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April 17, 2026

The Honorable Lauren Sanchez (Chair) & Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Las Gallinas Valley Sanitary District (LGVSD) Comments on the 15-Day Amendments to the Advanced Clean Fleets Regulation (released April 2, 2026)

Submitted via: <https://carb.commentinput.com/?id=HBtS485cF>

Chair Sanchez and Members of the Board:

The Las Gallinas Valley Sanitary District (LGVSD) appreciates the opportunity to comment on the California Air Resources Board's (CARB's) proposed amendments to the Advanced Clean Fleets (ACF) Regulation released April 2, 2026 (referred herein as 15-Day Changes).

The Las Gallinas Valley Sanitary District is in the Las Gallinas Valley between Novato and San Rafael, in Marin County, California and provides wastewater collection and treatment services to the residents and businesses in this area. The District's wastewater treatment and recycling facilities are located on over 400 acres on San Pablo Bay. The District currently serves over 30,000 people in communities north of central San Rafael.

To remain reliable while also compliant with federal, state, and local water, air, solid waste, and energy-related regulations, the wastewater sector must continue to have the flexibility to perform preventive and emergency response measures in all circumstances without limitation – in other words, they must have access to mission-critical vehicles whenever needed. Public agencies' success in maintaining critical functions has been and continues to be at the mercy of fleet vehicles they have on hand and have access to when needed.

The ACF Regulation, initially targeting the state's inventory of medium and heavy-duty fleets representing ~40% of the state's greenhouse gas (GHG) emissions inventory as well as ozone precursor emissions, was intended to move the vehicle market. Through actions outside the control of CARB, the full burden of these regulations now falls on public agencies responsible for performing critical community functions representing less than 7% of the total inventory. This more limited market is highly unlikely to spur engine manufacturers to accelerate production of the medium- and heavy-duty zero emission vehicles (ZEVs) needed to fulfill these mandates.

We want to thank CARB Board Members for acknowledging the needs public agencies have for greater flexibility in the regulation to provide reliable essential public services during the September 2025 public meeting. It is within this context that CASA thanks CARB for including the following 15-Day Changes in response to public agency input:

- Extending the 50% ZEV purchase requirement under the ZEV Purchase Schedule through 2030;
- Expanding the vehicle configurations considered for the [Streamlined ZEV Purchase Exemption List](#), including digger derricks, combination vacuum-jetter trucks, jetter trucks, and Class 2b and 3 pickup trucks;
- Allowing exemption requests to be submitted closer to compliance deadlines (45 days vs 1 year in advance) in effort to improve administrative processing timelines;
- Updating the Mutual Aid Assistance into a Fleet Resilience Exemption and providing a lower minimum ZEV threshold required for eligibility;
- Adding clarifications for early or excess ZEV purchases; and
- Adding more criteria for evaluating and determining ZEV availability, providing more rigor to determining viable ZEVs.

Unfortunately, some of the most significant challenges and barriers the ACF Regulation has posed to public agencies to date were also introduced with these 15-Day Changes. The following sections summarize those implementation challenges/barriers as they relate to wastewater facilities, as many of these changes add new limitations and reduce overall operational flexibility.

Changes in the Approach to Regulating Hired Entities Poses Significant Risks to Public Agencies

CARB staff stated they updated the definition of “Fleet Owner” with the intent of preventing a fleet owner from circumventing compliance requirements (see page 4 of the 15-Day Notice). However, it is not clear why these changes would create a concern since the language under “Hiring Compliant Fleets” (section 2049) did not change. Furthermore, Dr. Cliff stated staff’s interpretation provided to public agencies the fall of 2023 had not changed.¹ However, we just recently learned of CARB staff’s reinterpretation of “Hiring Compliant Fleets” at the end of March 2026. While there were no amendments to that language in the 15-Day Changes package, the reinterpretation was conveyed through a staff email sent to another stakeholder versus being announced to public agencies in a public process. This has created an exceptionally high level of uncertainty related to contracted services public agencies have relied on for decades, as well as for the regulatory implementation process. If interpretations cannot be relied upon from one year to the next, a public agency cannot plan reliably, and ratepayer funds will be lost or wasted.

New Records Requirements Disqualify Wastewater Facilities from Using the Captive Biofuel Use Exemption, Further Undermining SB 1383 Implementation & Public Agency Resilience

A new document is now required by a wastewater facility to qualify for the Captive Biofuel Use Exemption that would enable them to purchase a low-NOx ICE vehicle fueled by biomethane generated from diverted organic waste. Section 2013.4(m)(1) grants eligibility for the exemption to only those entities that are explicitly mandated to handle organic waste. Since no wastewater facility is legally required to haul, transfer or process diverted organic waste, no wastewater

¹CARB staff provided the following interpretation November 2023 of Section 2013(a)(3) from the ACF regulation adopted in April 2023, which states "Hiring Entities. The requirements specified in section 2013(j) apply to any motor carrier, broker, governmental agency, person, or entity that hires and operates or hires and directs the operation of vehicles in California that are subject to this regulation."

The nuance here is the "hires and operates or hires and directs the operation" phrase. This language is intended to cover situations where your agency is hiring specific vehicles, AND operating them yourselves with your own drivers, or otherwise directing the operation of those vehicles day-to-day. If you are contracting for services, these are typically not covered - for example, hiring an A/C repair company to service HVAC units, hiring a plumber, or contracting long term with refuse companies to service routes (but you are not directing the day-to-day operations, the refuse company is) would not be included. This language was intended to cover situations where a general contractor (like CalTRANS) is hiring a dump truck company or fleet to place road base at a specific project, and they are directing those vehicles where to go, when to be there, and other day-to-day operational decisions.

facility will be eligible to qualify for the Captive Biofuel Use Exemption. In turn, this effectively removes the incentive for wastewater agencies to accept diverted organic waste which will greatly impact implementation of SB 1383 and the reduction of landfill methane emissions.

CalRecycle has been relying on the wastewater and compost sectors to accept and process the majority of organic waste diverted from landfills to achieve SB 1383 mandates – 75% diversion of organic waste and 40% reduction in methane emissions. CASA and its members have been sharing this with CARB staff over the last four years referencing the [2019 SWRCB Co-Digestion Capacity Analysis](#). The wastewater sector has enough available infrastructure in place to receive ALL divertible food waste, to achieve 24% of the 40% emissions reductions required when using the recovered biomethane as a low carbon transportation fuel. When the Board approved the ACF Regulations in April 2023, they recognized “that multiple reliable uses for non-fossil biomethane will be needed for successful implementation” of SB 1383 and there was a “need for coordination meetings” to do that, both of which are documented in the last paragraph of [Resolution 23-13](#). No coordination took place to avoid losing the highest and best use of organic waste-derived biomethane – as a low carbon transportation fuel (also determined by the SB 1383 Economic Analysis). Not being able to use the biomethane as a low carbon transportation fuel will have significant impacts on public agency resilience and ratepayers. Without the wastewater sector’s support and with the compost sector having capacity limitations due to local air permitting constraints, SB 1383 implementation is at high risk.

LGVSD requests that CARB remove applicability of Section 2013.4(m)(1) to wastewater facilities and revert back to the language proposed in September 2025 that requires “Documentation to show a wastewater fleet's eligibility are a copy of a permit or license to operate, or proof of ownership of, a wastewater treatment facility.”

New Criteria to Remain Eligible for the Captive Biofuel Use Exemption Do Not Reflect Reality

There are new criteria that wastewater and waste facilities must satisfy to maintain eligibility for the Captive Biofuel Use Exemption that significantly depart from the exemption’s original intent and actual operations. The exemption was designed to support fleet owners that participate in the hauling, transferring, or processing of in-state organic waste, not disqualify them from access to low-NOx

ICE vehicles and from fueling those vehicles with biomethane generated from the processing of organic waste. Not all wastewater facilities that produce renewable biofuel (biomethane) from organic waste generate the same level of biomethane daily due to the variability in the content of the organic waste stream. The content of organic waste streams diverted from landfills varies from day to day and different types of organic waste result in different levels of biomethane generation. Conditioning exemption eligibility on the ability to produce a specific level of excess biomethane and limiting a vehicle to only fuel at a single facility was not vetted through the public process and does not reflect operational realities. This approach unnecessarily limits and penalizes entities that have heavily invested in the production of biomethane and the cleanest available internal combustion engine technologies to help advance the state's clean air and climate goals. Creating additional barriers for building operational resilience and SB 1383 implementation is counterproductive.

Most Wastewater Facilities follow the ZEV Purchase Schedule for Flexibility, But the Captive Biofuel Use Exemption is Still Only Available to Facilities in the Milestones Option

Even if wastewater facilities were not disqualified by the records requirement (Section 2013.4(m)(1)), because the Captive Biofuel Use Exemption is only accessible to facilities who opt into the Milestones Option, this presents another barrier to accessing low-NO_x ICE vehicles fueled by biomethane. Most wastewater facilities follow the ZEV Purchase Schedule to maximize the useful life of their vehicles and give the ZEV market² as well as supporting infrastructure time to develop, ultimately to be as fiscally responsible with ratepayer funds as possible. In other words, wastewater facilities need access to the Captive Biofuel Use Exemption from within the ZEV Purchase Schedule since it aligns compliance with natural asset replacement cycles, reducing financial risk by ensuring vehicles are only replaced when they reach the end of their useful life. This avoids the premature retirement of fully functional assets and supports a stable, predictable, and fiscally responsible transition while ensuring public resources are managed appropriately. This approach also protects prior capital investments—an especially critical consideration for public agencies operating within tight, long-

² However, due to factors out of CARB's control, multiple manufacturers have and continue to announce they are pulling back or withdrawing from ZEV production since mid-December 2025.

range budgets. Given the many factors outside an agency's control, maintaining this flexibility enables more efficient investment decisions, minimizes operational disruptions, ensures reliable service to the public, and reduces the risk of adopting higher-cost or less-proven technologies prematurely.

The Low-NOx ICE Vehicle Definition Is Too Vague to Confidently Invest in Technology Available Today

CARB's definition for a low-NOx ICE vehicle is too ambiguous as written for public agencies to confidently invest ratepayer funds in technology that is available today and "may" be compliant. The definition states a low-NOx ICE Vehicle is "an engine certified to a NOx emission standard below the lowest applicable NOx engine standard for the 2026 or subsequent model years." This is challenging to interpret since no one has been able to identify with certainty what the 2026 standard is. Dr. Cliff stated it is the "state standard" (referencing the Heavy-Duty Low NOx Omnibus standard); however, that standard is in litigation and public agencies need certainty to responsibly invest ratepayer dollars.

LGVSD is a member of the California Association of Sanitation Agencies (CASA), and CASA previously provided a modified definition (copied below) that includes the kind of clarity and certainty public agencies need as justification for ratepayer investments:

"Low NOx ICE Vehicle" is a vehicle legally sold into California equipped with a 2024-2026 or later engine certified to operate on an Alternative Fuel at or below an applicable oxides of nitrogen exhaust emission standard or family emission limit of 0.050 grams per brake horsepower-hour or a 2027 or later engine certified to operate on an Alternative Fuel at or below an applicable oxides of nitrogen exhaust emission standard or family emission limit of 0.035 grams per brake horsepower-hour.

While Public Agencies Greatly Benefit from Extending the 50% Requirement under the ZEV Purchase Schedule, Rural Low Population Wastewater Facility Operations Remain at High Risk

Integrating any ZEV technology into rural, low population service areas is going to be extremely challenging as we enter year 2030. These areas typically do not have ZEVs, let alone charging or filling stations to support them. In some regions, there will be significant questions regarding how to overcome the operational limitations of ZEVs in such unique terrain. To require their essential vehicles, that often serve as first responders to clear roadways, emergency response during

power outages and extreme events, as well as provide routine maintenance within the unique constraints of their service territories, to switch over to ZEVs starting in 2030 is unrealistic. These public agencies do not have access to this technology to even begin the learning curve or demonstrate the viability of the ZEV technology in highly variable roadway conditions and terrain. For public agencies supporting rural, low population communities, we ask that CARB consider an alternative approach – for example, counting light-duty ZEVs toward their ACF compliance. Their first ZEV purchase should not be to replace a vehicle that serves such critical functions, thereby having the greatest failure potential (loss of life), since not a single ZEV has demonstrated functional equivalence to the vehicles they operate today.

Conclusion: Additional Engagement & Changes are Needed with CARB Board Review & Approval

Due to the significant impacts the 15-Day Changes introduce to public agencies, and the need for additional staff refinements to ensure reliable essential public services, CASA respectfully requests that CARB:

- Allow for additional stakeholder engagement on critical changes needed.
- Issue an additional 15-day package for public comment.
- Present the proposed changes to the Board.

LGVSD fully supports CASA working collaboratively with CARB to incorporate modifications into the ACF regulation to make it a workable regulation while ensuring reliable and resilient (public agency) wastewater treatment systems and communities. We will continue to prioritize resilient essential public service operations to protect public health and the environment, but as written, this regulation is not workable for LGVSD as well as the other CASA members.

Please contact me with any questions at cpaxton@lgvsd.org.

Sincerely,



Curtis D. Paxton
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