

Submitted electronically to the “act2019” docket

December 9, 2019

Paul Arneja
California Air Resources Board
Mobile Source Control Division
1001 “I” Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Arneja:

Subject: Comments on the Proposed 45-Day Language for the Advanced Clean Truck Regulation

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments to the California Air Resources Board (CARB) regarding the proposed 45-day draft language for the Advanced Clean Trucks (ACT) Regulation. LADWP supports CARB's goal to electrify the transportation sector and understands CARB's need to gather relevant data and information to develop effective and efficient regulations for facilitating the large-scale transition to zero-emission medium-and heavy-duty vehicles. While LADWP supports the overall goal of the proposed ACT Regulation, we are concerned that the reporting requirements are overbroad and will require extensive and unnecessary data collection. If enacted as proposed, LADWP and other entities would have to devote significant resources to complying with the reporting requirements in the narrow compliance timeframe. As discussed in greater detail below, LADWP requests that the reporting requirements be more narrowly-tailored to reduce the regulatory burden, while still providing CARB the data it reasonably needs to develop future ACT regulations.

Section 2012(e)(1) – Reporting Submittal Date

Under the current timeline, the CARB Board is not expected to finalize the ACT Regulation until the middle of next year.¹ This may not leave sufficient time for LADWP and other entities to gather and report extensive data from their multitude of facilities. This is particularly true, given that LADWP and other entities cannot start the process now since the requirements may change between now and the CARB Board's consideration of the ACT Regulation. Assuming that ACT Regulation will be finalized and adopted by the middle of 2020, LADWP recommends that data be collected in 2021 and that reports be submitted no later than April 1, 2022, in order to provide sufficient preparation time for data collection and submission.

¹ According to CARB's August 21st workshop, there will be board hearings in December 2019 and a final decision at the second board hearing in mid-2020. The regulation requires the data year 2020 to be submitted on April 1, 2021.

Section 2012.3 – Vehicle Usage by Facility Reporting

As discussed in our previous comments to CARB, LADWP continues to have significant concerns with Section 2012.3, which would require LADWP to submit at least 130 separate reports regarding 130 LADWP facilities that station over 7,000 vehicles. LADWP is subject to these expansive and voluminous reporting requirements because the proposed ACT Regulation applies to each facility that has at least one stationed vehicle. This results in over 7,000 vehicles being tracked every day to collect data required for Sections 2012.3(b)(2)(A) through (Q). To complete all of these reports, LADWP would have to gather and process detailed information on its very large fleet of vehicles.

CARB Has Underestimated the Impacts of the Reporting Requirement

According to CARB's Standardized Regulatory Impact Assessment (SRIA), released on August 8, 2019, CARB estimates it will take an average of four hours to complete each required report at the cost of \$200 (based on \$50 per hour for staffing). CARB's estimate is based on its assumption that "most large companies that own trucks or buses will have fleet software or other data management systems to pull together quickly information about their fleet and company."² CARB staff reiterated this at the August 21 public workshop and stated that the incremental reporting burden would thus be minimal. It is unclear how CARB made this determination, and its underlying assumption is seemingly incorrect. LADWP does not currently collect information to the level required to complete information requests required by Sections 2012.2 and 2012.3.

Completing the information request will require LADWP to coordinate extensively with facility managers to gather and process the data under the proposed ACT Regulation. The SRIA does not consider the labor for large entities with a significant number of facilities and vehicles and underestimates the cost and amount of time it will take to comply with the ACT Regulation. The ACT Regulation requires the data points to be translated into a range of data that simplifies the data reporting, but tracking the individual vehicles is still required in order to provide the correct ranges. All facility managers, therefore, would have to keep track of every single vehicle, LADWP or not, going in and out of their facilities. The facility employees assigned to vehicles would also have to log the destination of their trips, the purpose of their trips, and the mileage of their trips for every working day. About 7,000 vehicles will need to be accounted for across 130 facilities, which would result in at least 119,000 data points to collect and process from Sections 2012.3(b)(2)(A) through (Q). Once the information is collected for 2020, then the data will need to be grouped or sorted into the appropriate reporting categories in Section 2012.2 and Section 2012.3 before the information is entered into the reporting form.

Accordingly, the collection of the data for fulfilling the information request would require significant additional resources and efforts for a large entity such as LADWP. For this reason, LADWP believes CARB has significantly underestimated the resources and level of effort that would be required to complete the report. LADWP recommends that CARB reevaluate the conclusions in the SRIA and provide a more realistic assessment of the time and cost to comply with the reporting requirements under the proposed ACT Regulation.

² California Air Resources Board, Advanced Clean Truck Regulation – Standardized Regulatory Impact Assessment, pg. 35

Alternative Approach for Data Collection

LADWP urges CARB to consider developing an alternative approach for gathering the data and other information that may necessary for the development of future ACT regulations. This alternative approach would only require each regulated reporting entity to—

- Provide a general inventory of the total number of facilities that the entity operates, along with the number of vehicles stationed at each of those facilities for each group or class of facilities that are identified in Section 2012.2 (b); and
- Submit a detailed report of the data and other information that the questionnaire currently requires under the proposed ACT Regulation for only one representative facility falling within each group or class of facilities that are identified in Section 2012.2(b).

This alternative approach should provide CARB with all of the data and information needed to perform its regulatory analysis for the development of future ACT regulations. In the case of LADWP, many of our facilities with assigned vehicles have similar operations related to the “Manufacturer/Factory/Plant,” “Administrative/Office Building,” and “Truck/Equipment Yard” categories. LADWP believes this will provide CARB a reasonable representation of what operations are occurring at LADWP facilities and thereby accomplish its goal of establishing effective and efficient regulations for decarbonizing the transportation sector by facilitating a large-scale transition to zero-emission medium-and heavy-duty vehicles.

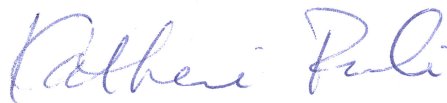
Conclusion

LADWP recognizes that CARB needs to collect data to better understand the most efficient way to electrify the transportation sector. However, LADWP believes this can be done without requesting massive amounts of data and placing a significant reporting burden on large entities. Section 2012.3 can be simplified through representative facilities since LADWP has multiple facilities that have similar operational functions. It is also important to recognize the costs and resources within the SRIA for LADWP and similar large entities. The collection and data process takes time to complete to ensure that CARB is getting the best estimates possible.

LADWP appreciates the time CARB staff is using to collaborate with stakeholders and listening to feedback. LADWP looks forward to working together to ensure the reporting requirements efficiently capture the data CARB is looking for.

If you have any questions regarding these comments, please contact Mr. James Talavera at (213) 367-2987.

Sincerely,



Katherine Rubin
Manager of Air & Wastewater Quality & Compliance

JT:

c: Mr. Craig Duehring, CARB