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Water District
Service Beyond Expectation

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John Bosler
Secretary/General Manager/CEO

June 11, 2026

Comment letter submitted via electronic commenting system

Clerk's Office
California Air Resources Board
1001 I Street, Sacramento, California 95814

RE: Comment Letter – Advanced Clean Fleets Regulation Amendments/Additional 15-Day Changes

Dear California Air Resources Board,

The Cucamonga Valley Water District (CVWD) appreciates the opportunity to provide comments on the most recent proposed 15-day change amendments to the Advanced Clean Fleets (ACF) regulation (15-day changes) as required by Assembly Bill 1594 (Garcia, 2023) [AB 1594]. CVWD provides water & wastewater services to approximately 200,000 people in the southwest portion of San Bernardino County. CVWD has been engaged in the ACF rulemaking process since its conception, throughout its development, and now into the amendment stage. The comments provided below respond directly to the 15-day changes offered, and feedback for future implementation and board discussion.

The comments provided below respond directly to the 15-day changes to: (1) concern about the treatment of contracts regardless of length, (2) need for additional guidance to fleets on how leases and contracts fit within larger fleet compliance, (3) re-stating additional work that needs to be undertaken beyond these 15-day changes, and (4) appreciation for ongoing engagement with CARB staff and board members.

1. **Express concern with latest interpretation of fleet contracts included in ACF compliance.**

CVWD is concerned with the latest interpretation of contract agreements that will be included in ACF compliance. This proposed change would significantly complicate compliance for public fleets and be administratively unwieldly for CARB to manage. As proposed in the latest 15 Day Changes, ACF applies to all contract agreements regardless of length as a part of public agency fleet, including short-term rentals. This interpretation is concerning and problematic because short-term rentals are not planned for in the same way that longer contracts are and often are used to fulfill immediate fleet needs during emergencies. Consider the following scenario to describe this concern a public agency contracts 20 heavy duty vehicles in year 2027, for two weeks only to deal with a fire. Would this equate to the public agency contracting 20 internal combustion engine (ICE) vehicles into its 2027 fleet, and thus result in needing to add 20 ZEVs to offset the ICE vehicles?

This latest interpretation of contracted vehicles is a challenge that will be faced by small and large agencies alike and is more problematic to work through for public fleets than in the previous draft published on April 7, 2026. During emergencies, public fleets are prioritizing public health to respond to floods, fires, earthquakes and other natural disasters. Unsurprisingly, public fleets are desperately seeking any and all vehicles to immediately meet their needs. Despite any best efforts to plan for ACF compliance under the current 50/50 requirements that will be in place through 2030 (pending approval of the current amendments), including all short-term rentals in ACF runs the risk of putting even the most proactive public agencies out of compliance with ACF. This challenge would only become more problematic after 2030 when all new purchases, leases and contracts would need to be ZEVs for fleets to comply with ACF.

Public agencies should not be placed in the position of enforcing or securing commitments from private companies to achieve compliance with ACF requirements. Any obligations on private-sector entities should be established directly through the regulatory framework applicable to those entities, rather than through requirements imposed on public agencies.

We offer a few options for how CARB can address this situation:

- Define “major contracts” and “short-term contracts” in 15-day changes clearly to avoid ambiguity
    - Specify that “short term contracts” identified to deal with emergencies are not part of ACF compliance, and “short term contracts” are those that last less than 12 months.
    - Hold off on enforcement of contracts and rentals as part of ACF compliance until further dialogue is held to appropriately administer rentals.
- Develop additional guidance document that separates major contracts from short term contracts and work with public agencies on case-by-case scenarios.
- Prioritize how to appropriately identify short term contracts in future amendment discussions, after this amendment process (2025-26) is closed.
- Repeal the current June 1, 2026, second 15-day rulemaking draft and return to the previous changes from the initial 15-day draft, dated April 2, 2026, as a starting point.

2. **Further guidance for fleets on how lease and contract agreements fit within a public fleet.**

The posted Guidance Document leaves additional questions for public fleets to consider that must be made clear moving forward. These include-

- How lease and contract agreements are viewed as part of a public fleet?
- Are public fleets allowed to treat rental and contract agreements as a separate fleet from their internal fleet for ACF compliance? If so, can the separate fleet follow the Milestone pathway?
- What is a fleet to do if the only vehicles available for short term rentals are not ZEVs?
- Does the regulation apply to service contracts where vehicles are used to complete the service, but not operated by the state or local government fleet? For example, when a public fleet hires a construction company for a project or contracts for chemical delivery?

- Retroactive requirements – The applicability is stated to begin January 1, 2024. Adding all contracted vehicles to a SLG fleet now could place a SLG with existing contracted vehicles in non-compliance.
- Inconsistent reporting
    - For existing contracts, contractors may not be obligated to provide the necessary vehicle reporting information.
    - Could result in duplicative reporting if a contractor is voluntarily complying with ACF and has vehicles already reported in TRUCRS.
    - A contractor may service more than one SLG that could result in duplicative reporting of a vehicle in different compliance pathways (Purchase Schedule and Milestone).
    - SLGs are not the registered DMV owners
    - SLGs are not the reported Clean Truck Check owners. Contractors' heavy-duty vehicles may be subject to CARB's Clean Truck Check regulation, where those same vehicles are reported as part of the contractors' fleet.

- The guidance document states that exemptions and extensions are available, but those need to be amended to reflect the proposed changes to the scope of the regulation.
    - Backup Vehicle Exemption – The guidance document allows a SLG to subdivide their fleet and designate contracted vehicles under the ZEV Milestone Option. The regulation states that a vehicle that operates over 1,000 miles a year cannot be operated in California. This suggests that a SLG could be making compliance decisions that will have significant implications on another entity's vehicle.
    - ZEV Purchase Exemption – This exemption focuses on actual vehicle purchases, not contracted vehicles that are added to the fleet. It should include provisions for instances where ZEVs are not available for contract, such as when an SLG does not receive any responsive bids.
    - Daily Usage Exemption – This exemption requires past mileage and fueling records. SLG may not have this information until the vehicles have already been contracted and operated.
    - Fleet Resiliency Exemption – The new requirements will require reassessing the adequacy of this exemption as contracted vehicles will alter the composition of a SLG's fleet.

3. **Significant work remains for CARB and public fleets to address in ACF implementation.**

We can appreciate that much work remains following this 15-day period and following the conclusion of this process that began in 2025. We encourage CARB to pick this up immediately following the administrative close of this proceeding. CVWD retains significant concerns for successful ACF implementation, and is motivated, beyond adoption of the 15-day changes, to continue substantive dialogue with CARB to identify ongoing challenges and clarifications that will need to be addressed in future regulatory efforts. We encourage CARB to take up a new amendment process to address:

Broad Issues:

- ZEV Market Uncertainty
- ZEV Market Affordability
- Grid Reliability

Specific Issues within ACF Language:

- Fleet owner definition rental and lease language
- Early or Excess ZEV Purchases
- Fleet Resilience Exemption capped at 25% of fleet and subtracted by other exemptions
- Increased Requirements to apply for ZEV Purchase and Daily Usage Exemptions
- Future Mobile Fueling Requirements to be reviewed for use in 2030
- Hiring Compliant Fleets

Conclusion

ACF remains a priority issue for CVWD, and we wish to continue to actively participate in ACF implementation to ensure that public agency fleet needs are prioritized. CVWD will continue to communicate with CARB Board and staff about where compliance challenges arise. This is essential dialogue for a landmark regulation like ACF that is fundamentally changing the way we look at MHD fleet operations including essential public services. CVWD appreciates CARB's consideration of these comments.

Sincerely,

Eric Grubb

Eric Grubb Government Affairs Manager

cc:
The Honorable Lauren Sanchez, Chair, CARB
The Honorable Lynda Hopkins, Board Member, CARB
The Honorable Eric Guerra, Board Member, CARB
The Honorable Patricia Lock Dawson, Board Member, CARB
The Honorable Dr. Tania Pacheco-Warner, Board Member, CARB
The Honorable Dr. Susan Shaheen, Board Member, CARB
The Honorable Dr. John Balmes, Board Member, CARB
The Honorable Cliff Rechtschaffen, Board Member, CARB
The Honorable John Eisenhut, Board Member, CARB
The Honorable Dr. Steve Cliff, Executive Director, CARB
Ms. Michelle Buffington, Division Chief, CARB
Mr. Tony Brasil, Branch Chief, CARB
Mr. Paul Arneja, Manager, CARB
Mr. Chris Francheschi, Manager, CARB