



April 7, 2023

Mr. Tony Brasil
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Mr. Craig Duehring
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Mr. Paul Arneja
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Subject: EMWD Comments on 15-Day Proposed Advanced Clean Fleets Language

Mr. Tony Brazil, Mr. Craig Duehring, and Mr. Paul Arneja:

On behalf of Eastern Municipal Water District (EMWD), a water, wastewater, and recycled water provider serving nearly one million residents in western Riverside County, I am writing to make you aware of significant concerns that EMWD has identified in the 15-day proposed language of the California Air Resources Board (CARB) Advanced Clean Fleets (ACF) rule. EMWD is generally supportive of the State's climate goals and it is the intent of these comments herein to provide CARB staff with feedback, which if considered, would make the rule more implementable for public agencies. EMWD must ensure that we can continue to provide a high quality of service in all circumstances. As the ACF rule is currently written, certain provisions would limit the use of EMWD's fleet in both routine and emergency situations.

Board of Directors

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EMWD has identified three primary concerns with the ACF rule. First, the rule could result in publicly owned electric utilities and public water and wastewater agencies needing to use vehicles beyond their useful life or replace them with a ZEV that does not have adequate capabilities to restore service, maintain reliability, and respond in emergencies. The proposed regulation provides three exemptions that attempt to provide flexibility: a Daily Usage Exemption, Zero-Emission Vehicle (ZEV) Purchase Exemption, and ZEV Fueling Infrastructure Exemption. These exemptions, however, are severely limited because they can only be used for vehicles that are 13 years or older. Data submitted to CARB shows a typical utility vehicle lifespan is 7-10 years, given the heavy usage.

Additionally, the daily usage exemption is underpinned by a skewed energy usage formula. The rule includes a daily usage exemption (which, as noted above, is currently restricted for use to replace vehicles that are 13 years or older) that could allow a publicly owned utility to purchase a traditional utility vehicle if the ZEV configuration does not meet the daily needs of the utility. To determine daily needs, there is a 60-month look-back assessment that requires fleets to discard the highest three energy usage days for a vehicle, which could prove to be problematic in fully assessing the capabilities needed for a particular vehicle. As an example, if a utility vehicle is deployed to restore service after a wildfire or earthquake for three days, those three days should be factored into the formula as an accurate representation of the vehicle's usage.

Lastly, the issue of vehicle availability remains a priority issue for EMWD. The lack of medium-heavy duty ZEV vehicles in the market will impact an agency's ability to reliably maintain service. There are a limited number of manufacturers actively producing equipment in this range. While manufacturers may claim production or near production readiness of certain vehicle types, actual production capability to meet even limited demand is far from mature and in some cases does not exist at any reasonable scale at all. This is further exacerbated by the cancellation of ZEV purchase contracts by manufacturers. Fleets are provided one-year to enter into a new ZEV contract if a vendor cancels an existing order. EMWD has observed these cancellations even with the purchase of Internal Combustion Engine (ICE) vehicles where dealers are failing to meet extended delivery schedules and manufacturers are cancelling orders. Additionally, an exemption cannot then be acquired to purchase an available ICE powered vehicle if a vendor claims availability of a new unit model within 18 months. This further delays the delivery of a needed vehicle for maintaining critical public infrastructure.

EMWD appreciates the opportunity to comment on this proposed rule and would like to reiterate that we are supportive of a reasonable ACF ruling. As climate change worsens and weather events become more extreme, EMWD acknowledges the need to limit greenhouse gas emissions. However, this initiative should not impact a public utility's ability to provide essential services to their customers and the communities that they support. We encourage CARB staff to continue analyzing the potential

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impacts to public fleets across the state. If you have any questions or if EMWD could be of service, please feel free to contact me at (951) 928-6130, or by email at mouwadi@emwd.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Mouawad", with a stylized flourish extending from the end.

Joe Mouawad, P.E.
General Manager