

Garcia, Lindsay@ARB

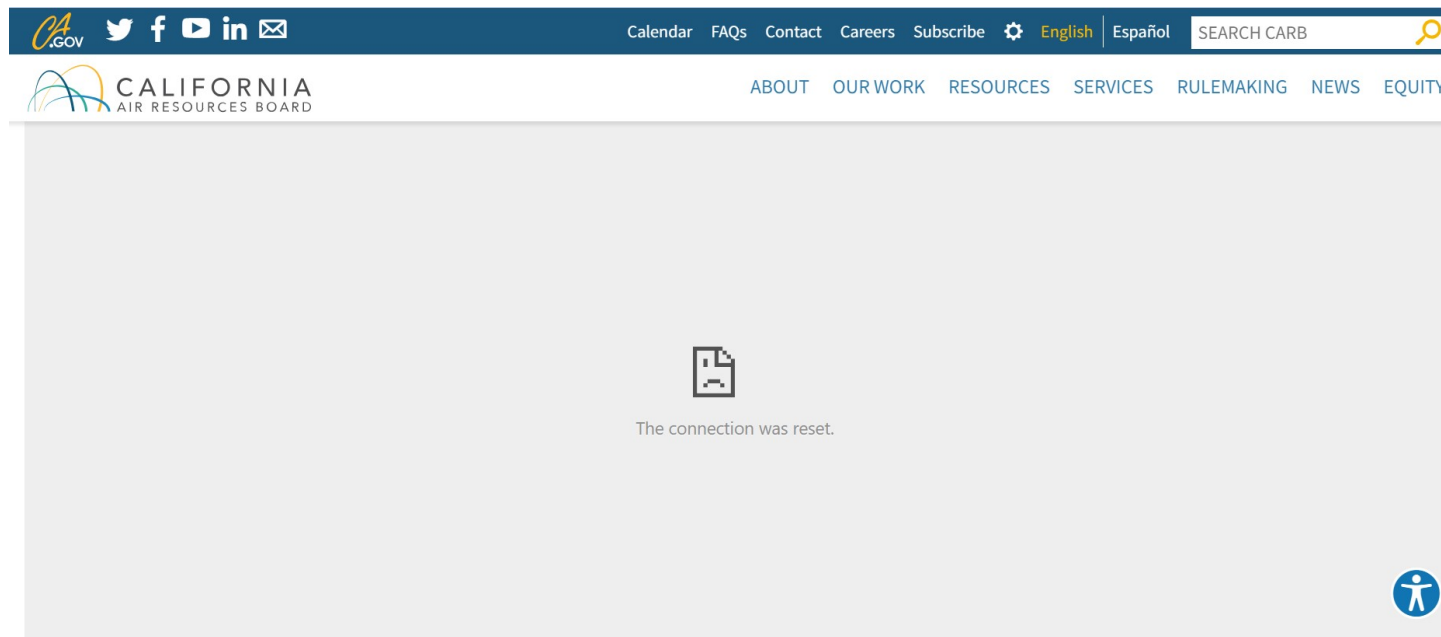
From: Smith, Catherine <CSmith@trccompanies.com>
Sent: Monday, October 14, 2024 9:42 AM
To: ARB Clerk of the Board
Cc: Petrow, Eleni
Subject: TRC Comments - 2024 CARB CMP Guidelines
Attachments: Comments re 2024 CARB CMP Guidelines_FINAL.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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Hello,

This morning my team attempted to submit comments to "[Notice of Public Meeting to Consider Proposed Revisions to the Carl Moyer Memorial Air Quality Standards Attainment Program Guidelines](#)" which are due tonight (10/14) at midnight. After hitting submit we received the error in the below screenshot stating that "the connection was reset." I've tried multiple browsers and have received the same error. Which is why I am reaching out to submit our comments over email. Please see the details of our submittal below the screenshot and attached.



Comment Submittal Details

First Name: Eleni
Last Name: Petrow
Email: epetrow@trccompanies.com
Subject: TRC Comments - 2024 CARB CMP Guidelines
Message: Please see TRC's comments on CARB's proposed CMP Guidelines in the attached PDF.
File Upload: Attached

Thank you very much!

Best,
Catherine Smith
Program Manager | Clean Transportation Solutions



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TRC Events &
Resources

[Advanced Clean Transportation \(ACT\) Expo](#) | April 28 - May 1, 2025 | Anaheim, CA
[California Hydrogen Leadership Summit](#) | June 2 - 4, 2024 | Sacramento, CA
[Advanced Clean Tech \(ACT\) News](#) | Discover the latest advanced transportation trends.



October 14, 2024

California Air Resources Board
1001 I Street,
Sacramento, CA 95814

RE: Comments on Proposed Changes to Carl Moyer Memorial Air Quality Standards Attainment Program Guidelines

TRC is grateful for the opportunity to submit comments on the proposed updates to the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer) Guidelines. TRC is a U.S.-based international engineering, consulting, and construction management firm providing integrated services to the environmental, energy, infrastructure, and oil and gas markets. TRC acquired Gladstein Neandross Associates (GNA) in 2023, building out our in-house expertise in providing clean transportation services. Now the Clean Transportation Solutions Practice, GNA brings over 30 years of clean transportation experience, including a dedicated funding team that has secured in excess of \$1.5 billion in funding and has helped to administer nearly \$1 billion of that funding.

This extensive experience gives TRC keen insight into the challenges facing industry stakeholders, particularly fleets transitioning to ZEV technologies. As such, TRC has compiled general comments on behalf of industry/fleet clients to address these common challenges.

1) Revise Regulatory Compliance Statement

We strongly urge CARB to revise the regulatory compliance statement currently required to certify applications for submission. The Carl Moyer Program Guidelines currently require applicants to certify the following regulatory compliance statement to be accurate and true under penalty of perjury¹.

Current Carl Moyer Regulatory Compliance Statement

The applicant is currently in compliance with all federal, State, and local air quality rules and regulations at time of application submittal and is not aware of any outstanding or pending enforcement actions.

We understand the intent of this statement is to ensure that funds go to good actors that comply with the law – but the extensive scope of this language and the penalty of perjury exposes applicants to unreasonable scrutiny and potential legal action outside normal compliance enforcement processes. Other CARB funded programs use similar regulatory compliance language (shown below) to the same effect, but without the additional risk of legal action re: perjury.

CARB Alternative Regulatory Compliance Statement

“[Participants] must be in good standing with all federal, state, and local air quality rules and regulations, including reporting requirements, if applicable. As such, “CARB regulatory

¹ Chapter 3: Program Administration; Section S.5 Application Certification [THE CARL MOYER PROGRAM GUIDELINES 2017 Revision Volume I](#)



compliance checks” will be part of each [application] process...Furthermore, a [Participant] may be required to furnish additional information during a compliance check...”

The above language essentially ensures the same outcome – participants who comply with the law – but removes the threat of legal action beyond normal enforcement processes which persists under the current Carl Moyer compliance certification requirements. The alternative language, specifically the phrase ‘in good standing’, accounts for the fact that it may not be feasible for some applicants with extensive or global operations to certify full compliance with all laws and regulations; it also offers a pathway for applicants to resolve any compliance issues in a timely manner to remain in good standing.

We strongly urge CARB revise the current Carl Moyer compliance statement in alignment with the CARB alternative language referenced to remove the unreasonable legal liability that currently presents a barrier to participation. Revising the language would maintain the integrity and intent of the current language, while allowing for increased participation and ultimately support the Carl Moyer Program Goals.

2) Clarify Leasing Eligibility

We strongly recommend that Chapter 4: On-Road Heavy Duty Vehicles of the Guidelines clarify and confirm that if awardees comply with all programmatic requirements, they can lease out grant funded vehicles to fleet customers during the operational period. We understand the awardee/lessor must remain responsible for all programmatic and operational requirements and that the awardee/lessor would have to support the fleet customer/lessee in complying with all programmatic and operational requirements.

Clarification of this option will remove barriers to participation for a significant subset of fleets who primarily operate leased vehicles, providing an opportunity to gain experience with advanced technologies for those whose business models do not incorporate vehicle acquisition. Offering inclusive pathways for participation will promote adoption of clean vehicle technologies by more end-users, support increased emissions reductions, and spur market transformation to help achieve Carl Moyer program goals.

3) Allow a “Trade or Buy-Down” Option to Comply with Scrappage

Scrappage requirements and high acquisition costs are major barrier to entry for many fleets interested in pursuing the Carl Moyer Program. Fleets in a financial position to buy a new ZE truck typically don’t operate older diesel vehicles that meet scrappage requirements; and fleets operating older diesel trucks typically aren’t in a financial position purchase a new ZEV – even with incentive funding. Furthermore - some fleets currently lease their ICE vehicles from a third party but are planning to buy ZEVs going forward; the current scrappage requirements without a trade or buy-down option also excludes the historically leased fleets from participating in the program to begin their fleet transition. As such, we strongly recommend CARB implement a “trade or buy-down” option to comply with scrappage to remove these barriers and promote participation.

We recommend a trade or buy-down pathway where primary participants can purchase a new zero emission or near-zero emission vehicle and then engage with a third-party fleet operating older vehicles to take an existing unit from the original participant fleet (that may not yet be old enough to be eligible for scrappage) and scrap one of the older, third-party fleet units to comply with scrappage



requirements. This pathway will enable a broader range of fleets to participate in the program, giving both primary participants and ‘third-party’ fleets a chance to deploy cleaner vehicles in support of market transformation while still ensuring emissions reductions.

4) Allow Near- Zero-Emission Portable Power

We strongly recommend the Carl Moyer Program allow funding for near-zero emission portable power projects, or at minimum allow near-zero emission portable power equipment to be used in support of with Carl Moyer funded projects. The current hydrogen market is not mature enough to be a feasible fuel source for most portable power projects, leaving battery electric projects as the only eligible and viable option. Including natural gas portable power equipment as an eligible near-zero emission fuel can help achieve immediate emissions reductions through quick, reliable, cost-effective deployments. There are also multiple fuel cells on the market right now that are fuel flexible, allowing operators to the easily convert from natural gas to hydrogen as feasibility increases.

Additionally, the EPA and the International Council on Clean Transportation (ICCT) estimate the carbon intensity of natural gas to be between 65-68 gCO₂e/MJ^{2 3} - whereas CARB estimates the carbon intensity of California’s electric grid used in transportation fuel to be 81 gCO₂e/MJ⁴. This further demonstrates that natural gas portable power projects can still achieve net emissions reductions – even in comparison with battery electric projects - while also giving fleets the ability to employ viable, resilient systems in real world applications to ensure operations run smoothly even as they test new technologies.

We appreciate your consideration of these comments and welcome any questions or the opportunity to discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleni Petrow".

Eleni Petrow

Senior Director, Clean Transportation Solutions



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² [Gas definitions for the European Union: Setting thresholds to reduce life cycle greenhouse gas emissions \(theicct.org\)](https://theicct.org)

³ [Greenhouse Gases Equivalencies Calculator - Calculations and References | US EPA](#)

⁴ https://www2.arb.ca.gov/sites/default/files/classic/fuels/lcfs/fuelpathways/comments/tier2/2023_elec_update.pdf