



October 17, 2022

Honorable Liane Randolph and Board Members
California Air Resources Board
1001 "I" Street
Sacramento, CA 95814

Re: Clean Fleets Comments on Advanced Clean Fleets (ACF) Regulation

Dear Chair Randolph and Board Members:

CleanFleets.net provides the following comments on the ACF proposal. I have over twenty-two years of experience in developing and implementing CARB's diesel regulations affecting mobile sources and the present proposal is by far the most costly and ambitious proposal ever attempted affecting fleet owners. The following are intended as practical suggestions to reduce implementation challenges regardless of where the Board lands on the proposed compliance schedule.

COMPLIANCE OPTIONS

The proposed regulation requires the fleet owner to decide which compliance option the fleet will follow. Section 2015.2 states that a fleet must opt-in to the flexibility option of the ZEV Fleet Milestones and if the fleet chooses this option, it must waive its rights to the engine model year schedule of Section 2015.1. Title 13, CCR 2025(e)(1)(B) [aka Statewide Truck and Bus Regulation] allows a fleet to meet the requirements of 2025(g) **or** 2025(i). Under Title 13, CCR 2025, fleets were allowed to utilize either the model year or phase-in schedule so long as the fleet was in compliance with either option during the compliance year. In subsequent compliance years, the fleet was allowed to switch to the other option so long as the fleet as a whole was in compliance. The Truck and Bus Regulation did not require the fleet to relinquish its right to another compliance option and neither should ACF.

Title 13, CCR article 4.8, chapter 9, section 2449.1 [aka In-use Offroad Diesel Vehicle Regulation] also allows a fleet to meet the fleet average of section 2449.1(a) **or** demonstrate that it met the BACT requirements of section 2449.1(b). Fleets were allowed to utilize the fleet average or BACT turnover requirements of this regulation so long as the fleet was in compliance with either option during the compliance year. In subsequent compliance years, the

fleet was allowed to switch to the other option so long as the fleet as a whole was in compliance. The Offroad Regulation did not require the fleet to relinquish its right to another compliance option and neither should ACF.

For consistency with other regulations passed by the Board, the ACF regulation should not deny the fleet owner the ability to switch between compliance options. Also, the fleet owner should not be denied the right to Health and Safety Code 43021(a) which was passed to protect the fleet owner's investment in this exact circumstance.

REPORTING

Reporting required by the proposed regulation should not be as restrictive as the reporting required by Title 13, CCR 2025 (Truck and Bus). The TRUCRS system did not allow fleet owners to report accurately without CARB staff intervention. The fleet owner should have the ability to report the fleet without restriction. TRUCRS staff has voluminous email records of the inability to accurately and rightfully report specific fleet, vehicle, and engine details. As an example, if a fleet incorrectly enters a VIN due to a typo, the fleet cannot edit the VIN without submitting a copy of the DMV registration and/or a photo of the physical VIN tag. The fleet should be able to simply correct the error in the reporting system. Additionally, once a vehicle and engine are reported, the fleet owner cannot modify other details if there is an error to be fixed or update to be reported. The fleet owner was also restricted with the ability to choose the vehicle type in the reporting system. With the amendments to Title 13, CCR 2021 (Solid Waste Collection Vehicle Regulation) the system restricted the ability to accurately select the appropriate vehicle type and required the fleet owner to submit photographic evidence of the vehicle. The fleet owner should be able to simply report the vehicle type in the system without CARB staff intervention. This issue caused multiple unjust NOVs and DMV registration holds.

VEHICLE APPLICABILITY

Title 13, CCR 2015(a)(1)(B) and (C) excludes light-duty package delivery vehicles from the total fleet count. These sections need to also specify that exempt vehicles under 2015(c) are not included in the total fleet count since these are exempt from Title 13, CCR 2015. RNG-fueled vehicles should be included in the total fleet count and also as a "compliant" vehicle until 2040.

ALTERNATIVES 5, 8 & 9 DESERVE A COMPLETE ANALYSIS

The Environmental Assessment (EA) discusses these three Alternatives however all were rejected in the EA for reasons that appear incomplete in my view. Over the past 22 years that I have worked on CARB regulatory proposals I have not seen as incomplete an analysis as is being presented in this EA. The ZEV manufacturers, early adopter fleets and proposals to propel ZEV in "beachhead" applications should be fully vetted and that has not been

completed to date. I believe the Board owes it to the public and it is in the interest of good public policy that the staff should be directed to fully analyze these Alternatives. Finally, the sanitation and waste management districts and waste haulers implementing Senate Bill 1383 deserve special recognition for their early contributions to rolling out non-fossil renewable natural gas (RNG) vehicles. The industry is asking the Board to direct staff to return to the next hearing on ACF with an allowance for the purchase of RNG vehicles until 2040.

Should you have any questions, please contact me at (916) 520-6040.

Sincerely,

A handwritten signature in dark blue ink, appearing to read "S. Edgar", written in a cursive style.

Sean Edgar
Director