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June 16, 2026

Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

***RE: Advanced Clean Fleets (ACF) – Second 15-Day Proposed Amendments
(released June 1, 2026)***

Chair Sanchez and Members of the California Air Resources Board:

On behalf of the Mountain Counties Water Resources Association (MCWRA), we appreciate the opportunity to comment on the second 15-day proposed amendments to the Advanced Clean Fleets (ACF) Regulation.

MCWRA represents more than 50 water agencies, counties, and local governments across the Sierra Nevada watershed. Sixty percent of California's developed water supply originates in these headwaters, making the reliable operation of our members' fleets and critical infrastructure essential not only to local communities, but to millions of Californians statewide.

In our April 15, 2026 comment letter, MCWRA acknowledged CARB's efforts to introduce additional flexibility into the ACF regulations while expressing serious concerns regarding the overall workability of the regulation for rural, mountainous, and emergency-response-dependent agencies. Those concerns remain unresolved.

Unfortunately, the second 15-day amendments move the regulation further away from a workable framework. Each successive amendment package since the Board's September 25, 2025 action has introduced additional complexity without resolving a single one of the workability concerns MCWRA and other agencies have raised. The regulation is less workable today than when the original proposal was published. Rather than addressing longstanding concerns raised by local governments, water agencies, and other essential service providers, the latest amendments introduce significant new

requirements that expand the scope of the regulation in ways that were neither contemplated in the original proposal nor adequately vetted through the public process.

Expansion of "Fleet Owner" Definition and Inclusion of Contracted Services

MCWRA is particularly concerned with the revised definition of "fleet owner" and related provisions that extend compliance obligations to vehicles associated with contracted services and entities performing work on behalf of public agencies. Specifically, the Second 15-Day Changes add "rents, contracts for the operation of" to the Fleet Applicability provision of section 2013(a)(1); add "or operated" and replace "rental or leased" with "contracted" in the "Fleet" or "total fleet" definition of section 2013(b); and add "rents, leases, operates, or contracts for the operation of" to the "Fleet owner" definition of section 2013(b). Prior to these amendments, the Fleet owner definition was built entirely around ownership as evidenced by vehicle registration and DMV records. The additions of "operates" and "contracts for the operation of" introduce two entirely new bases for fleet owner status that did not exist in any prior version of this regulation — including the 45-Day Changes approved by the Board in September 2025.

By including vehicles operated under contracts, and potentially services utilizing vehicles, CARB has introduced a substantial policy change that reaches far beyond the direct ownership and operation of public agency fleets. This change effectively extends regulatory obligations to contractors, vendors, consultants, construction firms, emergency service providers, and other entities that support essential public services.

For water agencies operating throughout the Sierra Nevada region, contracted services are not optional. Agencies routinely rely on outside contractors to perform:

- Emergency pipeline and infrastructure repairs
- Vegetation management and fuel reduction projects
- Watershed restoration and forest health work
- Heavy equipment operations
- Specialized maintenance and construction services
- Emergency response and disaster recovery activities

Many of these services require highly specialized vehicles and equipment that are not currently available in zero-emission configurations suitable for rugged terrain, remote locations, or emergency response conditions.

The practical effect of the proposed amendments is to hold public agencies responsible for the compliance status of vehicles over which they have little or no operational control. This creates significant uncertainty for existing service agreements and future procurements and may discourage contractors from bidding on critical public works and emergency response projects.

The record keeping requirement added to section 2013.4(b) compounds this problem. As amended, that provision requires fleet owners to keep “copies of any agreement contracting for vehicles or services using vehicles.” The phrase “services using vehicles” is undefined anywhere in the regulation. It contains no limiting principle, no threshold, and no carve-out for short-term, emergency, or specialized service contracts. A water agency engaging a contractor to deliver treatment chemicals, repair a pipeline at a remote intake structure, or conduct vegetation management on watershed lands could plausibly fall within this requirement. CARB must either define “services using vehicles” with sufficient precision to allow consistent compliance, or remove this language from the current amendment package before final adoption.

In addition, the amendments create new questions regarding reporting, compliance verification, and potential enforcement responsibilities. Public agencies should not be placed in the position of tracking contractor fleet compliance, collecting and maintaining compliance records, or assuming liability for vehicles they do not own, operate, or control. These new administrative burdens and compliance obligations have not been adequately analyzed and represent a significant departure from the original scope of the regulation.

Significant New Regulatory Language Cannot Be Adopted Through a 15-Day Process

MCWRA is equally concerned with the procedural implications of these amendments.

The inclusion of contracted vehicles and services utilizing vehicles represents a significant expansion in regulatory scope that affects an entirely new class of stakeholders. Contractors, vendors, service providers, equipment operators, and construction firms that were not previously understood to be directly regulated by these provisions now face potentially substantial compliance obligations and business impacts.

These stakeholders deserve a meaningful opportunity to review, analyze, and comment on the proposal.

The purpose of the 15-day review process is to provide public review of modifications that are sufficiently related to the original proposal. It is not intended to serve as the vehicle for introducing significant new regulatory concepts that materially expand the scope of regulated entities. Government Code section 11346.8 authorizes a 15-day modification only for changes that are “sufficiently related” to the original proposal. The Board’s September 25, 2025 resolution directed the Executive Officer to determine whether “additional conforming modifications” were appropriate — language that authorizes technical consistency adjustments, not substantive expansion of the class of regulated parties. No contractor, vendor, or service provider operating a vehicle in connection with work for a public water agency would have had reasonable notice from the September 2025 proceedings that it was now subject to ACF compliance obligations. The additions to sections 2013(a)(1), 2013(b), and 2013.4(b) are not conforming modifications. They are a policy decision to extend the regulatory perimeter to an entirely new class of parties, and that decision requires full rulemaking notice under the APA, not a 15-day process.

MCWRA believes the latest amendments raise substantial questions regarding whether affected stakeholders have received adequate notice and opportunity for comment. At a minimum, the changes warrant a broader stakeholder engagement process and additional opportunities for public review. MCWRA also notes that the Office of Administrative Law has jurisdiction to review whether the use of the 15-day process for these provisions is consistent with the APA. MCWRA raises this to preserve the argument on the record; the preferable outcome is for CARB to remove the contested provisions and re-notice them through a process that gives all affected parties a meaningful opportunity to comment.

Ongoing Workability Concerns Remain Unresolved

In addition to these new concerns, MCWRA reiterates the concerns raised in our previous letter regarding:

- Lack of commercially available zero-emission alternatives for many mission-critical and specialized applications;
- Limited charging infrastructure and electric grid capacity in rural and mountainous regions;
- The disproportionate financial burden placed on small and rural ratepayer-funded agencies;

- The need for additional flexibility for emergency response, wildfire preparedness, and public safety operations; and
- Misalignment between regulatory deadlines and actual market readiness.

Rather than resolving these issues, successive amendment packages have introduced additional complexity and uncertainty. MCWRA is increasingly concerned that with each revision, the regulation becomes less workable for the agencies responsible for maintaining California's critical water infrastructure.

Request for Additional Review and Stakeholder Engagement

Given both the unresolved concerns identified in previous comment periods and the significant new issues introduced through the second 15-day amendments, MCWRA respectfully requests that CARB:

1. Continue to work off the 45-day changes approved in September 2025 while working toward a workable regulation — including the provisions extending compliance timelines for Designated Low Population Counties (Alpine, Amador, Calaveras, Inyo, Lassen, Mariposa, Mono, Nevada, Plumas, Sierra, Siskiyou, Tuolumne, and Yuba) to 2030, and maintaining the 50/50 ZEV purchase floor for agencies required to comply in the interim. Those provisions represented a baseline recognition by CARB that the counties comprising the MCWRA membership face fundamentally different operating conditions than urban fleet operators, and that baseline should not be eroded by successive amendment cycles;
2. Remove the provisions that include contracted vehicles and services utilizing vehicles from the current 15-day amendment package;
3. Conduct additional stakeholder outreach with affected public agencies, contractors, service providers, and industry representatives;
4. Release any revised language through a new public review process that provides affected parties a meaningful opportunity to evaluate and comment on the proposal; and
5. Return the revised regulation to the Board for further consideration prior to final adoption.

MCWRA and its members remain committed to California's climate goals and to working collaboratively with CARB on practical and achievable pathways toward fleet modernization. However, those goals must be balanced with the need to maintain reliable water service, emergency response capability, watershed management

activities, and critical infrastructure operations throughout California's headwaters region.

The communities we serve, and the millions of Californians who depend upon Sierra Nevada water supplies, cannot afford regulatory frameworks that jeopardize essential public services or reduce the pool of contractors willing to bid on critical water infrastructure and emergency response contracts. If the amendments are adopted as proposed, contractors operating vehicles that do not meet ACF requirements may decline to accept public agency work rather than assume compliance uncertainty over equipment they own and operate independently. The result would be diminished competition, higher contract costs, and reduced emergency response capacity — consequences that fall directly on the rural ratepayers and Sierra Nevada communities that produce the majority of California's water supply.

We appreciate your consideration of these comments and look forward to continued engagement on this important issue.

Sincerely,



Justin Caporusso, Executive Director

P.O. Box 2479

Placerville, CA 95667

(916) 412-0571