RURAL COUNTY REPRESENTATIVES OF CALIFORNIA

October 17, 2022

Liane M. Randolph, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95812

*Submitted Electronically via Comment Docket*

**RE: Comments on the Proposed Advanced Clean Fleets Regulations**

Dear Chair Randolph,

On behalf of the Rural County Representatives of California (RCRC), we offer our comments on the final California Air Resources Board (CARB) Advanced Clean Fleets (ACF) Regulations, proposed for adoption on October 27, 2022. RCRC is an association of thirty-nine rural California counties and the RCRC Board of Directors is comprised of elected supervisors from each of those member counties.

RCRC appreciates staff's response to many of our concerns and their willingness to include changes in the proposed State and Local Government Agency Fleet regulations, such as 1) recognizing that emergency events may require the use of more reliable, non-zero emission vehicle (ZEV) backup vehicles to afford public agencies to respond in a manner that would protect public health and safety; 2) including an early purchase credit strategy that wouldn't penalize early ZEV adopters; and 3) clarifying and expanding on exemptions to account for expected insufficient ZEV availability to meet compliance requirements. We also appreciate modifications to the enforcement provisions of the regulations that prioritize compatibility with similar programs. Given financial constraints in many jurisdictions, particularly smaller, rural counties, RCRC remains skeptical about the ability of local governments to fully implement the regulations as proposed, and would offer the following comments and recommendations:

<u>Energy Reliability and Rural Charging Infrastructure</u>

Energy unreliability continues to plague many rural regions in the state due to utility wildfire mitigation practices. RCRC appreciates CARB addressing Public Safety Power Shut-off (PSPS) events in the Initial Statement of Reasons (ISOR) and committing to monitor ongoing issues with the energy grid in rural California communities. However, PSPS may be too narrow to encapsulate the wide-ranging energy unreliability issues

confronting public agencies and communities to electrify. While PSPS events are proactive and have the benefit of advance preparation and emergency response coordination, Pacific Gas & Electric's (PG&E's) deployment of widespread fast-trip circuit calibration settings, known as their Enhanced Powerline Safety Settings (EPSS) program, has triggered power outages in high fire risk areas without the benefit of advanced notice or other accountability measures, such as providing back-up power through existing microgrids.[1] Since rolling this program out in July 2021, thousands have been left without power and certain PG&E customers were left without power for multiple days. Given fast-trip outages are different than PSPS, public agencies need to have the flexibility to respond during these dire, unexpected situations.

Additionally, many economic development projects in PG&E's service territory are at a standstill to get connected to the grid. The lack of load capacity threatens new home development and jeopardizes commercial and industrial project investments. Not only does this stymie growth and chill building decarbonization efforts, but it will undoubtedly impact the requisite infrastructure needed to power electric vehicle charging for medium- and heavy-duty public fleets.

The Challenges of Rural Landscapes

The ISOR maintains the assumption that most trucks covered under the regulations travel less than 100 miles per day, which does not adequately capture servicing unincorporated rural areas. Rural communities have unique landscapes where communities, or even individual residences, are often separated by forests and agricultural lands. Local government-controlled vehicles must be able to traverse these landscapes in order to provide vital services to Californians living within their jurisdictions. We previously urged CARB to disaggregate the Large Entity Reporting Data to more accurately capture realities in a non-urbanized setting and take such findings into account for designated low population county compliance.

Furthermore, total linear milage does not reflect the true usage of these vehicles. For example, trucks used for wastewater conveyance and treatment often traverse rough terrain for long distances in rural communities during the general course of providing maintenance and treatment of wastewater systems. These vehicles also routinely operate for prolonged periods of time at maintenance sites and must have longer duty cycles in order to perform the most essential functions. Similarly, public works vehicles used during fuels treatment and brush clearance work for wildfire prevention often remain onsite for several days during the duration of a project. For such a project, traveling to and from the site daily is the least efficient way of completing the work.

Finally, while counties do not operate solid waste collection vehicles, local governments are collaborative partners with the solid waste industry to ensure

[1] For more information, see PG&E's "Enhanced Powerline Safety Settings" (EPSS) program in their 2022 Wildfire Mitigation Plan Update.

uninterrupted collection of residential and commercial solid waste. Currently, electric solid waste collection vehicles are still in the demonstration stages and are not yet ready to be fully deployed into waste collection fleets[2], even in urban communities. The requirements of this program effectively begin in just two short years, and we are not confident that the technology will be adequate in most applications to meet the needs of rural communities. These concerns are further exacerbated by current supply chain issues, which make even mass-produced passenger vehicles difficult to procure. RCRC urges CARB to examine the program on a more granular scale to account for the unique challenges inherent in serving rural communities.

Senate Bill 1383 Renewable Fuels Requirements

Despite comments from RCRC and other stakeholders, the proposed regulations still need to reconcile competing regulations of other state agencies, in particular the mandates from CalRecycle to divert organic waste. Senate Bill 1383 (Lara), signed into law in 2016, explicitly requires the state to adopt policies and incentives to increase the sustainable production of renewable biofuels from landfills and other sources in order to help mitigate black carbon emissions and meet the measure's emissions reduction goals. The proposed ACF regulations conflict with those requirements by not providing a clear path to meeting those mandates long-term. While the ISOR asserts on page 111 that the state may meet these mandates via the California Public Utilities Commissions' (CPUC) renewable gas standard, disregarding biomethane and biogas as part of the state's low carbon vehicle strategy all but ensures that the renewable fuel goals in SB 1383 will not be met in the long term.

Cost Considerations for Local Governments

Cost considerations should be a factor in these regulations, particularly for local government fleets. Local governments have no way to recoup costs for new vehicles other than through increasing or creating new local taxes, a process which requires approval by a two-thirds vote of local residents. If ZEV or NZEV vehicles carry incremental costs that cannot be borne by local governments in socioeconomically disadvantaged communities, fleet turnover will likely slow and defeat the ultimate purpose of the regulations.

The uncertainty of upfront costs for vehicles and infrastructure and availability of vehicles for county operations, particularly in rural communities, will be a major hurdle to full implementation of these regulations. Rural local governments will already need to purchase and maintain extra internal combustion engine (ICE) vehicles just to act as backup during emergency events and power outages given the annual dire nature of the state's wildfire seasons. We appreciate CARB staff supplying a Cost Discussion Document; however, estimates based on assumptions for technology that simply is not available yet and is, in many applications, still in the demonstration stages cannot be

[2] SWANA Applied Research Foundation (2021). Evaluation of Electricity and Other Alternative Fuels for Solid Waste and Recycling Collection Vehicles.

viewed as reliable data to inform the actual costs local governments will need to include in their budgets to comply with the proposed regulations.

Local Battery Recycling Infrastructure

While the ISOR acknowledges that recycling of batteries used in electric vehicles to comply with this program will necessarily impose additional costs on the vehicle user, there is no discussion of the need for additional recycling infrastructure to manage the exponentially increased volume of batteries this program will generate in the next decade. The inevitable influx of end-of-life vehicle batteries from CARB programs such as ACF and passenger vehicle purchase mandates without any state investment in infrastructure will incapacitate local recycling systems which are not currently equipped to manage the number of batteries these programs will generate.

Local waste and recycling jurisdictions are already grappling with implementation of SB 1383 and other mandates that are dramatically increasing costs to residents for the most basic of waste collection services. Recent court decisions have cast great uncertainty on the ability of local waste jurisdictions to recoup costs through increasing franchise fees. The proposed regulations should not move forward without an appropriate analysis of the state investments necessary to properly recycle batteries from this and other state ZEV mandates under consideration.

Again, we appreciate the opportunity to provide comments on the proposed regulations. Please do not hesitate to contact me at sheaton@rcrcnet.org with any questions or to discuss our comments further.

Sincerely,

STACI HEATON
Senior Policy Advocate

cc: Members of the California Air Resources Board
The Honorable Steven S. Cliff, Ph.D., Executive Officer, California Air Resources Board