



December 6, 2019

Craig Duehring, Manager In-Use Control Measures Section
Mobile Source Control Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Sacramento Municipal Utility District's Comments to the Proposed 45-Day Regulatory Language for Advanced Clean Trucks Regulation, 13 CCR, Sections 1963-1963.5 and 2012-2012.3

Dear Mr. Duehring:

SMUD appreciates the opportunity to comment on the Advanced Clean Trucks (ACT) Proposed 45-Day Regulatory Language "45-Day Language" posted on October 22nd.

We offer the following recommendations for CARB's consideration. Our comments are organized by Section as presented in the 45-Day Language document, with our "General Comments" provided at the end.

§1963 General Requirements through 1963.5 Enforcement

SMUD supports California's climate targets and the electrification of medium and heavy-duty vehicles with the specific goal of reducing greenhouse (GHG) emissions. We agree that §1963-1963.5 of this regulation, which applies to vehicle manufacturers, could accelerate the market for zero-emission vehicles, resulting in positive environmental impacts to the state. To accomplish this goal, it is important for the ACT regulation to send the correct signals to all medium and heavy-duty truck manufacturers.

SMUD supports the inclusion of both plug-in heavy-duty vehicles (PHEVs) and battery electric vehicles (BEV) in the regulation. PHEV trucks present a viable, low-carbon, long-range alternative for commercial fleets. In widespread emergency situations, dual-fuel PHEV trucks would give electricity providers like SMUD the flexibility to swiftly respond to critical events. For example, in cases where an electrical outage lasts for several days, BEVs that are exclusively reliant on electricity for power may be rendered inoperable. Dual-fuel PHEV trucks could fill this void. Additionally, with the increasing load demand resulting from transportation electrification, PHEVs should increase grid-resiliency, since PHEVs in general have lower charging demands and typically charge at lower levels than full BEVs; thus the 45-Day Language should consider the potential contribution of PHEVs to a cleaner future.

§ 2012.0(a) Purpose.

While SMUD supports California's climate targets and the electrification of medium and heavy-duty vehicles, we question the need for a formal regulation to mandate the one-time reporting of fleet data. SMUD recommends instead that this single data collection effort be accomplished through a less formal "request for information" to regulated entities.

A formal regulation for the purpose of a one-time effort unnecessarily consumes limited resources and introduces several unintended complexities, including:

- 1) Lack of Notification—the ACT rulemaking schedule is aggressive and expansive. CARB's timeline will not provide adequate notice for regulated entities to design and implement data-monitoring requirements effective as early as January 1, 2020. Reporting entities will need more time to institute internal protocols to collect the requested information. Since SMUD operates hundreds of facilities across Sacramento and El Dorado Counties, we would be required to conduct extensive inventories of loading bays, cold storage rooms, EV charging stations, vanpool services, pool vehicles, etc. The proposed schedule will not provide sufficient time to complete the tasks necessary, in a cost-effective manner, that is designed to provide CARB with complete and accurate data.
- 2) Compliance and Enforcement—the proposed rulemaking does not provide information regarding how CARB will measure compliance and enforce this regulation, who will be subject to enforcement, if or how penalties will be assessed, or even how data accuracy will be validated. Regulated entities cannot design effective data collection protocols in the face of these uncertainties.

SMUD recommends CARB redirect its efforts away from this rulemaking effort in favor of a "request for information" collaborative effort with regulated entities.

§ 2012(d) Definitions.

SMUD recommends that CARB clarify the definition of "**dispatched.**" This term is referred to throughout the 45-Day Language, but the meaning of "dispatched" is unclear. Including this term in the Definitions section would address this issue.

We suggest that "dispatched" be defined as *"provided direction or instruction for routing a vehicle(s) to specified destinations for specific purposes of..."*

§ 2012.1(a) Reporting Information.

A standardized template with drop-down response options--particularly for reporting quantitative information where applicable--would facilitate reporting to CARB. Standardizing the template will help ensure that regulated entities are reporting similar data for an apples-to-apples analysis. It is unclear if the document

referenced in Appendix J (Large Entity Reporting Sample Response) is a standardized template or simply a sample response.

SMUD recommends the inclusion of a “comments” column so reporters may provide clarification on any anomalies. We already track, and would be able to provide, the vehicle information requested such as vehicle type, weight class, etc. Most of the data requested here applies to use, but SMUD is a separate use-case. None of our vehicles leave our service territory, and our operations require us to drive to a location and sit idle for most of the day.

§ 2012.2(b)(2)(D-E)(G-H) Facility Category Reporting: Vehicle Trips

SMUD recommends that CARB remove requirements for quantifying “non-refrigerated” and “refrigerated” vehicle trips. We are unable to confirm if deliveries are refrigerated or non-refrigerated without visually inspecting each and every delivery. This would be unreasonably burdensome to execute because SMUD operates hundreds of facilities across Sacramento and El Dorado Counties, and it would be infeasible to conduct visual inspections of trucks coming and going from so many facilities across our service territory.

Appendix J Large Entity Reporting Sample Response

Section B: Grouped Facility Information.

Q #10-14 & 24-25 – SMUD recommends that CARB remove this distinct data request. We are unable to confirm if deliveries are refrigerated or non-refrigerated without visual inspection during delivery. As described above, this would be unreasonably burdensome to execute.

Section D: Representative Facility.

Q #7-20 – Information on subcontractor/vendor vehicle trips in any given week would be very difficult to obtain with any certainty since SMUD operates hundreds of facilities in Sacramento County that receive or ship various goods/materials at irregular intervals on any given day. Additionally, the data requested is duplicative, since most, if not all, of our subcontractors/vendors are themselves entities who will be subject to this 45-Day Language reporting requirement, so CARB will already have access to this data.

SMUD recommends that fleet reporting requirements be limited to our own fleet operations exclusively--which are under SMUD’s direct control--as opposed to vendor or third-party fleets.

General Comments.

SMUD’s projected resource-commitment for this effort would entail many labor hours and require extensive coordinated monitoring efforts across various workgroups to track vendor transport to and from multiple locations (e.g., warehouses, administrative offices, substations, power plants, etc.). Given that SMUD’s vendors

are also regulated entities that would be subject to the fleet reporting requirements under the ACT rule, and CARB will already have this vendor data, our financial resources would be better spent on other GHG compliance goals.

We urge CARB to consider limiting the scope of this reporting requirement exclusively to regulated entities' own fleet operations, particularly since subcontractor or vendor data is already being reported elsewhere--as these vendors are likely regulated entities as well. The scope of the data requests contained herein are overly burdensome, so leveraging alternative opportunities for data collection is important to ensure material that informs CARB's decision-making is accurate, and that the regulatory concepts that result from this effort will translate to meaningful GHG reduction and fleet electrification in the State.

As always, SMUD appreciates the opportunity to comment on the 45-Day Language. We look forward to the ongoing dialogue with CARB as we strive together to formulate solutions that enhance the positive impacts of SB 350.

/s/ _____
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/s/ _____
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cc: Corporate Files (LEG 2019-0238)