CALIFORNIA ASSOCIATION of SANITATION AGENCIES
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Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95812

Submitted Online via:
https://www.arb.ca.gov/lispub/comm2/bcsubform.php?listname=acf-comments-ws&comm_period=1

Re: California Association of Sanitation Agencies Informal Comments on the Proposed Advanced Clean Fleets Regulation

To Whom it May Concern:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to comment on the Proposed Advanced Clean Fleets Regulation (Proposed Regulation) as released and presented by the California Air Resources Board (CARB) during the September 9th and series of workshops in October. CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and use of renewable energy, biosolids, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians. Our members are focused on helping the state achieve carbon neutrality (and its current 2030 mandates and goals for greenhouse gas (GHG) emissions reductions) which include:

- Reducing carbon intensity of transportation fuel
- Reducing short-lived climate pollutant (SLCP) emissions
- Effectively diverting organic waste from landfills
- Providing 60 percent of the state's energy needs from renewable sources
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative, Natural and Working Lands Climate Change Implementation Plan, and Forest Carbon Plan

As essential public service providers and fellow dedicated environmental stewards, CASA members provide reliable wastewater treatment to protect public health and the environment.

Specific comments describing our support for, as well as our concerns and recommendations related to, the Proposed Regulation are as follows for your consideration:

Essential public services require provisions to maintain operations protecting public health and environment. CASA members are public, local agencies responsible for providing wastewater conveyance and treatment to over 90 percent of the sewered population across California. We manage wastewater in an environmentally responsible manner and at the lowest practical cost to rate payers. While our primary objective is to reliably convey and treat wastewater to state and regional standards, CASA's members also support the state in achieving carbon neutrality, which includes meeting its clean vehicle goals. However, our members are very concerned about complying with the Proposed Regulation while maintaining core functions and meeting increasingly frequent mutual aid and critical response demands due to natural disasters (e.g., wildfires, extreme weather events, etc.) and other types of emergencies.

CASA members operate medium-and heavy-duty vocational trucks that perform maintenance and repair operations. On any given day they are required to travel long distances (to maintain over 110,000 miles of

public sewers and facilities), overcome rough terrain, and provide extended operation of auxiliary equipment via power-take off (PTO) devices at project sites. It is critical to consider the high level of energy and hours of operation required while at worksites and the need for certain trucks to be outfitted with equipment driven by PTO devices. Vehicles are often called upon to tow equipment such as generators or pumps, perform welding operations, power onboard pumps, vacuums, welding machines and air compressors, and other tasks that require long duty cycles. At this point in time, there are no zero-emission vehicle (ZEV) options available that provide the level of service required to maintain reliable service to protect public health and the environment, as well as remain in compliance with existing State Water Board and Regional Water Board regulations and permit requirements, while providing critical and timely response services.

ZEVs also require the necessary charging infrastructure and a reliable electrical grid that can support the increased load of fleet charging needs. Public Safety Power Shutoffs, the Governor's extreme heat event proclamations, and other events will interrupt supplies and present a challenge to public agencies' ability to maintain critical services. Reliance on backup power is an issue that has been explored in other recent and ongoing regulatory proceedings and serves as a reminder of the added challenges that come with electrification for a very diverse array of public agencies often at the behest of load serving entities who have competing priorities to prevent wildfires.

Per Section 95693.1 (Public Fleets ZEV Purchase Requirements) of the Proposed Regulation, beginning January 1, 2027, 100 percent of new vehicle purchases in each calendar year are to be ZEVs. Additionally, the Proposed Regulation allows Near-Zero-Emission Vehicles (NZEVs) to be purchased until January 1, 2035, when public bids result in no responsive bids for ZEVs. However, during the October 6th workshop (focused on public fleet requirements of the Proposed Regulation), CARB staff was asked what would happen if there were no responsive bids for both ZEVs and NZEVs and stated that agencies would not be able to make any purchases in that case and would be required to wait until a suitable NZEV/ZEV bid becomes available in the future. This approach is highly unreasonable and puts the broader public health and the environment at risk.

CASA strongly requests CARB allow for purchases of non-ZEVs/NZEVs should there be no acceptable ZEV and NZEV bids received, to avoid severely limiting the wastewater sector's ability to properly convey and treat wastewater and respond to critical needs. **Specifically, we recommend the following language be incorporated at the end of Section 95693.1(a)(1) in the form of subsection (D):**

> *If public bids for ZEVs and NZEVs result in no responsive bids, non-ZEV/NZEV purchases shall be made for an equivalent vehicle or vehicles listed in the public bid.*

Near zero-emission vehicles (NZEVs) are critical for supporting community resilience.
CARB's definition of NZEVs as either "an on-road plug-in hybrid electric vehicle" or "an on-road hybrid electric vehicle that has the capability to charge the battery from an off-vehicle conductive or inductive electric source and achieves all-electric range" prohibits the use of ultra-low emission natural gas engines for on-road heavy duty vehicles, such as the Cummins-Westport engines. Our members have been purchasing ultra-low emission natural gas engine powered on-road heavy duty vehicles to comply with restrictive local air quality regulations (e.g., SCAQMD Rule 1196). These vehicles are immediately available and emit 90 percent fewer nitrogen oxide (NOx) emissions relative to current standards for heavy-duty vehicles – comparable to emissions from an equivalent all-electric heavy-duty vehicle, if the emissions associated with the electricity production are taken into account. When fueled by renewable biogas, the Cummins-Westport ISX12N engine can provide even greater GHG emissions reductions by reducing the emissions from renewable waste sources (refer to our April 2021 comment letter). Some of our members have recently invested significant capital in co-digestion and biogas conditioning infrastructure to produce renewable biogas, an onsite fueling station, as well as compressed natural gas (CNG) vehicles – all in support of state mandates for achieving GHG emission

reductions by 2030 and carbon neutrality, as well as complying with local regulations. In fact, one of our members received multiple grant incentives through state and local organizations, including:

- California State Revolving Fund Green Project Reserve
- California Energy Commission GFO-18-601 Community-Scale and Commercial-Scale Advanced Biofuels Production Facilities (under the Alternative and Renewable Fuel and Vehicle Technology Program)
- Carl Moyer Program Alternative Fuel Infrastructure Grant (Placer County Air Pollution Control District)

The CNG vehicles do not meet the ZEV or NZEV definitions as proposed or the restrictive requirements of the proposed regulation, yet they have been the target of state and local air district regulations and incentive programs. If the proposed regulation continues with the definitions as is, they and other members with similar plans, will have recently invested ratepayer and state incentive funds for infrastructure and vehicles that do not meet these proposed requirements.

Our members are extremely concerned about CARB excluding renewable biogas as a viable solution to both our climate and ozone attainment issues in California. Additionally, specialty and critical response vehicles must be able to travel long ranges that include the individual service territory as well as assisting with regional and remote disaster efforts and other types of emergencies. **CASA strongly recommends including the use of NZEVs (i.e., non-battery hybrid vehicles) fueled by non-fossil, renewable biogas within the waste sector where ZEVs are not feasible or available, allowing for immediate emissions reductions while meeting critical demands reliably across large regions**.

Wastewater biogas is a non-fossil, renewable, low carbon transportation fuel that should be used to support community resilience and critical response – not wasted!

Regulations under SB 1383 will begin implementation in 2022 and significantly more renewable biogas will be produced at publicly owned wastewater treatment plants (POTWs) through the co-digestion of wastewater sludge with methane producing organic waste diverted from landfills. Co-digestion is a proven approach of economically producing renewable energy/fuel and producing a soil amendment to improve California's soil ecosystem.

More than 94% of the state's wastewater flow is treated through anaerobic digestion which generates biogas and will continue to do so. As quantified in the SWRCB's Co-Digestion Capacity Analysis (released by the Governor's office in August 2020), POTWs can utilize existing infrastructure in the form of anaerobic digestion to co-digest the divertible food waste across the state thereby removing a major source of fugitive methane from landfills (which account for ~20 percent of the state's methane inventory). Utilizing co-digestion, California's POTWs can significantly increase biogas production to provide, among other benefits, a source of low carbon fuel, onsite renewable energy, or flexible generation renewable power under the BioMAT.

While CASA supports the collective goals of state agencies to achieve carbon neutrality, we are very concerned that state agencies are not actively coordinating the development of their respective programs, thereby threatening the implementation of projects to divert organic waste and utilize the renewable biogas produced. For example, while CARB strongly supports CalRecycle and the SWRCB in their efforts to implement SB 1383 regulations (even producing the economic analysis that supported incentivizing the production of biogas from co-digestion and prioritizing its use as a transportation fuel), the Proposed Advanced Clean Fleet Regulations as written would effectively prohibit the use of renewable biogas as a low carbon fuel and disregard its critical importance in supporting emergency response vehicles. Furthermore, the SB 100 Joint Agency Report does not consider renewable biogas as a means for power production citing there was not enough information on cost and supply. On the contrary, the production of renewable biogas has been shown to be able to play a significant role in offsetting the electrical demand of the wastewater sector and complement California's renewable energy portfolio in various sources as summarized in a comment letter submitted December 18, 2020. When POTWs satisfy their own power needs from renewable biogas, it reduces

demand from the grid, and increases the overall resilience of our essential public services. Unfortunately, local air district new source review requirements are likely to limit the amount of renewable energy that can be produced from diverted food waste at stationary sources. Accordingly, this non-fossil renewable fuel will need to be used as a transportation fuel to successfully maximize reductions in methane emissions from landfills (i.e., in accordance with SB 1383 regulations).

We appreciate the opportunity to comment on the Proposed Advanced Clean Fleets Regulations, and further appreciate your willingness to consider our recommendations. Please contact me at sdeslauriers@carollo.com if you have any questions.

Sincerely,

Sarah A. Deslauriers, P.E., ENV SP
Climate Change Program Manager, CASA

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