

May 28, 2020

Mr. Paul Arneja
California Air Resources Board
Mobile Source Control Division
1001 "I" Street, 7th Floor
Sacramento, CA 95814

Dear Mr. Arneja:

Subject: Comments on the Proposed 30-Day Draft Language for the
Advanced Clean Truck Fleet Reporting Regulation

The Los Angeles Department of Water and Power (LADWP) appreciates the opportunity to provide comments to the California Air Resources Board (CARB) regarding the proposed 30-day draft language for the Advanced Clean Truck (ACT) Fleet Reporting Regulation. Although, as discussed below, there are remaining implementation issues with data collection and interpretation in the current proposed regulation language, LADWP appreciates CARB's effort to work with stakeholders to develop a streamlined reporting approach under this regulation.

LADWP supports CARB's purpose to collect relevant data and information needed for the development of effective and efficient regulations for facilitating a large-scale transition to zero-emission medium-and heavy-duty vehicles. In order to effectively execute this program, LADWP believes that the extensive data collection and reporting requirements should be a streamlined and simplified process without compromising the quality of data. Since this is intended to be a "one-time" data collection requirement, it is even more vital that the data is accurate and of good quality in order to support the development of an effective regulation.

Removal of Facility Category Reporting (previously Section 2012.2)

LADWP supports the removal of this section and CARB's effort to streamline the reporting process. This section would have required regulated entities to request information from all contractors subject to the reporting requirements. This would have taken a significant amount of resources and time to collect the data required and finalize the report.

One-Time Collection of Vehicle Usage Data

LADWP appreciates that CARB is offering the stakeholders the flexibility to select any period between January 1, 2019 and April 1, 2021 for their respective facilities to collect the required data. Because the data collection requirement was not proposed in draft language until August 2019, the stakeholders do not have any applicable 2019 data and are limited to only compiling 2020 data. LADWP anticipates significantly reduced vehicle usage in 2020 due to the COVID-19 pandemic and therefore, a data set in this time frame would not be typical or representative of the facilities' normal operations. LADWP is concerned with the use of uncharacteristic data as basis for future rulemaking.

Reporting Submittal Date and Method of Reporting

- Section 2012(e)(1) – The April 1, 2021 date allows approximately nine months to prepare and submit the report. The date also coincides with deadlines for a number of other environmental reports that are due to the local, state, and federal government. Due to the accelerated timeframe and the COVID-19 pandemic, the data collection year in 2020 and the submittal date is not appropriate.

The current target timeframe for the board adoption of the rule is June 2020. If LADWP assumes no changes will be made between the adoption and effective date of the regulation, there is less than a year to prepare and submit the report. On LADWP's comment letter dated December 9, 2019, LADWP indicated that it will need to coordinate with at least 103 facility managers to set up a data collection procedure per the ACT requirement. The data will then need to be collected, reviewed and prepared by LADWP staff. An issue LADWP will potentially face is the data quality due to the amount of data received. Until LADWP staff determines which facilities are similar, a report from every facility will need to be produced in order to benefit from Section 2012.2(b)(7). LADWP would like to ensure that substantive and representative data are considered for the benefit of both CARB and LADWP.

LADWP also faces the issue of convergence of important reporting deadlines such as South Coast Air Quality Management District's (SCAQMD) Air Emissions Reporting (AER), CARB's Mandatory Greenhouse Gas Reporting Regulation, and In-Use Off-Road Vehicle Regulation report (DOORS). Most of these reporting deadlines occur in the month of March, which means resources will be significantly divided to accommodate the preparation of the report.

With the COVID-19 pandemic, the 2020 data year will not represent normal LADWP operations as stated previously. For these reasons above, LADWP recommends to extend the submittal date to at least April 2022 to allow time to create a data collection procedure and to capture data in the year 2021.

Vehicle Usage by Facility Reporting

- Section 2012.2(a) – The proposed language suggests that all vehicle home bases need to report the availability of fueling infrastructure and/or tractors from Section 2012.2(a)(1) through (8), regardless if the base's fleet does not have a vehicle with a Gross Vehicle Weight Rating (GVWR) of 8,500lbs or more.

In Section 2012.2 and Section 2012.2(b), only vehicle home bases with at least one vehicle above 8,500lbs are the priority focus of the regulation. If the requirement is to submit information for all vehicle home bases, regardless of the vehicle's GVWR, for LADWP, there will be a total of 182 different bases subject to this language. This comes out to at least 79 more bases that are needed to gather a response, even if they are not the focus of the regulation. LADWP recommends the language to be consistent with Section 2012.2 and 2012.2(b) and only require responses for vehicle home bases with at least one vehicle above 8,500lbs.

Also in Section 2012.2(a), CARB would like to know what type of fueling infrastructure is available at facilities and what type of trailers are pulled by tractors. This question may not be applicable to a majority of LADWP's 182 facilities; therefore, this may result in excess data that may not be necessarily useful for CARB staff to use, yet would be burdensome for limited benefit. LADWP recommends changing the language to identify facilities with fueling infrastructure and/or tractors instead of capturing all facilities with all the submitted information. This drastically decreases the workload for this section and only relevant data will be transmitted to CARB.

- Section 2012.2(b)(2)(A) through (E) – The average mileage data does not represent the operational capacity of LADWP's facilities.

The requested average mileage-per-day does not necessarily characterize the facility's operational needs. For example, a vehicle with a maximum range of 400 miles may be used for utility repair and replacement projects. Based on normal operations, the average mileage-per-day could be less than 400 miles. Replacing a gas vehicle with a similar-sized alternative-fueled vehicle based on the average mileage range could result in significantly reduced productivity. Alternative gas vehicles would require more refueling and therefore, result in lost productive time from traveling to and from the fueling station. LADWP suggests identifying the maximum fuel range within the fleet of the facility to understand the expected demand from the vehicle type.

Another issue is that the average mileage does not necessarily represent the usage profile of certain vehicles such as trucks or equipment that typically remain idle during operation. For example, a heavy-duty aerial boom truck may travel short distances, but the truck may be idle during tree trimming or a replacement of electrical infrastructure. Though the mileage does not change, fuel is consumed while the truck is operating. In

this case, considering the number of hours the vehicle runs in a day provides a more accurate depiction of the vehicle's daily usage.

LADWP understands the need of providing the daily average mileage; however, LADWP recommends that CARB instead look at the facilities' operational capabilities as opposed to the average data. For example, instead of asking for the daily average miles for each vehicle body type, it may be beneficial for CARB to take into consideration the maximum hourly usage, the maximum fuel range within the fleet, and a description of common tasks being performed. The benefit from this data is understanding how long a vehicle is operating within a fuel range that is capable of efficiently handling the facility's day-to-day operations.

- Section 2012.2 (b)(2)(L) – LADWP does not have any procedure to determine if a vehicle body type operates at its weight limit.

LADWP facilities currently do not have scales and it is not common practice at LADWP to record a vehicle's weight before it leaves a facility. LADWP would like CARB to clarify the purpose for collecting this information.

- Section 2012.2 (b)(2)(O) – LADWP utilizes all available fleet vehicles to respond to an emergency event. The dispatch data over the last three years does not represent the full operational capacity of LADWP's facilities during emergency events.

LADWP does not have a specific set of vehicles used for emergency-only purposes. All LADWP-owned vehicles can be used to respond to emergency calls. LADWP believes that the percentage of fleet vehicles dispatched to support emergency operations over the last three years does not represent the true logistics of the event/s and does not provide sufficient basis for the facilities' ability to handle future unpredictable emergency events. As a utility, LADWP must be able to respond to emergency situations in a timely manner to restore water and power services; therefore, all vehicles should be available to provide emergency services. Instead of requiring "the highest approximate percent of the fleet vehicle group that was dispatched at the same time over the last three years to support an emergency operation", LADWP recommends revising this requirement to asking facilities whether a majority of a fleet vehicle group is generally subject to emergency usage, making sure to define what is considered as "majority" (e.g. more than 75 percent). This should sufficiently inform CARB of the facilities' need for certain vehicle body types or fleet groups to be used or made available during emergencies.

Minor Comments

- Section 2012.2(b)(2)(J) – The language needs to clarify what is meant by "most of the vehicles".

CARB should define what "most of the vehicles" means and identify the ratio or percentage they intend to capture (e.g. a fleet that has more than 75% of their vehicles within approximately 50 miles of the facility).

- Section 2012.2(b)(2)(O) – The language should not limit emergencies to "infrequent acts of nature".

LADWP deals with emergencies that are not always necessarily due to infrequent acts of nature. Such failures result in power outages or disruption of water services which LADWP must immediately respond to due to public health and safety. LADWP recommends that the language include imminent threats to public health and safety as well.

Conclusion

LADWP recognizes that CARB needs the data to be able to create an effective regulation for a steady transition into the use of zero emission vehicles, regardless of size. LADWP supports CARB's transition goals and recommends that the data collection and reporting must be further refined to ensure the development of future rules based on strong and accurate data.

LADWP appreciates CARB's collaboration with the stakeholders and consideration of feedback provided. If you have any questions regarding these comments, please contact Ms. Andrea Villarin of my staff at (213) 367- 0409, or Mr. James Talavera of my staff at (213) 367-2987.

Sincerely,



Katherine Rubin
Manager of Air and Wastewater Quality

JT:aeH

Submitted electronically to the "act2019" docket

c: Mr. Craig Duehring, CARB
Mr. Tony Brasil, CARB
Ms. Andrea Villarin
Mr. James Talavera