



DELAWARE LEAGUE OF LOCAL GOVERNMENTS

P.O. BOX 484, DOVER, DE 19903-0484
 Phone: 302-678-0991 | Email: msscott@udel.edu
<https://www.dllg.us/>

President Archie Campbell

Executive Director Marcia S. Scott

May 25, 2023

Mr. Kyle Krall, Engineer
 DNREC Division of Air Quality
 100 W. Water Street, Suite 6A
 Dover, DE 19904

RE: Comments on Delaware's Proposed Advance Clean Car II (ACC II) Regulations (Docket #2022-R-A-0011)

Dear Kyle -

I am again writing on behalf of members of the Delaware League of Local Governments (DLLG). Founded in 1963, our nonprofit, nonpartisan organization is dedicated to protecting local control to provide for the public health, safety, and welfare of their residents, and enhancing the quality of life for all Delawareans.

While the Delaware League of Local Governments (DLLG) supports the State's efforts to reduce greenhouse gas emissions in the transportation sector, Delaware local governments have issues of concern that have not been addressed. A [Letter to DNREC](#) (sent December 2022), which was also forwarded to Secretary Majeski and Secretary Garvin, outlines these concerns. It states that the proposed regulatory changes ignore existing market realities, sufficient time to develop and ramp up supportive infrastructure for local government fleets, and overburden and add to the mounting regulatory costs of achieving Delaware's rigorous goals and aggressive timeframe. Upfront costs, limited EV options for heavy-duty and police vehicles, issues with in-house maintenance/servicing are among the obstacles for Delaware local governments to fully transition to EV vehicles.

Concessions to California State and Local Government Fleets

Delaware's proposed regulations mirror the State of California's adopted 2022 regulations. Therefore, Delaware's proposed regulations seemingly apply to both auto manufacturers/dealers **AND those who purchase/lease new vehicles**. See - Delaware's *Amendments to 7 DE Admin. Code 1140, Delaware Low Emission Vehicle Program*, outline both the applicability (2.0) and new vehicle emission requirements (5.0), which state...

*...no person shall deliver for sale, offer for sale, sell, deliver, **purchase, rent, acquire, receive, or register** a new model year 2014 or subsequent model-year passenger car, light-duty truck, or medium-duty vehicle...*

The League of California Cities (Cal Cities) has affirmed that the California Air Resources Board (CARB) recently (April 2023) approved California’s Advanced Clean Fleets Regulations for State and Local Government fleets. These regulations provide exemptions and extensions for BOTH state and local government fleets as follows:

EXEMPTIONS for California state and local government fleets:

- 1) **Emergency Vehicles are exempt.** The term “emergency vehicles” ([California Vehicle Code \(CVC\) 165](#)) includes first responders (e.g., police, fire, and EMT vehicles) and has been expanded to also apply to electricity, natural gas, water, and wastewater service providers. Exemptions are limited to 25% of the total fleet for a local government. Snowplows are also exempt.
- 2) **Vehicles awaiting sale are exempt.**
- 3) **Exemptions also may be requested for:**
 - Backup Vehicles
 - Daily Usage Exemption (for ICE vehicles)
 - ZEV Infrastructure Delays
 - ZEV Purchase Exemption List (list of unavailable ZEVs/NZEVs)
- 4) **Low-population areas.** Three-year exemptions may be granted to designated counties with populations under 250,000. This also pertains to municipalities within those counties (as long as a municipality’s population doesn’t exceed 250K).

Additional concessions for California local government fleets include:

- 1) Until 2035, cities may purchase near-zero emissions vehicles (NZEV) if no ZEVs are available.
- 2) Option for local governments to purchase “near-zero-emission vehicle” as long as it’s no more than 13 years old.
- 3) Exemption and/or timeline extension for a local government that operates ten or fewer vehicles.

Proposed Concessions to Delaware’s Statewide Fleet

The State of Delaware has proposed legislation to address fiscal note (cost) impacts of proposed Advance Clean Car II (ACC II) on its statewide fleet. As per [HB 9](#) (Griffith), the State of Delaware is seeking amendments to DNREC’s proposed regulations for state government fleets. These exemptions do NOT apply to local government fleets. Concessions include:

- 1) A timeline extension, which provides a gradual phasing in of State vehicle ZEV requirements through 2040:
 - 15% of passenger vehicles and light duty vehicles owned and operated by the State shall be zero-emission vehicles by 2026.
 - 25% of passenger vehicles and light duty vehicles owned and operated by the State shall be zero-emission vehicles by 2029.
 - 50% of passenger vehicles and light duty vehicles owned and operated by the State shall be zero-emission vehicles by 2032.
 - 100% of passenger vehicles and light duty vehicles owned and operated by the State shall be zero-emission vehicles by 2040.

- 2) Exemption of **law-enforcement vehicles**, vehicles owned by the Department of Education, school districts and charters, and vehicles designated for take-home use from the zero-emission requirement.

Request for Concessions for Delaware Local Government Fleets

DLLG is requesting the same exemptions/timeline extensions that have been granted to California state and local government fleets. Moreover, DLLG is requesting the same, proposed Delaware statewide fleet timeline extension – to provide a gradual phasing in of Delaware local government vehicle ZEV requirements through 2040.

Again, thank you for the opportunity to provide written responses to the proposed regulations.

Warm regards, Marcia



Marcia Scott
DLLG Executive Director

Cc: DLLG Executive Committee Members
DLLG Legislative Advocacy Committee Members