



**DEPARTMENT OF THE NAVY**  
COMMANDER NAVY REGION SOUTHWEST  
937 NORTH HARBOR DRIVE  
SAN DIEGO CA 92132-0058

IN REPLY REFER TO:

5090  
Ser N40/886  
September 20, 2019

Mr. Craig Duehring, Manager  
Mobile Source Control Division  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

Dear Mr. Duehring:

**SUBJECT: Comments on the Advanced Clean Truck Regulation Proposed Draft Regulation**

On behalf of the Military Services in California, we appreciate the opportunity to comment on the Air Resources Board's (ARB) proposed draft regulation for the Advanced Clean Truck Large Entity and Large Fleet Reporting Requirement. The military remains committed to working with the State of California to improve ambient air quality for all Californians.

This latest draft proposed regulation is an improvement on the regulatory concept that was initially presented. We appreciate ARB staff incorporating our feedback during the June 20, 2019 regulation workshop about the uniqueness of our military facilities in California, and the difficulty of reporting on a facility-wide basis under the previous version.

Attached to this letter is a matrix of specific comments that the military has on the August 21, 2019 Discussion Draft of the proposed regulation. Our comments center around three distinct categories:

- A specific request for exemption of Military Tactical Vehicles, consistent with Federal and State law, as well as State regulation.
- Clarifications regarding enforcement and data collection methodology, such as ensuring there are no double counting of vehicles by both fleet owners and facilities.
- The lack of appropriate protocol in place to preserve the integrity of the information being collection.

We look forward to discussing our comments with you in advance of the formal rulemaking. Our point of contact is Mr. Gareth Smythe, who can be contacted at [Gareth.Smythe@navy.mil](mailto:Gareth.Smythe@navy.mil) and (619) 247-4437.

Sincerely,

C.L. STATHOS  
Deputy Regional Environmental Coordinator  
By direction  
of the Commander

**Advanced Clean Truck Regulation  
Large Entity and Large Fleet Reporting Requirement  
Proposed Draft Regulation Language, August 2019**

Comment #	Location		Comment	Suggested Edits
	Page	Line Section		
1		General	<p>Most of the information required to be reported by Large Entities can be collected in a more efficient and accurate manner from the Large Fleets themselves. As currently written, this regulation can potentially double count deliveries. For example, each military service (eg. Army, Marines Corps, Navy, Air Force) contracts for a majority of its deliveries through a partner organization within the Department of Defense known as the Defense Logistics Agency (DLA). Because they are organized under the same federal agency, requiring both military bases and the military logistics fleet that to report. This will result in double-counting of the same vehicles.</p>	
2		General	<p>With the aggressive reporting timeline, we believe that a comprehensive outreach strategy is needed to make sure all affected facilities are made aware of the proposed regulation and are given opportunities to provide input and comments.</p>	
3		General	<p>The military is concerned that a proposed regulation so close to its formal rulemaking process is silent on the enforcement of its requirements. Violations of Part 5 of Title 13, where this regulation is proposed to be included, are generally subject to a civil penalty not to exceed \$37,500 for each action upon adjustment for inflation. ARB needs to be explicit on its intent with regard to how this reporting requirement is or is not to be enforced. Any enforcement mechanism should be tied to our comment #5 requesting a reasonable accommodation extension for specific circumstances.</p>	
4		General	<p>This proposed regulation has inherent security concerns with the aggregation by ARB of large quantities of sensitive data. As written, the proposal contains no details on how the data received will be utilized, stored, and maintained. The military requests that ARB adopt procedures to ensure the confidentiality of sensitive information, and take all reasonable steps to protect the data that it receives.</p>	

**Exemption Request: Military Tactical Vehicles**

5	3	§ 2012.0 (d)(3)(A)	<ul style="list-style-type: none"> <li>Recognizing the military's need to train as we fight, the CA State Legislature has previously set precedent by providing an explicit exemption for <b>military tactical mobile sources</b> when it has developed new regulatory programs. One example can be found in H&amp;SC DIVISION 26. AIR RESOURCES, PART 4. NONVEHICULAR AIR POLLUTION CONTROL, CHAPTER 3. Emission Limitations, ARTICLE 1.5. Portable Equipment, which established a state-level Portable Equipment Registration Program. See H&amp;SC §41754(a)(3): "That any registered portable equipment, including any turbine, used by the Department of Defense or the National Guard exclusively for military technical support or other federal emergency purposes, as specified in the regulations adopted by the state board, is not subject to any statewide or district emission control or emission limit."</li> <li>We request a similar exemption for the reporting requirement in the regulation recognizing the unique legal status of military tactical vehicles and concerns about sharing sensitive national security data.</li> </ul>	<p>"Federal fleet" means a fleet of vehicles, except <i>military tactical vehicles</i>, owned by a department.....</p>
<b>Definitions</b>				
6	3	§ 2012.0 (d)(11)(C)	Due to the complexity of organizations within the Department of Defense, allowing a designee of the principle executive officer will allow for appropriate and timely compliance with the regulation.	"For the purposes of the Department of Defense Military Services, a principal executive officer includes a commanding officer of an installation, base, or tenant organization, <i>or their designee or alternate.</i>
<b>General Requirements</b>				
7	5	§ 2012.0 (e)(1)	The draft regulation does not currently include a mechanism for a respondent to request a reasonable extension of the due date. The complexity of the reporting requirement may necessitate a request for an extension based on the totality of the circumstances.	