

Encina Wastewater Authority (Scott McClelland)

Encina Wastewater Authority strongly requests the CARB Board require further changes to the Proposed 15-day Amendments, as reflected in comment letters submitted by the CA Association of Sanitation Agencies along with the joint comments from CA Special Districts Association, League of CA Cities, and CA State Association of Counties.



ENCINA WASTEWATER AUTHORITY

A Public Agency

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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 Second 15-Day Comment Period Response

Chair Sanchez and Members of the California Air Resources Board:

Encina Wastewater Authority (Encina) appreciates CARB's continued efforts to refine the Advanced Clean Fleets regulations and the opportunity to comment on the second round of proposed modifications (the "second 15-Day Changes"). While the goals of these regulations are laudable, the reality remains that we cannot safely serve our communities unless emergency support vehicles and private contractor fleet vehicles are excluded from the regulations.

Encina is a joint powers authority that provides reliable wastewater treatment and resource recovery services to over 379,000 customers throughout a 125-square-mile service area in North San Diego County. While we are considered a "small fleet" of less than 10 Fleet Vehicles, the proposed second 15-Day Changes could have a significant impact on Encina's annual operating budget and Member Agency ratepayers in the Cities of San Marcos, Vista, Carlsbad, and Encinitas.

Encina respectfully requests that the board require further clarification to the second 15-Day Changes prior to adoption, to align with previous rulemaking and conform to the Administrative Procedures Act protocol, and to eliminate confusion about exemptions of contracted private fleets and emergency vehicles. Encina strongly supports the April 14th letter submitted by the California Special Districts Association (CSDA), League of California Cities (LCC), and California State Association of Counties (CSAC), and also strongly supports the written comments by the California Association of Sanitation Agencies (CASA) representing wastewater agency concerns.

The exemptions in the current regulation and draft amendments remain wholly and dangerously insufficient. In the same manner as the vehicle categories currently identified in part (c) of § 2013 of title 13 of the California code of regulations, we respectfully request a categorical exclusion for vehicles that respond to, assist in and recover from disasters and emergencies, including: water utility vehicles, flood protection vehicles, wastewater utility vehicles, electric

utility vehicles, fire prevention vehicles, fire protection vehicles, search and rescue vehicles, and disease and vector control vehicles.

The revised text in this most recent proposal is also untenable as it raises costs, administrative burdens, and legal liabilities for local government agencies by extending fleet compliance obligations to private contractors working under agreements with these agencies. Encina depends on contracted fleets for waste hauling and construction activities, all of which are vehicles typically owned (or leased) and operated by private contractors who run their own business. By extending ACF compliance obligations to contractors hired by local government agencies, the proposal indirectly holds the government agency accountable for private contractual fleet composition and compliance deadlines beyond its direct control.

For Encina, this change would have immediate practical and financial impacts. It is excessively burdensome to make wastewater districts act as de facto regulators responsible for verifying emissions compliance and auditing contractor fleets. Contractors have already expressed concerns that these procurement requirements might reduce bidder participation, increase contract costs, or delay service delivery due to limited vehicle availability and insufficient charging or fueling infrastructure.

Additionally, the proposed amendments impose significant new administrative and legal responsibilities on local government agencies, including verifying private contractor compliance, making mandatory disclosures, and maintaining detailed records for audit purposes.

In Summary

To prevent threats to emergency response, critical infrastructure, and public health, emergency response vehicles should be explicitly exempt from these rules, and the proposed expansion of local government's responsibility over contractor fleets should be withdrawn.

Thank you for the opportunity to share these comments and for your ongoing engagement in these regulations with our industry associations. Should you or your staff require any additional information, please do not hesitate to contact me at 442-320-7027 or smcclelland@encinajpa.com.

Sincerely,



for

Scott McClelland
General Manager