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September 15, 2025

Clerks' Office
California Air Resources Board
1001 I Street, Sacramento, California 95814

RE: Comment Letter – Advanced Clean Fleets Regulation Amendments/45 Day Changes

Dear California Air Resources Board,

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide comments on the proposed 45-day change amendments to the Advanced Clean Fleets (ACF) regulation (45-day changes) as required by Assembly Bill 1594 (Garcia, 2023) [AB 1594]. ACWA represents approximately 470 public water agencies that collectively deliver approximately 90 percent of the water in California for domestic, agricultural, and industrial uses. ACWA has participated in ACF since its conception, throughout its development, and now into the amendment stage¹. We support the state's goals that ACF aspires to reach; however, our members want to ensure that our role as essential public service providers is not jeopardized by ACF requirements². The 45-day changes proposed by California Air Resources Board (CARB) staff are a first step towards reflecting the additional flexibility needed by public agency utilities discussed in 2024³. However, much more work is needed to ensure necessary changes are made to promote medium-and-heavy duty (MHD) fleet electrification, where feasible, without compromising public agency utilities from being able to maintain essential public services and critical operations, including during emergency events. The comments provided below respond directly to the 45-day changes proposed, and more crucially to where ACWA believes additional work needs to be accomplished through supplemental ACF amendments.

1. Support the addition of a Traditional Utility Specialty Vehicle (TUSV) definition and its incorporation into ACF in the 45-Day Changes.

ACWA supports addition of the TUSV definition to ACF to acknowledge key vehicles for public agency utilities that are essential to unique fleet operations and in need of greater flexibility for ACF compliance. This definition acknowledges unique vehicles that are mission-critical to ensure water and wastewater services have earlier access to exemption pathways (ZEV Purchase and Daily Usage) via the removal of the 13-year requirement and outlines steps to be taken to

¹ ACWA has actively participated in ACF since Governor Newsom proclaimed Executive Order N-79-20 (2020) in anticipation of how key participation would be to provide public water agency input towards regulatory development.

² ACWA submitted a letter on May 2, 2025 encouraging further consideration of public agency utilities needs in the AB1594 amendment process to ACF.

³ Removal of the 13-year requirement from the Purchase Exemption and Daily Usage Exemption pathways was initially discussed in Fall 2024 as a necessary step in ACF amendments.

designate vehicles as TUSV. Additionally, the TUSV definition grants public agency utilities the option to include its top three vehicle usage days in exemption requests to reflect worst case scenarios through the Daily Usage exemption. Inclusion of this definition is a result of continued dialogue between public agency utilities and CARB staff to better inform CARB staff about the unique, specialized fleet operations that water and wastewater agencies provide to their communities to protect public health⁴. We encourage further consideration of TUSV as we work with CARB staff on supplemental ACF amendments towards workable solutions for ACF.

2. Support broadening definition of Near-Zero Emission Vehicles (NZEVs) in 45-Day Changes.

ACWA is encouraged by the proposed change to align NZEV definition to align with the Advanced Clean Trucks regulation. We suggest further dialogue, as needed, to discuss the viability and need to incorporate NZEVs into ACF compliance, especially where equivalent ZEVs do not yet exist. The CARB Board recently discussed this need to bridge the gap towards broader use of ZEVs in the future to satisfy market needs⁵. Broadening NZEV eligibility remains essential to create opportunities for more options that public agency utilities can purchase to meet ACF compliance requirements.

3. Encourage supplemental comment period(s) to incorporate further needed ACF amendments.

The 45-Day Changes do not yet go far enough to enable ACF compliance for public agency utilities as intended by AB 1594. ACF establishes strict requirements for public agency utilities to purchase exclusively zero-emissions vehicles (ZEVs), including TUSV. While ACF includes several exemption pathways, the conditions for use are extremely limited and do not adequately reflect public agency utilities' operational needs, available technology, or market stability. Water and wastewater agencies must maintain the ability to support their wide range of operations and ensure an available fleet of vehicles to provide reliable service and respond to emergencies of any scope. ACF must also reflect the extremely limited market availability of ZEVs and consider the heightened cost increases that public agency utilities will face while other fleets are removed from ACF compliance requirements⁶. In cases where ZEVs are available to replace traditional internal combustion engine (ICE) vehicles, they cost more and lack the performance capability of their ICE vehicle counterparts. The Trump Administration has expressed its intent through various Executive Orders to eliminate electric vehicle subsidies and policies mandating stricter emissions standards, which we fear will only further restrict purchase options for water and wastewater agencies who need to maintain their fleets' capability to provide first-responder services and ensure essential operations stay online.

⁴ ACWA and other public agency utility representatives engaged CARB in 2024 to discuss critical operations that our agencies collectively encounter.

⁵ The July 24, 2025 CARB Workshop to discuss amendments to the Advanced Clean Trucks regulation resulted in discussion amongst the board and directive from CARB Chair Liane Randolph to further examine the role that NZEVs must play in ACF compliance.

⁶ The removal of private fleets from ACF compliance significantly shrinks the market for ZEV vehicles and will result in higher purchase costs for public fleets until further notice.

For water and wastewater agencies, ACF compliance cannot come at the expense of fulfilling their operations and responsibility to their communities. We appreciate the work and conversations that we have had with CARB staff to address these concerns and want to see these changes written into further ACF amendments. ACWA encourages further work by CARB staff to build out much needed additional changes to ACF, in supplemental comment periods, to make compliance feasible for public fleets, including, but not limited to:

3A. Reframe the Mutual Aid Exemption to enable upfront use.

As written, the Mutual Aid Exemption is prohibitive for public agency utilities because ACF requires a high level of the existing fleet to already be ZEV as a starting point and the current truck market does not have enough ZEVs to even meet the current ZEV targets. Public water agencies, at large, engage in mutual aid agreements with regional partners nearby, and across the state through programs like the California Water/Wastewater Agency Response Network (Cal WARN) and through Hazard Mitigation Plans. Water agencies engage in mutual aid efforts with fellow water agencies, but also with broader emergency response efforts (including fires, earthquakes, others) with local, state, and federal agencies. An upfront ZEV percentage requirement will be impossible for public agency utilities of all sizes who engage in mutual aid to ensure the certainty needed in responding to emergencies across the state.

We recommend reframing use of the Mutual Aid Exemption to be tied to designation of a fleet portion as mutual aid (number or percentage) to better reflect the reality of public agency utilities. Tying access to the exemption to an upfront fleet percentage of ZEVs in service is impractical for sustaining fleet operations to respond to emergencies as mutual aid partners. This alternative approach will enable fleets to prioritize the vehicles they need most and illustrate that there is no viable ZEV alternative that can meet the requirements of fleet vehicles needed for mutual aid efforts. Designation of part of the fleet as mutual aid will also help fleets navigate the volatile ZEV truck market by not having to purchase unproven ZEV for emergency response operations. ACWA also would like to highlight that the percentage of mutual aid vehicles will be heavily impacted by the size of the fleet; therefore, further discussion is needed to determine some reasonable levels based on fleet size.

3B. Reframe the ZEV Purchase Exemption to reflect criteria used by fleets to purchase vehicles that meet their needs.

As written, the Purchase Exemption is complicated to use and challenges the certainty that public agency utilities need in their planning efforts. There remains a critical gap in providing fleets with the ability to communicate why available ZEVs do not meet their fleet needs. Public agency utilities should be able to use their expertise to make informed purchase judgements. These determinations have very real implications for their fleets and help to ensure fleets remain successful in conducting essential operations to sustain reliable water and wastewater services.

We recommend reframing the use of the ZEV Purchase Exemption to be tied to key criteria that fleets use to determine if a new vehicle meets their needs. At a high level, we recommend allowing fleets to evaluate whether a ZEV meets their needs, prior to purchase, in towing capacity, off-road capability, auxiliary functions and payload capacity. TUSV's need these specialized capabilities to perform their mission. If ZEVs do not possess these specialized

capabilities, then they cannot be considered true replacements because they would be unable to perform their mission. Additionally, it is appropriate to require confidence in the vendors supplying ZEVs. Vendor criteria should be evaluated and could include: the ability to fulfill purchase orders on time, minimum number of purchase orders already in service, three or more years of service selling vehicles in California, warranty guarantees, cost containment⁷, and the ability to provide vehicle maintenance support with a reasonable range for fleets. These changes would allow public agency utility fleets to more clearly communicate why, in their judgement, a ZEV does not meet their needs and provide greater certainty as to whether an exemption request will be accepted for longer term ACF compliance planning.

3C. Reframe the Daily Usage Exemption to use available data to reflect needs.

As written, the Daily Usage Exemption proves challenging for public agency utilities that lack historic daily usage data. It requires public agency utilities use historic data to apply and treats vehicles the same regardless of use (for example, water, wastewater, electric).

We recommend delaying the requirement to use ZEV data until more data is available for use. Instead, work to allow fleets to convert fuel usage to energy equivalents until a later date so that an accurate conversion. It should also be noted that a lot of ZEVs may not have an onboard diagnostics port so collecting data from those ZEVs is difficult since fleets are unable to collect and use data to compare ZEVs performance against ICE trucks. The Daily Usage exemption should also be usable without a percentage requirement attached to it and be granted when a ZEV is incapable of providing the same performance standards as an internal combustion vehicle in a worst-case scenario. This approach will serve as a stop gap. As more data is collected to inform how public agency utilities fleets operate within duty cycles, it will give a clearer picture of where ZEVs must improve performance standards to meet fleet needs.

4. Request a CARB Resolution to enact additional comment periods, as needed.

ACWA encourages the CARB Board to direct CARB staff, following the September 25 Board workshop, to enact additional comment periods, as needed, to continue work on amendments that will allow public agency utilities to maintain reliable service and respond to major foreseeable events as intended in AB 1594. We suggest using the proposed changes noted above in Comment 3 as a starting point to work towards additional amendments and look forward to engaging CARB staff in this effort. This additional work to provide substantive improvements that go beyond the 45-day changes is essential in ensuring ACF functions as a regulation that enables fleets to holistically approach MHD fleet electrification. ZEVs and NZEVs should be able to be purchased where they meet fleet needs without causing a detrimental effect on public agency utility operations. Workable exemptions must be provided as options when that is not the case.

Closing

⁷ CARB's current ability to enforce ACF, following removal of the ability to enforce ACF on private fleets, will result in increased prices for public agency utilities because the market has become smaller.

ACF remains a priority issue for our members. Our MHD utility vehicles played an instrumental role during the 2025 LA fire and emergency events and do so in many other emergency events across the state. It is for reasons like this that ACWA prioritizes being a part of CARB's Truck Regulatory Implementation Group to help navigate ACF implementation and participates in the Energy Commission's Clean Transportation Program Advisory Committee. It is critical that we continue to work to ensure that public agency utility fleet needs are prioritized. We look forward to working with CARB to develop workable solutions in supplemental comment periods as needed through the AB 1594 process. ACWA appreciates CARB's consideration of these comments, appreciates the ongoing dialogue that we have been able to maintain in the AB1594 process with CARB staff, and appreciates that CARB staff has been willing to come on numerous site visits this year⁸ to receive visual examples of the comments we continue to raise. We look forward to continuing this conversation and the work needed. If you have any questions or would like to discuss the comments, please contact Nick Blair at nickb@acwa.com or (916) 669-2377.

Sincerely,

A handwritten signature in black ink, appearing to read "Nick Blair". The signature is fluid and cursive, with the first name "Nick" being more prominent than the last name "Blair".

Nick Blair
Senior Policy Advocate
Association of California Water Agencies

cc:

The Honorable Liane Randolph, Chair, CARB
The Honorable Dr. Steve Cliff, Executive Director, CARB
Mr. Christopher Grundler, Deputy Executive Officer, CARB
Dr. Michelle Buffington, Division Chief, CARB
Mr. Tony Brasil, Branch Chief, CARB
Mr. Paul Arneja, Manager, CARB
Mr. Chris Francheschi, Manager, CARB
Mr. Marwan Khalifa, Interim Executive Director, Association of California Water Agencies
Ms. Cindy Tuck, Deputy Executive Director, Association of California Water Agencies

⁸ ACWA Member Agencies have hosted numerous site visits with CARB staff in 2025 to provide visual examples of core fleet operations, and the challenges they face with adopting ZEVs.