

June 15, 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 northern San Diego counties, I am writing to provide feedback on the most recent 15-day regulatory language for the modified text of the Advanced Clean Fleets (ACF) regulation released on June 1, 2026. Although EMWD supports the State's climate goals and appreciates the significant efforts made by California Air Resources Board (CARB) staff, the latest proposed changes are highly problematic and put our sector at high risk.

The comments and concerns highlighted in our previous comment letter on the first set of 15-day changes (released on April 2, 2026) remain, however, the comments herein focus on the second 15-day change language. The amended text regarding "Fleet Applicability," the definition of "Fleet Owner" and other text changes related to service contracts present a substantial shift in the regulatory framework that has potential for significant impacts to public agencies and the services we provide. This new language expands local government's compliance obligations to third-party operators. Thus, private contractors performing public functions are now proposed to be treated as if they were effectively part of the public agency's fleet.

This update significantly increases the complexity of compliance by extending an agency's responsibility beyond its own fleet to include the fleets of private third-party vendors. This increases compliance obligations, substantively alters how compliance is determined, implemented, and enforced, and expands the regulatory burden. This is extremely problematic because we do not have control or authority over the vehicles owned by contracted vendors.

EMWD maintains active contracts with over 200 vendors who provide essential on-site support, ranging from waste haulers and security services to chemical delivery and specialized engineering support. These contractors are indispensable partners in our mission to provide critical, 24/7 services to our customers. It is technically and administratively infeasible for EMWD to assume responsibility for the compliance, purchase planning, monitoring, and reporting of vehicles that are not owned, operated, or purchased by the agency.

EMWD anticipates that this new requirement will create a significant market chilling effect, leading businesses to terminate contracts with public agencies to avoid the secondary layer of regulatory oversight. Such a shift would

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result in unquantifiable project delays, increased procurement costs, and direct threats to the core operational functions that protect public health. Placing the burden of private sector compliance on public agencies does not accelerate the transition to zero-emission vehicles; rather, it creates a fragmented and unworkable compliance environment.

EMWD appreciates the opportunity to comment on these modifications. While we support the transition to a cleaner future, we remain deeply concerned that the current ACF framework remains difficult to navigate, with the recently modified text further exacerbating the issues. These substantive changes result in impacts to public agencies that have not been evaluated and are beyond regulatory clarification. As such, we are concerned that the proposed amendments **do not** follow rulemaking procedures established by the Administrative Procedure Act (APA) and the Office of Administrative Law (OAL). As critical partners in the protection of public health and the environment, we urge CARB to work with stakeholders before approval of the amendments to ensure that the requirements do not hinder a public utility's ability to provide essential services to its community.

To ensure the Advanced Clean Fleets regulation is truly workable, EMWD respectfully urges staff to reevaluate the recently released 15-day regulatory language and prioritize continued collaboration with stakeholders. We request that CARB repeal the amended text related to vehicles operated under contract and the associated compliance requirements assigned through that designation. CARB should reissue and approve the 15-day changes originally proposed in April, 2026. This reconsideration is essential to refining a sustainable and practical framework that achieves our shared environmental goals without compromising operational feasibility.

EMWD also supports the comments submitted by Clean Water So Cal, California Association of Sanitation Agencies (CASA), the California Municipal Utilities Association (CMUA), and other public entities, particularly those addressing emergency response capabilities and concerns with contracted vehicles and services provisions.

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, appearing to read "Joe Mouawad". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joe Mouawad, P.E.
General Manager