



April 16, 2026 | Submitted electronically

Ms. Lauren Sanchez
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: EMWD Comments on 15-Day Proposed Advanced Clean Fleets Regulatory Language

Chair Lauren Sanchez and Members of the California Air Resources Board:

On behalf of Eastern Municipal Water District (EMWD), a water, wastewater, and recycled water provider serving nearly one million residents in western Riverside and San Diego Counties, I am writing to provide feedback on the 15-day regulatory language for the Advanced Clean Fleets (ACF) regulation released on April 2, 2026. EMWD remains supportive of the State's climate goals and appreciates the significant efforts made by California Air Resources Board (CARB) staff to incorporate changes that make the regulation more implementable for public agencies. Despite this progress, we remain concerned with the existing ACF framework which relies solely on public agencies. The reality that only a small portion of the state's vehicles are regulated by the ACF is especially concerning when combined with ZEV market uncertainty, ZEV affordability, and the potential increased risk to the reliability and resilience of the essential public services we provide. In addition, the ACF does not provide a clear pathway for the use of renewable non-fossil fuels. The absence of these provisions inhibits our ability to be a partner to SB1383 regulated entities. The intent of these comments is to acknowledge the progress made while highlighting remaining areas where the regulation could be further refined to ensure that critical public services are not compromised. EMWD is encouraged by the structural changes to the regulation that improve alignment with the real-world operational demands of water and wastewater utilities. Most notably, the delay of the 100% zero-emission vehicle (ZEV) procurement requirement until January 1, 2030, provides a more pragmatic timeline for the development of both the vehicle market and the necessary charging infrastructure. Furthermore, the decision to remove previous restrictions that limited exemptions only to replacement vehicles is a vital modification. As EMWD continues to expand its infrastructure to meet growing service demands, the ability to add internal combustion engine (ICE) vehicles to our fleet when ZEV alternatives are unavailable is essential for maintaining service reliability.

The replacement of the narrow Mutual Aid exemption with the broader Fleet Resiliency Exemption is another positive step. By lowering the ZEV fleet threshold for eligibility from 25 percent to 5 percent and expanding criteria to include operational constraints such as payload, towing, and range, CARB has better aligned the

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mandate with the demands of emergency response. These changes reflect an understanding that the work performed by water agencies often requires heavy-duty capabilities that cannot yet be consistently met by current ZEV configurations, particularly during disaster recovery or prolonged service restoration efforts.

While EMWD appreciates this additional flexibility, the amended language introduces new administrative burdens that remain a significant concern. The added language in Section 2013.1 (f) requiring fleets to submit an annual vehicle purchase plan in order to access certain exemptions creates a rigid and speculative reporting environment. The regulatory language is vague and effectively blocks fleets from utilizing the 50% procurement extension to 2030. Public agency procurement is subject to complex budget cycles and shifting operational priorities. Conditioning exemption access based on CARB's review of a detailed purchase forecast is overly prescriptive and may lead to unintentional non-compliance if CARB denies an exemption, or if the fleet needs to change purchase plans due to unforeseen service demands or ongoing manufacturer delivery delays. This requirement also removes our ability to prioritize our ZEV purchases based on the needs and limitations of our fleet, and in a way that is economically responsible to our customers. It also adds administrative burden and uncertainty with how changes to plans will be handled and whether the plans will impact fleet operational flexibility. EMWD suggests removing this requirement from Section 2013.1 (f). At a minimum, these requirements should be removed for the Fleet Resiliency exemption.

Furthermore, EMWD is concerned by the new 25 percent cap on total fleet exemptions. For a utility responsible for life-sustaining services, an arbitrary ceiling on exemptions could leave our community vulnerable if more than a quarter of our fleet requires specialized capabilities for emergency response or grid restoration. This cap, combined with the transition to a "good engineering judgment" standard for exemption determinations, introduces a level of subjectivity that makes long-term capital planning difficult. EMWD believes that the formal recognition of utility-specific operational roles is necessary to ensure that discretionary standards are applied consistently and transparently.

Our previous concerns regarding vehicle availability and field-testing also remain relevant. While the new language addresses manufacturer warranty and bankruptcy, it does not yet account for the need for vehicles to be field-tested in the specific, rigorous conditions faced by local agencies before mandates are enforced. The lack of mature ZEV options for heavy-duty applications—such as those requiring high-capacity towing and stationary power for hours—continues to pose a risk to our ability to restore service following Public Safety Power Shutoff (PSPS) events, wildfires, earthquakes, or other emergency scenarios.

We remain concerned with the absence of a long-term pathway in ACF for the utilization of renewable non fossil fuels generated at wastewater treatment facilities. We appreciate the effort to add language in the 15-day regulatory package for captive fleets, but unfortunately the language is insufficient and is not workable. A long-term pathway is needed in both the purchase pathway and the ZEV milestone pathway, and additional language changes are necessary. In addition, the definition of a "low-NOx ICE vehicle" is ambiguous, and the limitations in the language do not allow wastewater facilities access to use the captive fleet provisions. Additional revisions are

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needed that foster a pathway for effective partnerships in SB1383 implementation and beneficial use of renewable non-fossil fuels.

In closing, EMWD appreciates the opportunity to comment on these modifications and commends CARB for the significant progress made toward a more workable regulation. However, we remain concerned with the overall ACF framework. As critical partners in the protection of public health and the environment, and as climate change increases the frequency of extreme weather events, we urge CARB to ensure that administrative requirements and technical caps do not hinder a public utility's ability to provide essential services.

To ensure the Advanced Clean Fleets regulation is truly workable, EMWD respectfully urges staff to reevaluate the recently released regulatory language and prioritize continued collaboration with stakeholders. We request that CARB issue an additional 15-day public comment period to facilitate meaningful engagement on critical changes, and subsequently bring the revised proposal back to the Board for full review and consideration before final adoption. This additional transparency is essential to refining a sustainable, practical framework that achieves our shared environmental goals without compromising operational feasibility.

If you have any questions, or if EMWD can be of service, please contact Pacal Cornejo-Reynoso, EMWD's Senior Policy and Governmental Affairs Manager at (951) 295-0170 or by email at cornejop@emwd.org.

Sincerely,

A handwritten signature in black ink that reads "Joe Mouawad". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe Mouawad, P.E.
General Manager
Eastern Municipal Water District