



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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Mr. Dave Edwards, Ph.D, Chief
Greenhouse Gas and Toxics Emissions Inventory Branch
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Transmitted via email to: ctr-report@arb.ca.gov

Re: California Association of Sanitation Agencies Comments on the Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants under AB 617

Dear Mr. Edwards:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to provide comments on the proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR).

CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and use of renewable energy, biosolids, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians. Our members are focused on helping the State achieve its 2030 mandates and goals for greenhouse gas emissions reductions, which include:

- Reducing short-lived climate pollutant (SLCP) emissions
- Effectively diverting organic waste from landfills
- Providing 50 percent of the State's energy needs from renewable sources
- Reducing carbon intensity of transportation fuel used in the State
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative, Forest Carbon Plan, and Natural and Working Lands Climate Change Implementation Plan

As you would expect from your fellow dedicated environmental stewards, CASA members provide reliable wastewater treatment to protect public health and the environment, as well as strive to exceed air district requirements. We recognize and support the need to manage criteria air pollutants and toxic air contaminants while accomplishing the 2030 greenhouse gas emissions reduction target.

Assembly Bill 617, as originally drafted, directs the California Air Resources Board (CARB) to develop a uniform statewide system of annual reporting of emissions of criteria air pollutants and toxic air contaminants for use by specific categories of stationary sources. The specified categories include facilities that: (1) already report their greenhouse gas emissions, (2) emit 250 or more tons per year of any nonattainment pollutant or its precursors or (3) receive an elevated prioritization score pursuant to California Health and Safety Code Section 44360.

Applicability of the proposed amended CTR, as written in Section 93401(a)(4), broadly expands the number of reporting facilities by: (1) lowering the criteria pollutant threshold from 250 to 4 tons per year and (2) re-introducing activity levels that would capture numerous small or de minimis emission sources, including portable engine emissions for which a facility does not own or have control over.

Along with the proposed increase in number of sources that must comply with state-wide reporting (further described below), the proposed amended CTR also increases the number of toxic compounds that must be addressed by each facility. It is not clear, based upon conversations with staff and the proposed CTR language, if a wastewater treatment plant must now report hundreds of new toxic compounds. We respectfully request the following (and provide more detailed discussion below):

- The inclusion of Section 93401(a)(4) be delayed or removed until the program has fully and successfully implemented uniform state-wide reporting for the original three applicability categories specified in AB 617.
- Delay the expansion of the toxic air contaminants list until facilities have a sufficient amount of data to understand if they are emitted, what quantification methods are adequate to determine this, and the toxicity factors for the new/expanded list of compounds are scientifically developed.
- Eliminate Section 96404(b)(2)(C) since facility owners cannot be held responsible for enforcing emission reporting for portable diesel equipment they do not have control over.

Unintended Consequences of the Proposed Amended CTR

Unintended consequences may be caused by the combination of the proposed amended CTR and recommended revisions to the AB 2588 Emission Inventory Criteria and Guidelines Appendix A-1 Chemical List. As proposed, most facilities in California could be required to report hundreds of new toxic compounds, many of which are without known default emission factors, test methods or toxicity factors. Taken to the extreme, under the auspices of AB 617, to fulfill the public's right to know, adding these new compounds would be required and exaggerate emissions data reported to the public rather than provide meaningful emissions data to the public, which is the intent of AB 617. Also, the proposed amended CTR in conjunction with the recommended expansion of the AB 2588 Chemicals List will greatly exaggerate prioritization scores using unmeasured estimates of compounds that don't (at this time) have approved source test methods. While AB 617 directed CARB to develop a uniform statewide system of annual reporting, the legislation never contemplated guesstimated toxic emissions would be reported to the public.

Unlike the manufacturing sector that could potentially estimate emissions based upon throughput and raw material Material Safety Data Sheets (MSDS), the waste sector (wastewater treatment plants, landfills, recycling and waste transfer facilities, and compost facilities) cannot use this methodology. The waste sector is unique and provides essential public services by managing society's sewage, refuse and recyclables. These waste products sent to our facilities are not accompanied by MSDS sheets. As a result, the proposed amended CTR would require the waste sector to annual reporting hundreds of new AB 2588 toxic substances without an ability to accurately estimate these emissions.

Based upon the realization that the waste sector cannot estimate emissions as contemplated in the proposed Amended CTR, we have discussed our concerns with CARB, SCAQMD, SDAPCD and

CAPCOA. As responsible environmental stewards, we have requested to mutually determine how to quantify toxics actually emitted from our sector and perform a pooled emission factor study. In response to the enactment of AB 2588, the wastewater sector worked cooperatively with the regulatory community to perform such a study in 1989 at a cost of approximately \$2.5 million, which took five-years to complete. Considering our history of identifying mutual solutions to environmental issues, we find it troubling that CARB has been unable to identify a path forward that would provide accurate reporting to the public.

Stakeholder Concerns

Overall, stakeholders from various industry sectors understand that the proposed Amended CTR will not require testing of the expanded list of AB 2588 compounds; however, reporting these new compounds will be required. Most new compounds lack representative default emission factors, toxicity data or approved source test methods. Stakeholders strongly disagree with CARB's chemical similarity proposal to conservatively estimate emissions or toxicity. This approach would, at minimum, mislead the public and may cause anxiety for many communities. Air districts would also be burdened by the proposed Amended CTR, where significant staff time would be required in response to the reporting of greatly exaggerated toxic emissions.

Reporting of Emissions from any Diesel-Powered Portable Engines Operated at the Facility

This newly proposed section of the proposed Amended CTR will require that emissions from any diesel-powered portable engines operated at a facility, regardless of equipment ownership, be reported. We strongly object to this section since it places compliance and enforcement burden on facility operators for any contractors or construction-related activity. While our member contracts typically require compliance with all air quality rules and regulations, they cannot reliably keep track of all contractor, sub-contractor, etc., portable engines and equipment that are used for a construction or maintenance project. Even requiring the contractor to report this information to our members could be difficult given the complexities of many construction projects; and how would they verify it? Given the enforcement provisions of the proposed CTR, a facility owner cannot be held responsible for equipment for which they do not have full control. We strongly request that CARB consider whether this information is needed given the amount of emissions that come from a short-term construction project vs. the mobile equipment from that activity, or the mobile equipment that is typical for the community in question. Portable engine emissions are likely very minor in comparison. Therefore, if CARB's intent is to fully characterize the emissions in a community, more focus should be on mobile emissions. Finally, if CARB believes that the emissions from portable equipment is necessary, amending the PERP to enhance reporting to include facility locations, may be the better approach as it deals more directly with the equipment owners.

Recommendations

In summary, we request that:

- The inclusion of Section 93401(a)(4) be delayed or removed until the program has fully and successfully implemented uniform state-wide reporting for the original three categories specified in AB 617. The goal of uniform reporting throughout the state will be extremely challenging. Adding a significant number of smaller sources early on will only complicate this already difficult task.
- Delay the addition of the new list of toxic air contaminants until facilities have a sufficient amount of time to understand if they are emitted, what quantification methods are adequate

to determine this, and that the toxicity factors for the new list of compounds are scientifically developed. Jumping ahead prematurely on this will not serve to provide the public with accurate data from facilities. For the wastewater sector, more time is needed to fully test for and analyze the emission potential for a new list of toxics. We also request that CARB establish a methodology to identify sector-specific lists of potential toxic pollutants, which would facilitate pooled emission factor studies. Any sector-specific pollutant list should include an assessment of all compounds that might need to be reported. Without such an assurance, the feasibility and cost-effectiveness of any pooled emission factor study would be undermined by the potential for a never-ending industry study. Last, but not least, we request a public process be implemented to review any interim default emission or toxicity factors with adequate time to ensure that representative emissions and prioritization scoring can be provided to the public.

- We request that Section 96404(b)(2)(C) be eliminated from the proposed amended CTR. Facility owners cannot be held responsible for enforcing emission reporting for equipment they do not control.

We appreciate the opportunity to comment on the proposed Amended CTR and further appreciate your willingness to consider our recommendations. Please contact me if you have any questions at (925) 705-6404 or sdeslauriers@carollo.com.

Sincerely,



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cc: Adam Link, CASA Executive Director
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