

Brian K. Veerkamp – *President*
Division 3

George Osborne – *Director*
Division 1

Lori Anzini – *Director*
Division 4

Brian D. Poulsen
General Counsel



Alan Day – *Vice President*
Division 5

Pat Dwyer – *Director*
Division 2

Jim Abercrombie
General Manager

In reply refer to M0423-006

April 6, 2023

Deputy Executive Officer
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: El Dorado Irrigation District's Comments on Draft Advanced Clean Fleets (ACF) Regulation

Deputy Executive Officer,

The El Dorado Irrigation District (EID or District) appreciates the opportunity to provide comments on the ACF draft regulatory language (March 23 iteration) for public fleets as proposed by California Air Resources Board (CARB) staff. EID is an irrigation special district formed in 1925 that serves more than 125,000 residents in northern California's El Dorado County. We provide drinking water and irrigation services, wastewater treatment services, as well as operating a hydroelectric power project (Project 184) and managing recreational facilities. EID serves approximately 220 square miles on the western slope of El Dorado County. The service area is generally bounded by Sacramento County to the west and the Pollock Pines/Sly Park area to the east and ranges from 500 feet to more than 4,000 feet in elevation. Due to its diversity of services, facilities and geographic scope and range, EID is dependent on a large and diverse vehicle fleet to support its public services.

The District supports and joins in the comments submitted by the Association of California Water Agencies and the California Special Districts Association regarding the proposed regulation. While the latest iteration of the regulation reflects some of the exemptions and extensions that stakeholders requested, EID remains seriously concerned about the potential impacts of the regulation as proposed. EID requests that CARB consider specifically exempting fleets that support the critical services of water service and wastewater treatment. Water and wastewater agencies are essential public service providers that possess fleet vehicles with unique needs that must be reflected in the regulation to prevent dire consequences that could result if our fleets were to be unable to accomplish core functions. Enabling the appropriate exemptions is necessary to ensure that the regulation advances the State's goals, but does not interfere with critical health and safety services such as water service and wastewater treatment. Thus, the District offers the following comments:

1. The Revised Proposed Regulation's Consideration Of Delays In Establishing The Necessary Infrastructure Does Not Cure The Broader Grid Reliability Issues

The revisions to the proposed regulation to extend the possible ZEV infrastructure construction delays are improvements but those revisions still do not address the broader grid reliability issues, particularly in EID's service area. EID recommends that CARB further consider grid reliability as a core feasibility element in finalizing this regulation. Water and wastewater agencies must be able to

charge fleet vehicles, as needed, to prepare for planned operations, and respond to emergency events. The potential that water and wastewater agencies may be unable to charge fleet vehicles is unacceptable as it puts at risks the ability to fulfill essential public health and safety responsibilities. It is unreasonable for public water and wastewater agencies, and public fleets more broadly, to be required to purchase ZEVs as early as 2024 without assurance of the necessary charging infrastructure and energy supply to maintain or improve existing operations.

In evaluating grid reliability, CARB should specifically consider exemptions for those areas impacted by power shutoffs, such as Pacific Gas & Electric's (PG&E) Public Safety Power Shutoffs (PSPS) events. For example, over the last several years, EID's service area has experienced numerous PSPS events, some of which have lasted for multiple days. The proposed regulation fails to provide appropriate exemptions in light of these PSPS events. The risk of PSPS events remains high in the near-term and those areas frequently impacted by PSPS events, such as El Dorado County, should be given time exemptions that delay the ZEV requirements until such grid reliability through grid hardening has been accomplished.

For example, the Low-Population Counties exemption provides additional time in consideration of limited ZEV infrastructure in designated low-population counties. However, these considerations of ZEV infrastructure are not limited to just the designated low-population counties. For example, El Dorado County is not on the list of designated low-population counties, but shares the characteristics of fewer air quality challenges and under-developed ZEV infrastructure. Further consideration should be given to expanding the "low-population county" exemption to include counties with similar characteristics, such as El Dorado County.

The stark reality is that in El Dorado County, there is not a sufficient or reliable electric grid to ensure that an EV fleet would consistently have access to the necessary power. This means that the District's ability to reliably provide critical water and wastewater services will be compromised unless the regulation is revised to provide the appropriate exemptions. To be clear, as presented the proposed regulation risks sacrificing essential services unless it is revised to reflect the on-the-ground current realities of grid reliability and electric power availability.

2. The Revised Proposed Regulation Does Not Provide The Necessary Flexibility For "Emergency" Operations Performed By Those Providing Essential Services

The District recognizes and appreciates that the revised proposed regulation expands the definition of "declared emergency event" to include any degree or condition of emergency specified in the California Government Code section 8558. However, the proposed regulation still fails to provide the necessary flexibility to public agencies who provide critical and essential services such as drinking water and wastewater services. Government Code section 8558 is limited to formally proclaimed emergencies at the state or local level. Public entities providing critical services, such as EID, experience many "emergency" events that are not formally proclaimed emergencies, such as water line breaks that disrupt water service or wastewater line breaks that require emergency hauling and pumping of wastewater. Neither the regulation's definition of "declared emergency event" nor the definition of "emergency operations" account for these type of emergency operations performed by entities providing critical water and wastewater services. The definitions of "emergency operations" and "emergency support vehicle" need to be expanded to include vehicles operated to alleviate the immediate threat to or disruption of critical public services such as drinking water services and wastewater services. These changes are necessary to ensure that the "Backup Vehicle Exemption"

will provide public entities with options for deploying the vehicles necessary to respond to emergency conditions. As presented, the proposed regulation's definitions of "emergency" are too narrow and will compromise EID's ability to respond to and mitigate emergency situations that arise outside of formally declared "emergency events."

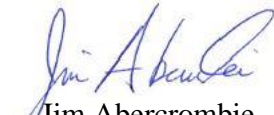
3. The Exemptions Need To Be Expanded To Cover Vehicles That Are Critical For Water and Wastewater Services

The revised regulation provides additional exemptions for specific types of vehicles, such as "intermittent snow removal vehicles," but still does not provide sufficient exemptions to ensure public agencies can reliably continue to provide critical services. While there are elements of the proposed regulation that provide exemptions for critical services, those exemptions are too narrow as currently defined. For example, the definitions of "emergency operations" and "emergency support vehicle" are limited to vehicles specified in California Vehicle Code section 165, which does not include vehicles used for the repairing or servicing of water or wastewater infrastructure. The regulation refers to vehicles used to help alleviate an immediate threat to public health or safety but then narrowly defines both "emergency" and concepts of public health and safety. For example, as proposed, the regulation does not provide the necessary exemptions for valve trucks, welding trucks, pumper trucks, and other vehicles essential to the repair and maintenance of water, wastewater, and other utilities. Further, specialized vehicles such as the District's snowcat, which is used to access critical facilities during extreme weather like the recent winter storms, need exemption from the regulation. These types of vehicles are particularly critical during and following the very events that could interrupt the ability of ZEVs to operate. These vehicles must be operable 24 hours per day, 365 days per year. Any interruption in their regular use could jeopardize the health and safety of the communities they serve. Given the most likely current or future ZEV options will depend upon a consistently accessible source of electricity, the risk of disruption whether due to an earthquake, public safety power shutoff, rolling brownout, wildfire, flood, winter storms or other natural disaster is too great to risk the operability of these vehicles and health and safety of Californians.

Conclusion

The District appreciates the opportunity to comment on this very important proposed regulation. EID hopes that CARB will continue to consider revisions to the regulation that ensure public agencies can continue to provide essential water and wastewater services in an efficient and reliable manner and which enables the District to maintain the necessary fleet of vehicles.

Sincerely,



Jim Abercrombie
General Manager