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September 27, 2021

Mr. Craig Segall  
Deputy Executive Officer of Mobile Sources and Incentives  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**RE: Advanced Clean Fleets Draft Regulation Language – Public Fleet Requirements**

Dear Mr. Segall:

On behalf of the Otay Water District (District), I write to provide comments to the California Air Resources Board (CARB) on the Proposed Advanced Clean Fleets Rule (Proposed Rule), specifically the public fleet requirements and the exemption process for emergency service vehicles, as presented at the September 9, 2021 public workshop.

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. Our District appreciates the great task at hand and understands how incredibly important this rulemaking is for the future of California.

As an entity which manages a large public fleet with specialty and emergency response vehicles, we are writing to share specific comments and recommendations that we hope will help inform the final regulation, as outlined below.

***Background on Otay Water District***

The District provides essential public services including water, recycled water, and sewer services to customers spanning roughly 125 square miles of southeastern San Diego County, California. Its facilities serve the water, recycled water, and the sewer needs of communities including Spring Valley, La Presa, Rancho San Diego, Jamul, eastern Chula Vista, and eastern Otay Mesa along the international border with Mexico.

Additionally, the District owns and operates a wastewater collection system providing public sewer service to homes and businesses within the Jamacha drainage basin, as well as delivers recycled water to customers through a dedicated distribution system where it is used to irrigate golf courses, playing fields, public parks, roadside landscapes, and open space in eastern Chula Vista.

The District operates a range of vehicles, which serve the purpose of providing both day-to-day operations and emergency response services within its service area. Currently, the District has 86 vehicles in our public fleet including construction, utility repair, utility monitoring and customer service vehicles. During the past two years alone, the District has purchased 24 new vehicles and during the past five years, a total of 43 new vehicles – the typical lifespan of a vehicle is seven years or 100,000 miles while the typical lifespan of a commercial vehicle is approximately seven years or 60,000 miles.

Specifically, the District operates water and wastewater specialty 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. Additionally, these vehicles serve as shelters and auxiliary equipment if needed during extreme weather conditions while staff are working in remote areas of the District.

### ***Charging and Fueling Infrastructure***

The District remains concerned about the feasibility and safety of relying upon Zero-Emission Vehicles (ZEV) without ensuring there is an adequate supply of and access to charging and fueling infrastructure. While we are making great strides to transition, the District currently does not have access to the infrastructure necessary to support an expansive ZEV fleet.

The District currently operates four Level 2 chargers and plans to add charging infrastructure within its facilities. However, to meet the demands of a zero-emission fleet required in the Proposed Rule and continue to provide seamless and critical public services, the District would need access to have additional access of at least 51 charging stations within the service territory. The possible costs associated with construction, maintenance, and operations of the charging stations is expected to be in the range of more than \$2 million over the next six to seven years. This projected amount will have a direct impact on our customer rates, creating potential increases in our water and sewer rates.

Additionally, the time taken to locate charging stations in more rural areas could significantly delay emergency response, and mobile, quick charging technology is currently not available to recharge ZEVs deployed to remote locations.

### ***Exemption Process for Emergency Response Vehicles***

Under the Proposed Rule, public agencies can apply for an exemption from the ZEV purchase requirements if the vehicles will be designated to provide emergency response in supporting electricity, natural gas, water, or wastewater services across California or in other states. However, a public agency may only receive an exemption if overly broad conditions are met. Specifically, and of most concern to our District, to receive an exemption, a public agency would have to already have more than 75% of that body type in the fleet already ZEVs.

While we appreciate CARB for recognizing the critical role of emergency response vehicles in public fleets by providing a pathway to exemption, we remained concerned that the 75% ZEV requirement is overly burdensome and not attainable given the current lack of both ZEV specialty vehicles that would meet the needs of our fleet services and the charging and fueling infrastructure to support them in the field, as outlined above.

The District is also concerned that ZEVs will not be able to use future charging stations in the event of rolling blackouts, curtailment events, and flex your power notices.

It is critical that our emergency response vehicles in the field responding to water and wastewater utility emergencies in specialized vehicles have the resources available to ensure that response is not delayed – 90% of our District’s fleet is used in an emergency response.

Therefore, we request that CARB reconsider the 75% ZEV purchase requirement for an exemption for emergency response vehicles that provide water and wastewater services, and instead consider providing an outright exemption process for these vehicles.

***Closing Comments***


In closing, as an essential public service provider and fellow dedicated resource steward, we provide reliable water and wastewater services that protect public health and the environment. We wholeheartedly understand and support efforts to transition to a more sustainable future.


However, in doing so, we must ensure that water agencies, which operate large existing fleets and operate as first responders are not inhibited from responding to emergencies. We remain 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.

The Proposed Rule must ensure water and wastewater agencies can 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 on its development. We welcome yourself and your team to use us as a resource as you work to develop a final regulation. Please let myself, Charles, or our legislative advocates, Gianna Setoudeh and Teresa Cooke, know if you have any questions.

Sincerely,

  
Jose Martinez  
General Manger  
Otay Water District

  
Charles Mederos  
Utility Services Manager  
Otay Water District

cc: Liane M. Randolph, Chair, California Air Resources Board  
Sandra Berg, Vice Chair, California Air Resources Board  
Members, California State Air Resources Board