



September 15, 2025

Via electronic submittal: <https://carb.commentinput.com/?id=Cr96cajuN>

California Air Resources Board
Clerk's Office
1011 I Street
Sacramento CA 95814

Subject: Comments on the Proposed Amendments to the Advanced Clean Fleets and Low Carbon Fuel Standard Regulations

Dear California Air Resources Board:

Eastern Municipal Water District (EMWD) appreciates the opportunity to provide public comments on the 45-day package for the proposed amendments to the California Air Resources Board (CARB's) Advanced Clean Fleets (ACF) Regulation (*Proposed ACF Amendments*), released on July 29, 2025. EMWD understands the primary intent of these amendments is to address changes required by Assembly Bill 1594 (Garcia, 2023) [AB 1594]. The comments below are in response to the AB 1594 amendments in the 45-day package as well as additional preliminary comments for consideration in the upcoming 15-day package.

EMWD supports California's goals and Zero Emission Vehicles (ZEVs), *where feasible*, and appreciates the collaboration with CARB staff to implement AB 1594. However, it is critical for additional flexibility to be incorporated as 15-day changes. The *Proposed ACF Amendments* demonstrate progress to address core challenges with ACF implementation for the State and Local Government Fleets (SLGF), however there are outstanding critical issues that are not addressed in the proposed amendments. Without additional changes, the implementation of the ACF for SLGF adds risk to the reliability and resilience of the essential public services we provide to our community to protect public health and the environment.

EMWD must have the ability to perform preventive and emergency response work in all circumstances related to the water, wastewater, and recycled water services it provides. Additionally, the wastewater

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sector is required by state regulations to further increase levels of required maintenance across public sewers (i.e., via the updated Sanitary Sewer System Waste Discharge Requirements and the Water Quality Enforcement Policy). Public agencies are also responding to more frequent extreme events that require increasing levels of emergency preparedness and response. With public fleets potentially being the only fleets in California required to transition to zero-emission vehicles and the federal administration and equipment manufacturers signaling opposition for that transition, there is a growing concern that public agencies will be forced to purchase vehicles incapable of providing the level of services needed to be reliable, compliant, or responsive in an emergency, putting everyone at risk.

Our requested revisions are summarized below and are discussed in more detail in this letter. **We respectfully request that the CARB Board direct staff to engage with stakeholders and draft additional 15-day Changes to the Advanced Clean Fleets regulation, Section 2013, in the following areas:**

- **Near-Zero Emission Vehicle (NZEV) Definition** – Modify the definition of the near-zero emission vehicle (NZEV) to include an additional option that includes a low nitrogen oxide (NOx) vehicle option fueled by renewable natural gas (RNG) and remove the sunset on the use of NZEVs for public agencies that provide essential public services (i.e., publicly-owned water, wastewater, and power agencies).
- **Mutual Aid Exemption** – Revise Mutual Aid Exemption to remove ZEV thresholds, revise mobile fueling requirements, and include vehicles utilized for emergency response.
- **ZEV Purchase Exemption and Daily Usage Exemption** – Add provisions allowing exemptions for fleet expansions driven by utility growth. Refine exemption criteria to ensure essential public service vehicles have adequate access. Since public service providers rely on public funds, vehicles must be proven reliable. The regulation should be revised to better account for core vehicle specifications and require ZEV vendors to demonstrate reputability.
- **Non-repairable Vehicle Exemption** – *Used* specialty vehicles are very challenging to procure; therefore, the provisions should be expanded to allow *new* vehicles, rather than only allowing *used* vehicles.

We believe these revisions are necessary to support continued progress towards ZEVs in SLGF, while adding workable provisions to address current regulatory barriers towards SLGF implementation. SLGF are only a small fraction (~6.5%¹) of the total medium and heavy-duty vehicles in California and it is

¹Based on 1.86 million MD/HD vehicles referenced in California Clean Trucks Program Report, August 2022, which was sponsored by NRDC and Union of Concerned Scientists; [ca-clean-trucks-report.pdf](#).

critical that the ACF regulation does not impede our ability to maintain vehicle fleets to support the operation of our essential public services, the maintenance of our infrastructure, and the resilience and ability to respond to non-declared emergency events such as pipeline breaks, sewage spills, wildfires and windstorms.

EMWD Background

EMWD is a water, wastewater and recycled water provider to nearly one million people in a 682-square mile service area located in western Riverside County and northern San Diego County. Our facilities operate 24/7 to provide safe, reliable water, wastewater, and recycled water services to our communities. It is critical that we have a fleet of vehicles and equipment that can provide continuous support for our water, wastewater, and recycled water infrastructure, and the supporting facilities we operate, including, but not limited to, water pumping plants, storage tanks, wells, desalter and water treatment facilities, publicly owned treatment works (POTWs), and sewer lift stations. We operate these facilities to fulfill our mission to deliver value to our diverse customers and the communities we serve by providing safe, reliable, economical and environmentally sustainable water, wastewater and recycled water services. EMWD strives to achieve our mission and vision through strategic priorities which includes the protection of public and environmental health. As a provider of potable water, wastewater reclamation and recycled water services, EMWD is responsible for effectively managing its resources economically while being a good neighbor to the community.

EMWD is the sixth largest retail water agency in California. Our service area is only 43% built out and continues to grow. The infrastructure needed to meet the demands of the growth in the communities we serve continues to increase. It is critical that we maintain a reliable vehicle fleet that we can utilize to promptly respond to outages, maintenance, and various repair needs throughout our service area. It is also important that we can expand our fleet, where needed, without regulatory prohibitions, to meet these demands. Our vehicle on-road fleet is currently comprised of approximately 199 vehicles in Class 2b through 8 weight classes, which includes combination sewage cleaning trucks, tankers, crane trucks, flatbed trucks, dump trucks, utility trucks, boom trucks, cement trucks, stake-bed trucks, water trucks, bucket trucks, and vans. There are many specialty vehicles in our medium-heavy duty fleet that are **not** currently available in a ZEV configuration, yet they are not included in the streamlined ZEV Exemption List.

Detailed Comments:

Also based on the 125,000 MD/HD vehicles operated by SLGF that is referenced in the Advanced Clean Fleets Regulatory documents in, Appendix H-1; <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2022/acf22/apph1.pdf>

EMWD participated in the initial development of the ACF regulation and has remained engaged in the implementation through our various associations including the California Association of Sanitation Agencies (CASA), the Association of California Water Agencies (ACWA), and the California Municipal Utilities Association (CMUA). A detailed discussion of our comments on the *Proposed ACF Amendments* and additional preliminary comments for consideration in the upcoming 15-day package are provided below.

We understand that recent actions by the federal administration have created some unexpected challenges with the implementation of the ACF and accompanying regulations intended to support the ZEV transition, such as the CARB Advanced Clean Trucks Regulation (Resolution 87), Advanced Clean Cars II Regulation (Resolution 88), and the CARB Heavy Duty Omnibus Regulation (Resolution 89). More recently, the Federal Trade Commission actions may affect manufacturer commitments in the Clean Truck Partnership Agreement. EMWD shares concerns about how the actions at the federal level will impact ZEV development and ZEV availability for public agencies, especially with the regulation applicability limited to SLGF. Considering these challenges, it is critical that flexibilities are added to the ACF regulation, applicable to SLGF, that promotes fleet electrification, without compromising our ability to maintain essential public services during our 24/7 operations and during local emergency events.

We urge the Board to direct staff to engage with stakeholders and draft additional 15-day Changes to the Advanced Clean Fleets Regulation, Section 2013, in the following areas:

1. NZEV Definition to Include Wastewater Sector Non-fossil Fuel Biogas

EMWD operates four wastewater reclamation facilities that currently treat a combined total of approximately 46 million gallons per day. These facilities serve a unique role in the management of human waste and provide an essential service that is vital to public health and the environment. EMWD sustainably converts organic solids into renewable, non-fossil fuel wastewater derived biogas that has a low carbon intensity and can be beneficially used. We strive to reduce our dependence on the grid by diversifying our energy sources, which includes the beneficial use of wastewater biogas. **The vital nature of our facilities makes redundancy and resiliency especially important.** As long as toilets are flushed, non-fossil wastewater biogas will be generated. EMWD actively seeks sustainable solutions, innovative technologies, and economically responsible pathways for the beneficial use of non-fossil renewable wastewater-derived biogas. However, **the lack of regulatory certainty** introduces challenges and caution with the investment of public funds. It is critical that the wastewater sector can utilize **multiple pathways** for sustainable solutions that utilize the non-fossil fuel produced by the wastewater process as a co-benefit and energy resource. It is important to recognize that not all agencies in the wastewater sector can implement a single pathway so

diversification of uses is critical to ensuring wastewater agencies can be a partner in Senate Bill 1383 implementation and Short-Lived Climate Pollutant (SLCP) reductions strategy.

EMWD strongly supports the revision of the Near Zero Emission Vehicle (NZEV) definition and urges the CARB Board to direct staff to add additional flexibility to the NZEV definition that includes on-road low NOx vehicles fueled by RNG fuel in the NZEV definition. This aids in near-term emission reductions and community resilience. EMWD strongly supports the comments by the California Association of Sanitation Agencies (CASA) and the recommendations in their comment letter for language specific to wastewater agencies and our fleet vehicles

2. **Mutual Aid Exemption**

EMWD responds to emergencies and provides mutual aid during emergency events that affect the public health and safety of our surrounding communities, such as the response and mitigation of sanitary sewer overflows, wildfires, and pipeline breaks. We appreciate the inclusion of mutual aid exemption language in the regulation, however the current framework is very limited and could potentially result in an inability to assist our partners in mutual aid assistance. Many local emergencies are not covered by the “declared emergency event” definition, however they are local emergency events that require prompt response, mutual aid, and a delayed response can lead to a more catastrophic event.

The inclusion of a ZEV threshold in the exemption criteria can impact the accessibility of mutual aid assistance to our regional partners and affects emergency response resilience for the fleet owner. This is an unreasonable barrier that should be removed from the regulation. Other recommended changes include revisions to the mobile fueling requirements and provisions should be added to include vehicles utilized for local emergency response. The “declared emergency event” definitions should be expanded to include other governing bodies and response that affect public health and safety in the definition.

3. **ZEV Purchase Exemption and Daily Usage Exemption**

EMWD requires reliable vehicles that meet full duty cycle needs and operational requirements. The ZEV Purchase Exemption list is very limited for utility specialized vehicles, which implies vehicles to meet utility needs are readily available. However, we continue to experience challenges with the market availability of specialized utility vehicles. The ZEV purchase exemption process should be improved to ensure the process considers specialized functions and core specifications. The exemption process relies on ZEV vendor documentation as part of the exemption approval process, however, there is no established criteria for ZEV vendor verification or ZEV vehicle performance. There should be required

criteria used to verify vendors are reputable and able to timely fulfill purchase orders, meet adequate warranty guarantees, and provide vehicle maintenance support within a reasonable range. In addition, we need confidence that the manufacturers and upfitters have demonstrated that the vehicles will not present operational issues or safety concerns. Additional revisions should be considered to add criteria to verify that the ZEV vehicles sold are proven reliable through adequate field-testing for their intended function, and from reputable manufacturers.

4. Fleet Expansions

The existing regulations and exemptions do not include provisions for fleet expansions (new vehicle purchases that are not replacements). EMWD is only 43% built out so continued growth is expected, which will increase fleet demands for new vehicles. Fleet expansion restrictions can hinder our ability to meet the needs of the growth in our communities and the fleet vehicles needed to support expanding infrastructure. We recommend edits to expand exemption eligibility for new purchases, not just replacement vehicles, throughout the regulation.

5. Non-repairable Vehicle Exemption

We appreciate the inclusion of non-repairable vehicle exemption language in the regulation, however the current language limiting the replacement vehicle to a *used* vehicle introduces unreasonable expectations in practice. While we understand the intent is to provide a pathway for quick replacement, it is extremely challenging to find *used* specialty vehicles in the same specialized configuration as the non-repairable vehicle. Still, the vehicle loss was not planned, and the provisions in the non-repairable vehicle exemption should be made available as a pathway to replace a non-repairable vehicle. We request that the provisions in the non-repairable vehicle exemption be expanded to also allow a *new* vehicle replacement, rather than only allowing *used* vehicle replacements.

Closing

ACF is a priority topic for EMWD as we operate a diverse range of services to our customers that require vehicles and equipment readiness for prompt deployment on a continuous basis. This is critical for maintaining reliable potable and non-potable water services to the community, as well as ensuring the protection of public health and the environment for fire protection (i.e., water supply for hydrants), wastewater treatment, and the prevention of sanitary sewer overflows.

Considering the recent actions by the Federal Administration, the ACF (Section 2013) targets only ~6.5% of the total statewide medium- and heavy-duty vehicles, which are those vehicles used for our essential public services, that our communities depend on. If additional flexibilities are not added for SLGF, then the *Proposed ACF Amendments* will continue to impose unintended risk to the public by mandating water

and wastewater providers to purchase specialized fleet vehicles used for critical services that are in the infancy of development and deployment.

Thank you for the opportunity to comment on the *Proposed ACF Amendments* in the 45-day package. We appreciate the progress made; however, the proposed changes do not adequately address critical issues for essential public services, and additional revisions are necessary for successful implementation. We respectfully request that the CARB Board consider our comments and recommendations and direct staff to make additional changes to the ACF Regulation. We further request that the Board direct staff engage with stakeholders during the development of the 15-day changes and encourage CARB to remain open to additional recommendations, if justified. We appreciate your consideration and look forward to continuing to work with CARB staff on this key regulation.

If you have any questions or need additional information, please feel free to contact Alison Torres at (951) 928-3777 extension 6345 or at torresa@emwd.org.

Sincerely,



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