



Todd R. Campbell

Vice President, Public Policy and Regulatory Affairs

April 6, 2023

The Honorable Liane Randolph
Chair, California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the 15-Day Changes to the Proposed Advanced Clean Fleets Regulation – Released March 23, 2023.

Dear Chair Randolph, Board Members and Staff:

Clean Energy would like to thank the California Air Resources Board for the opportunity to comment on the agency's 15-Day Changes to the proposed Advanced Clean Fleets regulation released last month. As the nation's leading renewable natural gas fuel provider for transportation, we support the spirit and intent of the proposed Advanced Clean Fleet regulation but would like to recommend two amendments that would significantly strengthen the proposed rule if amended.

First, while we appreciate CARB staff's clarification that only engines that meet the Heavy-Duty Engine and Vehicle Omnibus Regulation's emissions standards could be purchased if a fleet owner receives a zero-emission vehicle (ZEV) and near-zero emission vehicle (NZEV) exemption, this does not guarantee that the engine purchased would necessarily be the cleanest engine being sold on the market. In fact, because CARB Staff built in flexibility in meeting tougher emissions limits into the Omnibus regulation, it is entirely possible that a fleet owner could legally purchase a legacy engine that may only meet the federal and state emissions standards set in 2010. To protect disadvantaged communities and promote equity, such a purchase should not be allowed, especially when these engines are not only higher in smog, particulate and climate pollution but the contents of the exhaust has been listed as a toxic air contaminant known to cause cancer and reproductive harm.

Clean Energy, therefore, recommends that the CARB Board and Staff further modify its rule to ensure that the cleanest engine on the market is prioritized for purchase when a ZEV/NZEV exemption is granted to a fleet. Specifically, the proposed rule should do the following:

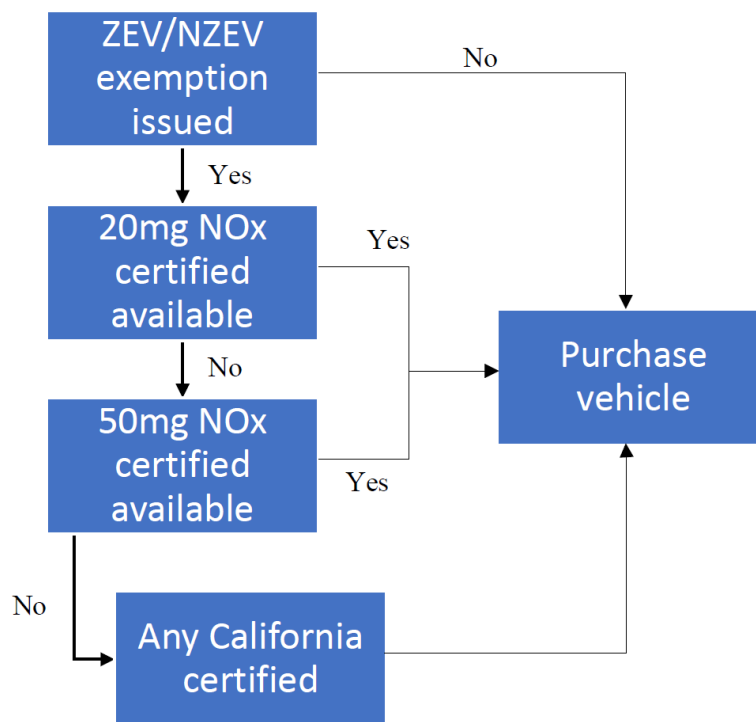
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1. Priority 1: Medium and heavy-duty (MHD) vehicles certified to a 20mg/bhp-hr NOx standard could be purchased. If those engines are not commercially available, then the fleet operator could purchase an engine under Priority 2;
2. Priority 2: MHD vehicles certified to a 50 mg/bhp-hr NOx standard. If those engines are not commercially available, then the fleet operator could purchase an engine under Priority 3;
3. Priority 3: Any truck meeting the California Heavy-Duty Engine and Vehicle Omnibus regulation.



By following the above process as proposed, the proposed Advanced Clean Fleet regulation will ensure that our communities already impacted by hazardous levels of diesel exhaust emissions will be safeguarded from future dirty internal combustion engine purchases.

Clean Energy's second recommendation is directed specifically at the Drayage section of the proposed Advanced Clean Fleets regulation when it comes to fleets who have already purchased new MHD vehicles but are still waiting to receive delivery of said truck due to supply



chain issues. We recommend that the CARB Board and Staff provide some flexibility to those fleets who made purchase decisions prior to the proposed rule's adoption.

Specifically, the proposed regulation states that on or after the January 1, 2024, deadline, only ZEV drayage trucks may be added to CARB's drayage reporting system. However, CARB should allow independent owner operators or fleets to register optional low NOx trucks that was purchased prior to the proposed Advanced Clean Fleets final adoption, especially if that purchased truck has yet to be delivered due to engine or truck manufacturer delays. It is our understanding that there are many truck operators who are currently waiting for their new trucks to be built, mainly new optional low NOx trucks that meet the 20 mg/bhp-hr NOx standard, and that these truck owners made these truck purchases to comply with California's Truck and Bus regulation. However, if these trucks have yet to be delivered, they cannot comply with the documentation required to register these trucks in the drayage system since the truck is not in their possession. Without the current supply chain issues brought on by COVID-19, these truck drivers would have been able to register these new trucks allowing them to enter the state's maritime ports and pursue their livelihood. Clean Energy truly believes this is a reasonable ask and we hope that CARB's Board and Staff will agree.

In conclusion, as the State of California forges its way toward a zero-emission mobility future, Clean Energy stands ready to support the state through this transition. Additionally, Clean Energy also realizes that this transition will be hard and could lead to a significant amount of ZEV/NZEV exemptions and we stand ready to provide the state with the cleanest alternative available in the internal combustion engine space. After all, our company believes, as does CARB, that we must address pollution now in our disadvantaged communities and do our best to make sure equitable outcomes prevail.

Most sincerely,

Todd R. Campbell
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