



May 21, 2020

Mr. Greg Harris, Branch 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: ab2588ei@arb.ca.gov

Re: California Association of Sanitation Agencies Comments on the Proposed Amendments to the AB 2588 Emission Inventory Criteria and Guidelines Regulation as presented during the April 30th Webinar

Dear Mr. Harris:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to provide comments on the proposed amendments to the AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation (EICG) as presented during the April 30th webinar hosted by the California Air Resources Board (CARB).

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.

While we support the public's right to know what toxic air contaminants are emitted into the environment as envisioned by AB 617, we are concerned about the feasibility of the concepts outlined during the April 30th webinar. First, most of the proposed amendments are contained in CARB's presentation slides. We would appreciate the opportunity to review a more detailed proposal. Based on the concepts outlined in the presentation, we do not understand how any facility can quantify all of the existing compounds listed in Appendix A-I (Substances for Which Emissions Must Be Quantified), let alone adding another 730+ new toxic air contaminants to this list. Most of these compounds cannot currently be quantified due to a lack of approved laboratory standards and certified test methods. Even with the ability to estimate or quantify emissions for Appendix A-I constituents, cancer potency factors have not been published for the majority of these compounds. As a result, in contrast to concepts outlined previously by CARB staff, it is not possible to calculate facility prioritization scores for such compounds at this time. CASA agrees with CARB staff that

entities should not estimate what cannot be quantified. Furthermore, we recommend that only compounds that can be quantified be included in Appendix A-I. Compounds that cannot be quantified should instead be listed in Appendix A-II (Substances for Which Production, Use, or Other Presence Must be Reported).

Slide 27 of the April 30th presentation highlights the need for additional data before prioritization scoring can be performed by air districts. This slide indicates that CARB intends to provide a non-regulatory technical supplement for the Appendix A compounds, which will include a compilation of available information on a variety of health effects. While compiling available information may be helpful, cancer potency factors will still be required to calculate a prioritization score. Moreover, we do not understand the utility of non-regulatory language intended to be included in the amended EICG. As requested above, we would like to review additional documentation pertaining to this and other concepts referenced in the April 30th presentation.

As CASA outlined in our March 6th comment letter on the proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR), the combination of the proposed CTR and EICG requires wastewater treatment plants to report hundreds of new toxic compounds that could enter the sanitary sewer system. Even though CARB staff has verbally indicated that only compounds emitted from a facility will need to be reported, this critical regulatory language has not been explicitly memorialized in either the proposed CTR or amendments to the EICG. Due to the inability to verify what compounds may enter a wastewater treatment plant, we request that CARB work with stakeholders to ensure that only compounds that are actually emitted and can be measured from a facility will need to be reported pursuant to the CTR.

As we have discussed, unlike the manufacturing sector that could potentially estimate emissions based on throughput and Safety Data Sheets (SDS), wastewater treatment plants cannot use this methodology. Wastewater treatment plants provide essential public services by managing society's sewage. Waste products sent to our member facilities are not accompanied by SDS sheets. The proposed amendments to the CTR and EICG could potentially require our members to annually report hundreds of new toxic substances without an ability to measure or accurately estimate these emissions.

Based upon the realization that wastewater treatment plants cannot estimate emissions as contemplated in the proposed amendments to the CTR, CARB proposed a two-step process to identify compounds that could be emitted from our sector. The first step being a broad qualitative screening for detectable Appendix A-I compounds, followed by a determination of how to quantify emissions for these constituents. We believe that the quantification step will be rather challenging where laboratory standards may not be available. Alternate laboratory methods may be required, appropriate field sampling methods will need to be identified and an assessment of where samples should be collected throughout a treatment plant will need to be performed. Such a process conducted at various treatment plants in California is likely to be time-consuming and is unlikely to conform with proposed CTR reporting deadlines. CASA would like to have the opportunity to lead a sector-wide "pooled" emissions study. Such an effort will take several years to complete.

To determine a list of compounds actually emitted from the wastewater sector, we request a delay in reporting emissions for Appendix A-I compounds until our members are able to complete the following steps:

1. Perform the qualitative screening step (i.e., identify detectable compounds)
2. Obtain certified sampling and laboratory methods needed to quantify actual emissions
3. Complete a sector-wide pooled emissions study

While we are open to reporting emissions after completing the sector-wide pooled emissions study, we strongly recommend that prioritization scoring not be calculated without OEHHA cancer potency factors. We request that Appendix A-1 compounds be sorted and ranked to help OEHHA identify which compounds have

the greatest potential toxicity. CASA recommends that OEHHA lead deriving cancer potency factors for these compounds as soon as possible.

Prematurely reporting qualitative emission estimates using untested methods will not provide the public with meaningful or accurate data. For the wastewater sector, three to five years of research and data collection/analysis will be required to fully screen and quantify actual emissions for Appendix A-1 compounds.

While we have questions and concerns about the quantification process and the utility of this information without cancer potency factors, we want to thank CARB for outlining initial concepts needed to identify a wastewater sector-specific list of Appendix A-1 compounds. We look forward to working collaboratively with CARB to establish an approach that can quantify actual emissions from our member facilities. We would appreciate the opportunity to review a more detailed proposal.

We appreciate the opportunity to comment on the proposed amendments to the EICG as presented during the April 30th webinar and further appreciate your willingness to consider our recommendations. Please contact David Rothbart at drothbart@lacs.org or me at (925) 705-6404 or sdeslauriers@carollo.com if you have any questions.

Sincerely,



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