



November 1, 2023

Liane M. Randolph

Chair

California Air Resources Control Board

Transmit Via Email: Liane.Randolph@arb.ca.gov

Re: CARB Advanced Fleet Regulations Implementation Engagement

Dear Chair Randolph:

We write to seek formal engagement with the California Air Resources Board regarding the implementation of its April 2023 Advanced Clean Fleets ("ACF") regulation in conjunction with AB 1594, which recently passed the Legislature by near-unanimous votes and was signed into law by Governor Newsom on October 8, 2023.

AB 1594 mandates flexibility in the implementation of the ACF regulation, by exempting certain public agency utilities – including water agencies of all descriptions – from the requirement to replace medium- and heavy-duty vehicles at the end of their useful lives with zero-emission vehicles. Specifically, AB 1594 authorizes public agency utilities to purchase non-zero-emission replacements when needed to maintain reliable service and respond to major foreseeable events such as severe weather, wildfires, and other natural disasters.

This flexibility is vitally important to our agencies, which provide drinking water and wastewater disposal and treatment to remote, mountainous service areas that often include very remote and rugged terrain and minimal road and power infrastructure. As recent years have demonstrated, our jurisdictions are prone to public safety power outage (PSPS) events, and are increasingly experiencing severe and extreme weather, wildfire, and other natural disasters. These conditions make our commitments to safe and reliable service both more vital and more vulnerable than ever before.

We cannot meet our service obligations, and maintain public health and safety, without robust and reliable fleets of often-specialized vehicles. For many of these vehicles, no practical zero- or net-zero emission replacements currently exist or are on the horizon. Those that do exist generally do not meet our demanding in-field performance requirements.

AB 1594 explicitly requires consultation between CARB and agencies like ours, to enable CARB to determine the proper scope of the purchase exemptions and other flexibility needed to ensure that our imperatives to maintain reliable service and emergency response capability are appropriately balanced against the ACF regulation's policy goals. We stand ready to conduct that consultation, and we urge you to initiate it as soon as possible, given the ambitious deadlines in the ACF regulation and the crippling impacts it could have, absent a robust and effective consultation under the new law.

We expect that CARB may be receiving numerous similar contacts from other public utility agencies, many of them much larger than ours. Still, our active participation in the consultation is vital. As suggested above, the service-area challenges we face are unique, and the consequences of failing to meet them are profound. They affect not only our customers in the Wildland-Urban Interface, but also the millions of Californians who rely on the headwaters within our jurisdictions to provide 40% of the state's developed water supply, as well as the associated hydropower production, irrigation, recreation, water recycling, tourism, and instream flows that fuel the engine of our state's economy. We have much more information to offer on these critical subjects, and we look forward to doing so during the consultation process.

For efficiency, we propose that the Mountain Counties Water Resources Association (MCWRA), of which we are all member agencies, be deemed our representative in the consultation process. We urge you to contact MCWRA's Executive Director, Justin Caporusso, as soon as feasible to initiate this engagement.

We look forward to collaborating with CARB in the implementation of the ACF regulation and AB 1594.

Sincerely,

Justin Caporusso, Executive Director
Mountain Counties Water Resources Association

Don Perkins, General Manager
Tuolumne Utilities District

Tony Firenzi, Director of Strategic Affairs
Placer County Water Agency

Paul Hughes, General Manager
South Tahoe Public Utility District

Nicholas Schneider, General Manager
Georgetown Divide Public Utility District

Michael Minkler, General Manager
Calaveras County Water District

Jessica Self, General Manager
Union Public Utility District

Joel Metzger, General Manager
Utica Water and Power Authority

Larry McKenney, General Manager
Amador Water Agency

Jim Abercrombie, General Manager
El Dorado Irrigation District

Tom Trott, General Manager
Twain Harte Community Services District

Jim Holmes, Chair (District 3)
Placer County Board of Supervisors

Cc: CARB Board of Directors
MCWRA Board of Directors
MCWRA Legislative Committee