



October 17, 2022

Via electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

California Air Resource Board
Clerk's Office
1011 I Street
Sacramento CA 95814

Subject: Comments on the Proposed Advanced Clean Fleets Regulation, State and Local Government Agency Fleet Requirements (Section 2013)

Dear California Air Resources Board:

The Eastern Municipal Water District (EMWD) appreciates the opportunity to provide public comments on the California Air Resources Board (CARB's) *Proposed Advanced Clean Fleets Regulation, State and Local Government Agency Fleet requirements*, released on August 30, 2022. EMWD supports Zero Emission Vehicles (ZEVs), where feasible, and appreciates the collaboration with CARB as staff tackle the challenging task to transition towards ZEVs. However, as currently written, the *Proposed Advanced Clean Fleets (ACF)* has the potential to risk the reliability and resilience of the essential public services we provide to our community to protect public health and the environment. The *Proposed ACF* does not consider that zero emission technology is not yet available to essential public wastewater service providers at the level needed to ensure uninterrupted, reliable essential services. In addition, the *Proposed ACF* eliminates pathways for the beneficial use of non-fossil fuel wastewater derived biogas in transportation, which will impact the success of Senate Bill 1383 implementation and the 2017 Scoping Plan Short-Lived Climate Pollutant (SLCP) reductions strategy. EMWD appreciates the various opportunities for public participation throughout the regulation development process, however, we remain concerned with several areas of the *Proposed ACF*. The comments herein are specific to the State and Local Government Agency Fleet Requirements, referred to herein as *Proposed ACF*.

Board of Directors
Philip E. Paule, *President* Randy A. Record, *Vice President* Jeff Armstrong Stephen J. Corona David J. Slawson

2270 Trumble Road • P.O. Box 8300 • Perris, CA 92572-8300

T 951.928.3777 • F 951.928.6177 www.emwd.org

Background

EMWD is a wastewater and water agency that provides water, wastewater, and recycled water services to over 827,000 people in Riverside County. Our facilities operate 24/7 to provide safe, reliable water and wastewater services to our communities. It is critical that we have a fleet of vehicles and equipment that can provide continuous support for our water and wastewater infrastructure, and the supporting facilities we operate, including, but not limited to, water pumping plants, storage tanks, wells, desalter and water treatment facilities, POTWs, and sewer lift stations. We operate these facilities to fulfill our mission to “deliver value to our customers and the communities we serve by providing safe, reliable, economical and environmentally sustainable water, wastewater and recycled water services.” As the provider of potable water, wastewater reclamation and recycled water services, EMWD is responsible for effectively managing its resources economically while being a good neighbor to the community. **It is critical that we maintain a reliable vehicle fleet that we can utilize to promptly respond to outages, maintenance, and various repair needs at any of our facilities and infrastructure at all times.** The operational and administrative vehicles are primarily housed at our treatment plants and headquarters covering the 555 square mile service area. Our vehicle on-road fleet is comprised of approximately 160 vehicles in the class 2b thru 8 weight class, which include combination sewage cleaning trucks, tankers, crane trucks, flatbed trucks, dump trucks, utility trucks, boom trucks, cement trucks, stake-bed trucks, water trucks, and bucket trucks, and vans. There are many specialty vehicles in our medium- heavy duty fleet that are not currently available in a ZEV configuration.

Specific Comments

Our specific comments on the *Proposed ACF* language are further outlined in the following sections. EMWD requests that the CARB board direct staff to work collaboratively with our sector to ensure that the essential public service sector, more specifically wastewater and water agencies, can function with confidence as we continue to transition to zero emission technology, where feasible.

Definition of “Commercially Available”

The *Proposed ACF* does not include a definition for “Commercially Available.” This is a critical definition for the implementation of the *Proposed ACF* and the term is repeatedly referenced throughout the *Proposed ACF*. “Commercially Available” is also briefly mentioned in CARB’s Initial Statement of Reasons staff report (ISOR), released on August 30, 2022, and suggests that it means “available to order or have had at least one model delivered to a customer” and “that would meet most fleet needs” (ISOR page H-1-40 of Appendix H-1).

The definition of "Commercially Available" for a Zero Emission Vehicle should include the following considerations:

- Available in sufficient supply to be purchased and delivered to the fleet in acceptable timeframe. Delivery within one year is generally acceptable.
- Available in sufficient quantities to provide for a competitive bidding environment and avoid price manipulation by vehicle manufacturers and dealers.
- Available in sufficient quantities to fulfill the market needs that the *Proposed ACF* is driving
- Available from multiple (at least 2) reputable vehicle manufacturers as a certified zero-emission powertrain.
- Meets required specifications (e.g., duty cycle duration, elevation, climate, emergency response conditions) and exists in practice. For example, the vehicle model should be tested and proven reliable for at least 150,000 miles and for specified work conditions.

EMWD disagrees with the omission of a definition for "Commercially Available." We are concerned that the short discussion in the ISOR misrepresents the current availability of ZEVs for some of the specialized wastewater and water sector vehicles we rely on to maintain our infrastructure and respond to emergencies. **EMWD respectfully requests the CARB board to direct staff to work with stakeholders to formally include a clear, robust definition of "Commercially Available" in the *Proposed ACF* that considers the areas listed above.**

Definition of "Declared Emergency Event"

EMWD appreciates the inclusion of a definition for a "Declared Emergency Event" in the *Proposed ACF*, however, the definition is too narrow and excludes critical emergency response vehicles common to wastewater and water service providers. The *Proposed ACF* definition limits qualifying events to events declared by a local governing body, state, Governor, or the President of the United States during emergency conditions described in California Government Code section 8558. While we understand the need to provide limitations, EMWD is concerned that the *Proposed ACF* definition fails to include localized emergencies, common to wastewater and water facilities, that require emergency response, but are not typically "declared" by the governing bodies currently listed in the *Proposed ACF* definition. EMWD responds to emergencies and provides mutual aid during emergency events that affect the public health and safety of our surrounding communities, such as the response and mitigation of sanitary sewer overflow. **EMWD respectfully requests that the CARB board direct staff to consider the inclusion of other governing bodies and responses that affect public health and safety in the definition of "Declared Emergency Event."**

Wastewater Sector Non-Fossil Fuel Wastewater Derived Biogas

EMWD operates four wastewater reclamation that currently treat a combined total of approximately 46 million gallons per day. These facilities serve a unique role in the management of human waste and provide an essential service that is vital to public health and the environment. EMWD sustainably converts organic solids into renewable, non-fossil fuel wastewater derived biogas that has a low carbon intensity and can be beneficially used. We strive to reduce our dependence on the grid by diversifying our energy sources, which includes the beneficial use of wastewater biogas. The vital nature of our facilities makes redundancy and resiliency especially important. As long as toilets are flushed, non-fossil wastewater biogas will be generated. EMWD actively seeks sustainable solutions, innovative technologies, and economical responsible pathways for the beneficial use of non-fossil renewable wastewater-derived biogas. It is critical that the *Proposed ACF* does not impede the ability for the wastewater sector to utilize multiple pathways for sustainable solutions that utilize the non-fossil fuel produced by the wastewater process as a co-benefit and energy resource. It's important to recognize that not all agencies in the wastewater sector can implement a single pathway so diversification of uses is critical to ensuring wastewater agencies can be a partner in Senate Bill 1383 implementation and Short-Lived Climate Pollutant (SLCP) reductions strategy. EMWD strongly supports the comments by the California Association of Sanitation Agencies (CASA) and the recommendations in their comment letter for language specific to wastewater agencies and our fleet vehicles.

EMWD has a diverse array of services and commitment to our customers that require vehicles and equipment readiness for prompt deployment on a continuous basis. This is critical for maintaining reliable potable water services to the community, as well as ensuring the protection of public health and the environment for fire flow, wastewater treatment, and the prevention of sanitary sewer overflows. **We urge the CARB board to direct staff to carefully consider the unintended risk to the public that the *Proposed ACF* imposes by mandating water and wastewater providers to purchase specialized fleet vehicles used for critical services that are in the infancy of development and deployment.**

Thank you for the opportunity to comment on the *Proposed ACF*. We respectfully request that the CARB board consider our comments and recommendations and directs staff to revise the *Proposed ACF* prior to the board adoption of the Advanced Clean Fleets Regulation. We appreciate your consideration and look forward to continuing to work with CARB staff on this monumental regulation.

Clerk of the Board
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If you have any questions or need additional information, please feel free to contact Alison Torres at (951) 928-3777 extension 6345 or at torresa@emwd.org.

Sincerely,

Al Javier Digitally signed by Al Javier
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Alfred Javier

Director of Environmental and Regulatory Compliance

ARJ/AT: tlg

c: Tony Brasil, CARB
Craig Deuhring, CARB
Paul Arneja, CARB
Doug Edwards, EMWD
Dan Howell, EMWD
Danny Lehman, EMWD