



August 12, 2020

Mr. Gabe Ruiz, Manager
Toxics Inventory and Special Projects Section
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Via Electronic Submittal: ab2588ei@arb.ca.gov

Subject: Comments on Air Toxics "Hot Spots" Program: Draft Materials Posted for Proposed Amendments to the Emission Inventory Criteria and Guidelines Regulation

Dear Mr. Ruiz:

The California Waste Haulers Council is an association of solid waste service providers. Our members range from small, privately owned enterprises to several of the world's largest integrated waste management firms. Collectively, CWHC members serve an estimated two-thirds of the state's population and operate virtually every form of facility and service now in existence for integrated solid waste management, recycling, composting, and anaerobic digestion. Our members share in the state's air quality management goals, and although we may have different views on how best to accomplish those goals, we remain committed to providing these essential services to help ensure that California will realize all of its environmental objectives.

The CWHC is comprised of the California counties of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Orange, Riverside, Santa Barbara, San Bernardino, San Diego, San Luis Obispo, Tulare, and Riverside. It is home to approximately 26 million residents including many low-income disadvantage communities.

We are pleased to provide comments on the California Air Resources Board consideration of recommendations to the AB 2588 (Connelly, 1987) Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation (EICG Regulation) that provides direction and criteria to facilities on how to compile and submit air toxics emission data required by the "Hot Spots" Program.

We recognize the need for the California Air Resources Board (CARB) to amend the EICG Regulation to ensure continued protection of public health by collecting more comprehensive emission data, and to provide CARB and the local air districts with a better understanding of stationary source emissions, enhance the public access to information on toxic pollutant emissions, and require the reduction of localized health risks at facilities that may present significant impacts. We see the proposed amendments will also be designed to support community-focused efforts at CARB to reduce criteria pollutant and air toxic emissions from California's most disadvantaged communities. We concur that

significant improvements need to be made in both the South Coast Air Basin and the San Joaquin Valley to meet air quality goals.

Points for Further Considerations to Address Potential Unintended Consequences

We submit the following comments on the Emissions Inventory Criteria Guidelines (EICG Regulation) for the Air Toxics “Hot Spots” Program:

Unintended consequences may be caused by the combination of the proposed amended Criteria and Toxic Reporting (CTR) and recommended revisions to the AB 2588 Emission Inventory Criteria and Guidelines. 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 the public’s understanding of the public health risk rather than provide meaningful emissions data to the public, which is the intent of [AB 617](#) (C. Garcia, 2017). 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 do not (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 (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 refuse, compostable organics 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.

The applicability of the proposed EICG Regulation, as written, broadly expands the number of reporting facilities by lowering the criteria pollutant threshold from 250 to 4 tons per year and introducing activity levels through additional source testing that would capture numerous small or de minimis emission sources, including portable engine emissions.

We are concerned with the addition of specific proposed source testing requirements for open sources to the EICG regulation including the addition of “unit processes including feedstock and receiving, composting, mixing, finished product, uncomposted feedstock, and fugitive emission locations” that could trigger reporting at thresholds well above 4 TPY. The composting addition is particularly concerning as composting happens at numerous small facilities, and they may not have specific data available to provide detailed reporting of emissions. Additionally, with the current efforts by California to divert organic wastes from landfills, efforts to further burden businesses composting organic waste will make achieving diversion goals even more difficult. We would urge you to reconsider the addition of these new processes.

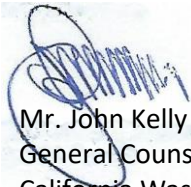
Recommendations

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 waste 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.

Thank you for the opportunity to comment on the proposed regulations. Please contact any of the undersigned if you have questions or to request further information. We stand ready to assist you and our local air districts in achieving the goals of Emission Inventory Criteria Guidelines for the Air Toxics "Hot Spots Program".

Sincerely,



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cc: Ms. Mary Nichols, Board Chair, CARB
Mr. Ken DaRosa, Acting Director, CalRecycle
The Honorable Cristina Garcia, Author of AB 617
California Waste Haulers Council Board