 purchase requirement, considering early ZEV purchases, and evaluating exemption requests as one process will be exceedingly challenging to navigate for PAUs. CARB can streamline the exemption process by keeping these compliance components separate. If a Battery Electric Vehicle is listed on the ZEV Purchase Exemption List or qualifies for an exemption because it is unavailable, PAU fleets should be allowed to purchase an Internal Combustion Engine (ICE) vehicle to meet their fleet needs.

Clarification Comments

8. Clarify mechanics of how exemption requests are considered during 2024-2026.

ACWA requests that CARB staff provide clear guidance to PAUs subject to ACF as of 2024. Numerous public water agencies, as discussed at the October 3, 2024 workshop, lack clarity on how CARB will consider whether to approve an exemption request while current 50% requirements persist from 2024-2026. Per the workshop, CARB staff noted that exemption requests are weighed on whether: (1) A PAU, at the time of exemption request, has purchased 1 MHD ZEV for each 1 ICE vehicle, or (2) an ICE vehicle was purchased despite the availability of a similar ZEV. We understand that this request is not a regulatory change or best placed in the Preliminary Proposed Amendments, but offer that this clarity is directly tied to ACF implementation as CARB works to finalize the Preliminary Proposed Amendments required by AB 1594. Therefore, we recommend that CARB agendize this discussion in a future Truck Regulation Implementation Group (TRIG) and within the Frequently Asked Questions section available on the CARB website to deploy information that PAUs can refer to as they consider best paths towards ACF compliance.

9. Clarify the review process for the ZEV Purchase Exemption List.

ACWA requests follow-up to better understand how and where the ZEV Purchase Exemption List (List) will be publicly reviewed. The List will be an essential tool for PAUs considering their future purchase options, and having a baseline understanding of what CARB understands to be unavailable as ZEVs. We encourage agendizing the List for a future TRIG Rule Provisions Meeting to ensure that PAUs can ask clarifying questions about the List and understand how the List will be updated.

Conclusion

We appreciate the opportunity to comment on the Preliminary Proposed Amendments. ACWA hopes to continue conversations with CARB staff to work through our submitted comments with additional detail in follow-on meetings as needed. Please do not hesitate to contact me at nickb@acwa.com or (916) 441-4545, if you have any questions regarding ACWA's input. We look forward to future conversations with CARB staff, and CARB Board Members as the Preliminary Proposed Amendments continue to be developed.

Sincerely,



Nick Blair
Regulatory Advocate II

cc: The Honorable Liane Randolph, Chair, California Air Resources Board
The Honorable E. Joaquin Esquivel, Chair, California State Water Resources Control Board
Mr. Dave Eggerton, Executive Director, Association of California Water Agencies
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, Association of
California Water Agencies