



THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA

November 6, 2024

**Submitted via:** <https://ww2.arb.ca.gov/public-comments/public-comment-advanced-clean-fleets-ab1594-amendments>

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

**SUBJECT: Comments on October 3<sup>rd</sup> Preliminary Draft Amendments to Regulation Order for the Advanced Clean Fleets Regulation (Implementation of Assembly Bill 1594)**

Dear Mr. Brasil,

The Metropolitan Water District of Southern California (Metropolitan) appreciates the opportunity to comment on the California Air Resources Board's (ARB's) Preliminary Draft Amendments to the Regulation Order, Advanced Clean Fleets (ACF) Regulation, State and Local Government Agency Fleet Requirements dated October 3, 2024 (hereafter referred to as the "Preliminary Draft"). This Preliminary Draft was in response to [Assembly Bill 1594](#) (Garcia, Chapter 585, Statutes of 2023) that was designed to help public utilities successfully transition to zero-emission vehicles (ZEVs) while meeting mandates to maintain reliable water and electric service and respond to major emergencies throughout California.

As a water district under Section 20200 of the Water Code, Metropolitan offers the following comments to support the implementation of AB 1594 within the active ACF Regulation.

**General Comments**

**1. Addition of "Vehicle Towing Capabilities" to the Definition of Traditional Utility-Specialized Vehicles**

Metropolitan appreciates ARB's incorporation of stakeholder feedback by offering a definition of "traditional utility-specialized vehicle". This definition will provide flexibility, if needed, for public utilities' critical vehicles to meet the ACF Purchase Exemption and Daily Usage Exemption provisions. While the proposed definition includes vehicles equipped with power take-off devices and those with four-wheel drive or six-wheel drive capabilities, we request that ARB add medium- and heavy-duty (MHD) vehicles with significant towing capacities, regardless of whether they are equipped with a power take-off device or have four- or six-wheel drive. Metropolitan's fleet includes Classes 3 through 8 (e.g., F-450, F-550, dump trucks) two-wheel drive trucks not upfitted with power take-off equipment that are needed to tow portable generators/compressors/pumps for critical infrastructure maintenance and emergency response

activities. These trucks transport the trailered equipment between facilities and to remote pipeline locations spanning Metropolitan's six-county territory.

As such, Metropolitan proposes expanding the definition of "traditional utility-specialized vehicle" to include a third criteria for MHD vehicles with towing capacities exceeding 30,000 lbs., as suggested below.

*"Traditional utility-specialized vehicle" means an internal combustion engine (ICE) vehicle owned and operated by a public agency utility that meets all of the following criteria:*

*(E) Is either:*

- 1. Equipped with a power take-off device that draws power directly from the engine or transmission, or*
- 2. Equipped with four-wheel drive or six-wheel drive, specifically designed to provide torque and power to all wheels simultaneously, or*
- 3. Capable of towing loads of 30,000 pounds or more.*

**2. Modification of Early Access Eligibility Criteria for a ZEV Purchase Exemption & Daily Use Exemption for a Traditional Utility-Specialized Vehicle**

Metropolitan appreciates ARB's inclusion of Early Access pathways for public utilities in need of the ZEV Purchase Exemption or Daily Use Exemption for traditional utility-specialized vehicles that are less than 13 years old. The two pathways offered allow regulated entities to choose between Option 1, which requires exceeding mileage or hour thresholds outlined in Table A: Usage Thresholds for Traditional Utility-Specialized Vehicles; or Option 2, which involves submitting a signed attestation that the vehicle meets replacement criteria specified in a written vehicle replacement plan. Metropolitan's comments on each option are provided below.

- a. Option 1: While the options acknowledge that the 13-year useful life is not applicable to traditional utility-specialized vehicles for public utilities, Option 1 is not feasible as these specialized vehicles typically will not reach the proposed mileage thresholds. Some traditional utility-specialized vehicles travel short distances but often operate at a jobsite for extended hours.

As such, Metropolitan asks that ARB craft the hour threshold criteria for all traditional utility-specialized vehicles utilizing the industry recommended standard that every one hour of usage is equivalent to 30 miles of travel.

- b. Option 2: Metropolitan supports the key provision to allow public utilities early access to the applicable exemptions via a written Vehicle Replacement Purchase Plan signed by the fleet owner's governing board, chief executive, or the chief executive's designee. This approach acknowledges water agencies specific vehicle replacement and purchasing strategies that are reflective of vehicle use and agency budget processes.

### **3. Expansion of Exemptions for New Vehicle Additions**

Under Section 2013 of the ACF, the existing ZEV Purchase and Daily Use Exemptions are for the purchase of a new ICE vehicle of the same configuration as the ICE vehicle being replaced. However, this limited provision does not support future expansions of water agency operations, which may be needed due to service area growth, the addition of new facilities, or infrastructure upgrades driven by new supply sources, changing regulatory requirements, or other factors.

To support these vital local and regional water projects, Metropolitan asks that the exemptions allow both replacement and addition of new ICE vehicles if qualified. Each water agency's Vehicle Replacement Purchase Plan would be inclusive of the new vehicles to be added to the fleet.

### **4. Exemption or Delay for ZEVs Used for Bulk Transport of Extremely Hazardous Materials**

Metropolitan currently uses Class 8 tractors to transport 16-ton chlorine liquid compressed gas cargo tanks on California Highway Patrol-approved routes between our facilities. The Department of Transportation classifies chlorine in Hazard Class 2.3, which is a poison gas that is toxic by inhalation. Recent fire incidents involving lithium-ion batteries have raised significant safety concerns, including in California. Notably, on August 19, 2024, a fire occurred involving a Tesla Semi battery-electric truck-tractor near Placer County<sup>1</sup>, and on July 26, 2024, a diesel truck carrying lithium-ion batteries caught fire on Interstate 15 between Las Vegas and Los Angeles<sup>2</sup>.

A review of past incidents and current battery safety knowledge indicate that regulatory agencies are still investigating high-voltage electric vehicle battery fires and the capacity of first responders to effectively combat these fires. Key challenges include addressing chemical thermal runaway and preventing reignition. These critical topics are being discussed in various forums, including a Department of Transportation Battery Safety Post-Incident Stakeholder Meeting<sup>3</sup> on August 27, 2024, and an investigation by the U.S. National Transportation Safety Board into the Tesla battery electric vehicle (BEV) incident.

Given the ongoing uncertainty surrounding BEV related fires and emergency response protocols, Metropolitan has concerns regarding the transport of highly hazardous materials in battery-powered trucks, especially lithium-ion battery trucks. Therefore, we urge ARB to consider delaying the compliance date for Class 8 ZEVs (both BEVs and fuel cell electric vehicles) used to transport extremely hazardous materials such as chlorine until 2030, or to include this application in the ACF Section 2013 (c) Exemptions. This approach would allow time to develop

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<sup>1</sup> <https://www.nts.gov/investigations/Pages/HWY24FH015.aspx>, accessed October 28, 2024.

<sup>2</sup> <https://www.nbcbayarea.com/news/california/ntsb-investigation-california-crash-tesla-semi/3632388/>, accessed October 28, 2024.

<sup>3</sup> <https://www.transportation.gov/battery-safety-post-incident-stakeholder-meeting>, accessed October 28, 2024.

effective safety responses. While fires involving BEVs may be less frequent than those involving ICE vehicles, even a single incident could have catastrophic consequences.

### **Conclusion**

We look forward to working with ARB and other public agency utilities to amend the ACF regulation in accordance with AB 1594 directives. Particularly, in light of the serious concerns regarding the ZEV transport of chlorine, we would like to schedule a one-on-one meeting with ARB staff for a more detailed discussion.

If you have questions or need additional information, please contact Carol Kaufman [cykaufman@mwdh2o.com, (213) 217-6207] or Kiersten Melville [kmelville@mwdh2o.com, (213) 217- 7187].

Very truly yours,

A handwritten signature in blue ink that reads "Keith Nobriga". The signature is fluid and cursive, with the first name "Keith" and last name "Nobriga" clearly distinguishable.

Keith Nobriga  
Group Manager, Integrated Operations, Planning, and Support Services