

San Luis & Delta-Mendota Water Authority (Scott Petersen)

Comment letter attached.

San Luis & Delta-Mendota Water Authority



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

RE: Comments on the Proposed Amendments to the Advanced Clean Fleets Regulation

Dear California Air Resources Board,

The San Luis & Delta-Mendota Water Authority ("Water Authority") appreciates the opportunity to provide comments on the proposed 45-day change amendments to the Advanced Clean Fleets (ACF) regulation as required by Assembly Bill 1594 (Garcia, 2023).

The Water Authority is a public agency with its principal office located in Los Banos, California. It was formed in 1992 as a joint powers authority, and has twenty-seven member agencies. Twenty-five of the Water Authority's member agencies contract with the United States for the delivery of water from the federal Central Valley Project (CVP). Most of the Water Authority's member agencies depend upon the CVP as the principal source of water they provide to users within their service areas. That water supply serves approximately 1.2 million acres of agricultural lands within areas of San Joaquin, Stanislaus, Merced, Fresno, Kings, San Benito, and Santa Clara Counties, a portion of the water supply for nearly 2 million people, including in urban areas within Santa Clara County referred to as the "Silicon Valley," and millions of waterfowl that depend upon nearly 200,000 acres of managed wetlands and other critical habitat within the largest contiguous wetland in the western United States.

The ACF sets ambitious compliance deadlines for fleets to transition to an increasing proportion of zero emission vehicles (ZEVs). The ACF's ZEV transition requires access to adequate utility infrastructure for alternative fueling such as electric vehicle (EV) charging, as well as access to ZEVs that operationally can deliver the full spectrum of important and highly specialized services that local government fleets provide. Due to the inherent challenges occurring within the industry and frustrating compliance, we respectfully request that the California Air Resources Board (CARB) consider expanding the scope of amendments to ACF to help facilitate successful implementation of the regulations, and provide the following recommendations:

1. Expand the Definition of "Traditional Utility Specialty Vehicle (TUSV)"

The Water Authority recommends that CARB revise the proposed definition of TUSV in Section 2013(b) to permit internal combustion engine (ICE) Class 2b vehicles weighing less than 10,000 lbs. and under 13 years old to qualify as TUSVs until 2035, provided they satisfy the other criteria specified in the definition. 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 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. We recommend the following revised language:

“Class 2b vehicles may be classified as Traditional Utility-Specialized Vehicles (TUSVs) until 2035, provided they meet most of the criteria outlined in the proposed TUSV definition. The fleet owner requesting Class 2b TUSV classification must provide a clear justification for why this classification is required. This criterion is subject to approval by the executive officer on a case-by-case basis.”

2. Support Broadening Definition of Near-Zero Emission Vehicles (NZEVs)

The Water Authority 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. CARB recently discussed this need to bridge the gap towards broader use of ZEVs in the future to satisfy market needs. Broadening NZEV eligibility remains essential to create opportunities for more options that public agency utilities can purchase to meet ACF compliance requirements.

3. Mutual Aid Amendments

The Water Authority recommends that CARB revise the Mutual Aid Exception to allow greater flexibility for public fleets to exceed the current 25 percent cap on ICE vehicles, under specific conditions.

A. 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 (CalWARN) 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 assure 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. The Water Authority 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.

B. 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 public agency utilities need in their planning efforts. There remains a critical gap in providing fleets 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 judgements. These determinations have very real implications for their fleets and help to ensure fleets remain successful in carrying out 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 containment, 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.

C. Remove “Tractors” as a Configuration Available as Near-Zero Emission Vehicle (NZEV)

We recommend excluding “tractors” from the list of vehicles not eligible for the Mutual Aid exemption when NZEV alternatives are present. If NZEV options for tractors become available, they may not meet the operational requirements of traditionally ICE tractors, which are designed to operate long hours in remote locales. These vehicles are crucial for transporting critical chemicals and construction equipment to remote locations that lack adequate ZEV charging infrastructure. Additionally, they play a vital role in moving large off-road construction machinery needed for excavating pipelines in areas with limited charging facilities. ZEV or NZEV tractors may not meet the operational needs of the Water Authority's fleet in a safe and reliable manner, and therefore should be excluded.

We look forward to working with CARB and other public agencies amend the ACF regulation in accordance with AB 1594 directives. If you have questions or need additional information, please contact scott.petersen@sldmwa.org.

Sincerely,

J. Scott Petersen, P.E.
Water Policy Director
San Luis & Delta-Mendota Water Authority