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April 7, 2023

Liane M. Randolph  
Chair and Board Members  
California Air Resources Board (CARB)  
1001 I Street 6<sup>th</sup> Floor  
Sacramento, CA 95814

**RE: Advanced Clean Fleets Draft Regulation Language – 15-day Comment Period.**

To Whom It May Concern,

The Otay Water District values the opportunity to participate in the public comment to the California Air Resources Board in response to the proposed Advanced Clean Fleet Regulation 15-day comment period. While Otay fully supports CARB'S mandate to achieve zero emissions, there is a need to allow exceptions and more clear and defined language in its implementation to ensure the continuation of essential water and wastewater services to protect the health and safety of Otay's community and customers. Therefore, Otay respectfully requests that the Regulation, as proposed, not to be adopted until these concerns are addressed.

Executive Order N-79-20 recognizes the need for the State to transition to carbon neutrality by setting a course to end sales of internal combustion passenger vehicles by 2035. CARB is now faced with the enormous task of transitioning public fleets accordingly to meet the State's goals set forth by the order, as outlined in the Proposed Rule. Otay appreciates the great task at hand and understands how incredibly important this rulemaking is for the future of California.

As an essential public service provider and fellow dedicated resource steward, Otay provides reliable water and wastewater services that protect public health and the environment. Otay sincerely understands and supports efforts to transition to a more sustainable future. However, in doing so, it must be ensured that water agencies, which operate large existing fleets and operate as first responders, are not inhibited from responding to emergencies. Otay remains concerned that achieving compliance with this Proposed Rule as currently drafted could challenge water and wastewater agencies' ability to reliably maintain core functions and levels of service for delivering and treating water and to meet increasing regulated mandates from local, state, and federal agencies, as well as frequent mutual aid demands during emergency responses to natural disasters and other emergencies.

It is also important to note that many fire departments have expressed concerns in the shortcoming of the proposed regulation as currently drafted by CARB, regarding the current electric vehicle technology not able to support the demands of water District's emergency response vehicles. Therefore, affecting the ability to respond to water emergencies to repair critical infrastructure that the fire service relies upon to fulfill its mission of fire suppression when needed most to mitigate risks to public safety.

As an entity that manages a large public fleet with emergency and specialty response vehicles, Otay is reaching out to share specific comments and recommendations, outlined below, that will help inform the final regulation.

## ***Otay Water District Background***

Otay provides essential public services including water, recycled water, and sewer services to approximately 228,000 customers spanning roughly 125 square miles of southeastern San Diego County, California *including the communities of eastern Chula Vista, Bonita, Jamul, Spring Valley, Rancho San Diego, unincorporated areas of El Cajon and La Mesa, and eastern Otay Mesa along the international border with Mexico.*

Additionally, Otay owns and operates a wastewater collection system providing public sewer services to homes and businesses within the Jamacha drainage basin, as well as delivers recycled water to customers through a dedicated distribution system used to reduce our dependence on potable water.

Otay operates a wide range of vehicles that serve the purpose of providing emergency response services and day-to-day operations within its service area. Currently, Otay has 86 public fleet vehicles, including construction, utility repair, utility monitoring, and customer service vehicles. Specifically, Otay operates water and wastewater specialty emergency vehicles, most of which are required to travel long distances, on rough and uncertain terrain, and could include extended operation of auxiliary equipment via power-take off devices at project sites. These specialty vehicles often perform tasks that require long duty cycles and have unique duty-cycle specifications that have the ability to help Otay staff respond to water main breaks and/or sewer spills, restore essential public services, and support water demands for fire flows in the event of residential and industrial wildfires as a result of climate change and extreme weather. Additionally, these vehicles transport auxiliary emergency mobile pumps and stand-by generators as a resource to provide additional redundancy to the water distribution system in case of an emergent need 24 hours, 7 days a week, and serve as shelters to staff working in remote areas of the District under these conditions.

## ***Back-Up Vehicle Exemption Process***

Under the Proposed Rule, public agencies can apply for an exemption from the ZEV purchase requirements if the vehicle will be designated to be a Back-Up Vehicle and is operated less than 1,000 miles per year excluding any mileage traveled while performing emergency operations in support of a declared emergency event.

While it is appreciated that CARB is recognizing the critical role of emergency operations, Otay's top concern with CARB's definition of "Emergency Operations" is limited to be only in support of a declared emergency event, which as written by the proposed regulation, needs to be duly proclaimed by a local governing body, State Governor, or the President of the United States or as described in Government Code section 8558. In addition, only to alleviate an immediate threat to the public health or safety excluding routine operations.

It is critical to expand the definition of "Emergency Operations" to specifically include water and wastewater purveyors to be able to respond with back up vehicles to mitigate immediate threat to public health and safety involving emergency response to water main breaks and/or sewer spills. The Otay fleet not only provides support and back up but often serves as primary responders to a variety of emergencies.

Therefore, Otay requests that CARB reconsiders the language as proposed in the Regulation and expand the definition of "Emergency Operations" as requested to include emergency response vehicles that provide water and wastewater services, and instead consider providing an outright exemption process for the "Back-Up" vehicles.

## ***Emergency Support Vehicle***

Otay respectfully requests the CARB staff to provide a clearer definition of an “Emergency Support Vehicle” along with the exemption process. The current definition as written in the proposed regulation is very broad and not clearly defined, “a vehicle other than an authorized emergency vehicle as defined in California Vehicle Code (CVC) section 165 that has been dispatched to provide transport services or supplies in connection with an emergency operation.”

***Mutual Aid Assistance Exemption:***

Otay respectfully requests that CARB reconsider the mobile ZEV fuel providers as part of the exemption process. Under the proposed regulation, Fleet owners will be required to provide documentation from three mobile ZEV providers compatible with the vehicle’s charging system to show that the ZEV cannot be refueled from 10% to 80% of the ZEV’s rated energy capacity within one hour. Under a declared mutual aid assistance, it would be very difficult, if not impossible, to secure the services of a mobile ZEV charging provider since their services would be inhibited by the high demand during the mutual aid assistance. Therefore, it is requested that CARB remove the language as part of the exemption process.

***ZEV Purchase Exemption List***

Under the proposed Regulation, CARB will provide a list of vehicle configurations that are not available to purchase as ZEV or NZEV. However, under the exemption application process, CARB’s Executive Officer shall consider an offered ZEV or NZEV available for purchase if the Chassis or complete ZEV or NZEV is available in the next higher weight class except for Class 8 vehicles. For Otay, it would be very costly and ineffective to replace or purchase a vehicle in the next higher class as proposed. Therefore, Otay is requesting that CARB reconsider and change the language to “replace in kind or as ZEV or NZEV if only available under the same weight category.”

***Battery Disposal Guidelines:***

As part of the regulation, it is requested that CARB incorporate into the regulation guidelines for the disposal and utilization of ZEV batteries once they reach their normal life cycle to ensure proper disposal and environmental protection.

The Proposed Rule must ensure water and wastewater agencies can continue to maintain critical public services by carefully considering an exemption process for emergency response vehicles, that also enables a feasible adoption timeline to achieve State goals.

The Otay Water District would like to thank you and CARB for your thoughtful work on the Proposed Rule and appreciates the opportunity to provide comments in its development. If you have any questions, feel free to contact me at [jose.martinez@otaywater.gov](mailto:jose.martinez@otaywater.gov) or 619-670-2210.

Sincerely,



Jose Martinez  
General Manager, Otay Water District