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Submitted electronically to: ctr-report@arb.ca.gov

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

Re: Comments on the Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) under AB 617

Dear Mr. Edwards:

The Inland Empire Utilities Agency (IEUA) is a regional wholesale distributor of imported water from the Metropolitan Water District of Southern California (MWD) and wastewater treatment provider, serving approximately 875,000 people over 242 square miles in western in San Bernardino County. IEUA operates four regional water-recycling facilities with the capacity to treat approximately 50 million gallons of wastewater per day, providing high-quality recycled water that is available to recharge the Chino Basin and for non-potable direct uses, such as landscape irrigation.

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 over which a facility does not own or have control.

Water Smart - Thinking in Terms of Tomorrow

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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.

Potential 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.

Requiring the reporting of compounds for which science has yet to determine public health impacts would potentially distort public's understanding of the public health risk 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 exaggerate prioritization scores using unmeasured estimates of compounds that don't (at this time) have approved source test methods.

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.

Sanitation agencies via CASA have a strong history of partnering with regulatory agencies to find meaningful pathways forward. For example, in response to the enactment of AB 2588, the wastewater sector worked cooperatively with the regulatory community to perform a study in 1989 at a cost of approximately \$2.5 million, which took five-years to complete, to advance a meaningful regulatory reform. Based on our history to be able to effectively problem-solve solutions, CASA representatives met with CARB, SCAQMD, SDAPCD and CAPCOA and discussed our concerns about how the waste sector cannot estimate emissions as contemplated in the proposed Amended CTR and sought ways to mutually determine how to quantify toxics actually emitted from our sector and perform a pooled emission factor study. Given our historically helpful approach to problem-solving, we find it concerning that CARB has been unable to identify a path forward that would address our concerns and assure accuracy and meaningfulness in the proposed public reports.

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.

Even if IEUA required our contractors to report this information to us, it could be difficult to verify reports. 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 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 the following amendments.

- 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. 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, 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.

Thank you for considering our comments. Please contact Ms. Cathleen Pieroni, Manager of Government Relations, at (909) 993-1940 or cpieroni@ieua.org if you have any questions or would like additional information.

Sincerely,
INLAND EMPIRE UTILITIES AGENCY



Shivaji Deshmukh, P.E.
General Manager