



November 26, 2019

The Honorable Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: Comments on the Proposed Advanced Clean Trucks Regulations—Large Entity and Fleet Reporting Requirement

Dear Chair Mary Nichols,

The California Chapters of Solid Waste Association of North America (SWANA) Legislative Task Force (LTF), representing public and private solid waste and recycling service providers in California, are deeply concerned about the large entity reporting requirement of the Advanced Clean Trucks draft regulation first published on October 22, 2019 and set for hearing before the California Air Resources Board (CARB) on December 12, 2019. The draft reporting requirement regulation has been fast tracked with limited public outreach and engagement from impacted businesses. This draft regulation imposes new costly and burdensome reporting requirements and should be thoroughly vetted before adoption.

SWANA is the world's largest association of solid waste professionals (10,000 members). SWANA's three California chapters represent nearly 1,100 of those members. SWANA represents much of the publicly-owned and –operated solid waste management infrastructure in the state and the local governments responsible for implementing waste diversion and recycling programs. The LTF is responsible for representing the California Chapters on legislative and regulatory issues. SWANA is committed to advancing the practice of environmentally- and economically-sound management of municipal solid waste.

The Solid Waste & Recycling Industry in California has been a strong partner with CARB in helping develop and deploy low carbon and low emission transportation technology and fuels for California. We were the first industry to commit to a transition from fossil diesel fuels to cleaner and low carbon natural gas and then to even lower carbon renewable natural gas (RNG). Our industry is estimated to have invested well over \$1 billion in California to develop and use low carbon renewable natural gas in the refuse and recycling vehicles we use. As CARB should be well aware, renewable natural gas has the lowest carbon intensity of all available transportation fuels. While zero-emission vehicle (ZEV) transportation currently has a carbon intensity of about 30 gCO₂e/MJ, renewable gaseous and liquid fuels have been shown to have virtually the same or much lower carbon intensity generally as follows:

	<u>gCO₂e/MJ</u>
• Landfill RNG	33.89 – 52.57
• Renewable Diesel	19.65 – 39.33
• Bio-Diesel	11.76 – 83.25
• Wastewater RNG	8.68 – 34.36
• Municipal Organic Waste RNG	- 25.48
• Dairy Waste RNG	- 281.1

LEGISLATIVE ADVOCATES

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The solid waste and recycling industry has also been experimenting with ZEV refuse and recycling vehicles. However, to date, these vehicles have not been demonstrated to be cost effective or substantially reduce greenhouse gas (GHG) emissions due to weight considerations and the potential need for more ZEV trucks to handle the same amount of refuse and recycling materials. However, we remain committed to continuing to evaluate all possible low carbon and low emission transportation fuels for our industry.

More importantly, California recently enacted SB 1383 to focus on the need to reduce short-lived climate pollutants – such as methane generated by organic waste disposal in landfills. To do this, SB 1383 has mandated that 75% of all organic waste to be recycled and recovered from landfill disposal by 2025 – only 5 years away. One of the most effective ways to divert organic waste from landfills is to use it as feedstock in anaerobic digesters and other advanced technologies to produce very low carbon transportation fuels – that can be used to fuel refuse, recycling and other transportation vehicles. In order to cost-effectively develop waste based anaerobic digestion and other low carbon waste-based fuel technologies, CARB needs to support the continued diversion of organic waste for this purpose – as mandated by SB 1383.

We are deeply concerned that CARB is not considering the progress we have made – and continue to make – by possibly throwing these efforts under the “proverbial ZEV bus”. SWANA is strongly opposed to any efforts to pick a single transportation technology, such as electric powered ZEVs, rather than a technology-neutral approach to encourage the development of alternative transportation fuels suitable for specific purposes based on performance standards rather than a specific technology that picks a winner over losers. CARB should be encouraging the solid waste and recycling industry to develop the lowest carbon and most sustainable transportation fueling options for our industry. We believe this should focus on efforts to continue to develop low carbon waste based transportation fuels. Not only will this help California and CARB meet its GHG goals, but also its waste reduction and recycling goals as well.

With respect to the proposed regulations, we request that CARB bifurcate the large entity reporting requirement from the manufacturer requirement and schedule a series of public workshops to solicit feedback and data from the additional 10,000 businesses that are estimated by CARB to be affected by this new concept. We hope that this will provide an opportunity for the solid waste industry to make the case for continuing to support waste based transportation fuels and technologies.

The Large Entity Reporting Requirement at Section 2012-2012.2 is tacked onto the end of a complex truck manufacturing regulation. Despite ongoing workshops on the manufacturer requirement since late 2016, the first conceptual document outlining CARB’s ideas around a reporting requirement were not made available until the end of the final public workshop on the Advanced Clean Trucks rule on August 21, 2019. Rushing the regulation and the lack of public process has resulted in fundamental flaws in the regulation that must be addressed prior to adoption.

Some initial concerns about the reporting requirement section are listed below:

BURDENSOME REPORTING

- Terms are vague, and require businesses to make guesses, “estimate,” and “use best judgement” and “approximate” the data they submit. As a result, the regulation may not result in usable or useful data, much of which can be gathered by other means.
- Recordkeeping is required for the year 2020, but the regulation will not be in effect until mid-2020. How does that work?
- Many businesses do not maintain these types of records. How does CARB anticipate these businesses will comply with estimating deliveries?



VAGUE ENFORCEMENT

- Violations of the Advanced Clean Trucks Large Entity Reporting Requirement are subject to general Civil Penalties of up to \$37,500 per day for a data gathering exercise.
- How will the rule be enforced? How will we know that our best guesses are enough?

INCREASED COSTS

- CARB did not solicit feedback, and therefore underestimated the cost of regulatory reporting compliance, especially when considering the regulation is subject to enforcement and there is no limit on civil penalties.

DATA SECURITY RISKS

- Data gathering through a vague, hard to enforce regulation subject to significant civil penalties will not result in effective or useful data and will simply burden the business community without any real benefit to CARB or the public.

UNCLEAR GOALS

- Why is the regulation asking about cars, SUVs, and mini-vans?
- Why is CARB not asking about existing electric vehicles or other low-emissions technologies – such as waste-based transportation fuels encouraged by SB 1383?

Thank you for your leadership on this issue. We again urge you to bifurcate the large entity reporting requirement from the manufacturer requirement and schedule a series of public workshops to solicit feedback and data from the additional 10,000 businesses that are to be affected by this new concept – including the solid waste and recycling industry. We look forward to working with you to address these concerns.

Sincerely,



Eric Zetz, Chair
SWANA California Chapter's Legislative
Task Force

Cc: Richard W. Corey, Executive Officer, California Air Resources Board