



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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March 29, 2019

Mr. David Edwards
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Submitted electronically via email: ctr-report@arb.ca.gov

Re: California Association of Sanitation Agencies Comments Regarding the 15-Day Proposed Modifications to the Draft 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 the opportunity to comment on the proposed 15-day modifications to the draft regulation for the reporting of criteria air pollutants and toxic air contaminants (15-day modifications) under Assembly Bill 617 (AB 617).

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 (GHG) 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. While we recognize and support the need to manage criteria air pollutants (CAPs) and toxic air contaminants (TACs) as the state achieves the 2030 GHG emissions reduction target, we have concerns regarding the proposed approach in the draft regulation.

Our specific comments on the 15-day modifications are provided below for your consideration.

- ***Inadequate Review Time.*** There are non-trivial modifications made throughout the regulatory text that require more than a 15-day comment period for a meaningful/complete review and response. We strongly recommend at least one more opportunity to provide comments to collect additional information from the wastewater sector in support of comments provided in this letter; specifically, regarding the cost of testing and sample analysis for TACs and information to support updating the default emissions factors.
- ***Streamline Reporting.*** We strongly encourage the California Air Resources Board (CARB) to work closely with local Districts, as well as regulated facilities, over the next few years while developing the uniform, statewide electronic reporting system under AB 617. The draft regulation suggests facilities may report directly to their local District; however, we recommend facilities continue to have this option while CARB continues to work with local Districts to streamline the reporting process. To this end, the regulation contains an aggressive phase-in schedule with full reporting for the 2020 reporting year. We suggest that the

phase-in schedule be extended and reporting under the current system continue for the first three reporting years (Phase I) to allow time for CARB to work with the local Districts and stakeholders toward a fair and accurate system going forward.

- ***Applicability Thresholds.*** The proposed regulation is too broad and aggressive in terms of the number of sources and timelines for implementation. We recommend the State reporting applicability thresholds for Phase I implementation take the following approach:
 - Focus on permitted stationary sources of high risk compounds in “selected communities” first.
 - Consider a more thoughtful expansion of the program in future phases by adding sources/ sectors based on risk presented by the compound(s) and source(s) since not all compounds are equally emitted by all sectors.
 - Since this is an unfunded mandate, consider the cost-effectiveness of capturing every compound at every source versus taking a more thoughtful, accurate, and realistic approach.
- ***Wastewater Sector Approach.*** We recommend taking an approach that will implement a current and accurate process for the wastewater sector for the following reasons:
 - *Air District/CARB default emission factors for TACs are not current.* The default TAC emission factors are based on data from the early 1990’s, when the influent flow to municipal wastewater treatment plants (WWTPs) contained a significant contribution from industrial sources of wastewater. Many of those industrial sources no longer exist, are significantly controlled by newer regulations through pre-treatment and source control programs required by EPA, or no longer send their flows to WWTPs. Therefore, use of default emission factors that do not represent current conditions or operations will misidentify and likely overestimate the magnitude of TAC emissions from WWTPs. We recommend placing WWTPs in a future implementation phase to allow for updating the default emissions factors.
 - *Monitoring/reporting the full AB 2588 list of compounds is unnecessary and costly.* There are no WWTPs that emit the full list of AB 2588 compounds, because the majority of the compounds are not present in wastewater. Using the full AB 2588 list would yield analytical results reported at the detection limit, thereby artificially driving future risk analysis results to be artificially and unrealistically high. Additionally, sampling and testing for the full list of compounds will incur high costs that are unnecessary and prohibitive for some WWTPs. Alternatively, we recommend using a base list of compounds specific to WWTPs that has been derived from historical and current influent monitoring and more accurately represents potential TAC emissions from the wastewater sector. This approach would identify the problem and focus efforts on testing and reporting on TACs that pose a real risk to the community without circumventing local Districts from performing community monitoring to identify any additional compounds of concern. A similar approach was used by SCAQMD in Paramount when hexavalent chromium was found in the community. CASA members are collecting cost information on sampling and testing to share with CARB in a future submission of comments.
 - The draft regulation as written will unnecessarily require a significant number of small sources to begin reporting emissions. Examples of where in the proposed changes this would occur:
 - Table A-3 “Wastewater Treatment.” Here, “covered” systems >10 MDG and “uncovered” systems >5 MGD would need to report. Please clarify what is meant by “covered” and “uncovered.” Treatment facilities can have processes that are covered and others that are uncovered and it is unclear how CARB would make the determination of a WWTP being covered versus uncovered. Please also clarify if the flow referenced is a design flow, permitted flow, average dry weather flow, annual average day flow, etc. It is likely that most WWTPs in this size range would already be exempt from reporting due to low emissions, but they would be brought into the regulatory requirements merely because of this designation.

- Table A-3 “Combustion of crude, residual, distillate, or diesel oil, except for the agricultural and medical-related industry sectors as defined in the SIC and NAICS columns.” The Activity Level Reporting Threshold requires Tier 4 Diesel Engines be restricted to 5 hours of operation per year and non-Tier 4 engines be limited to consuming 30 gallons per year to avoid reporting. This requirement would bring in MANY engines (including emergency standby engines) across many sectors that currently do not report to any regulatory program since they are rarely used. Critical/essential public services require standby engines for emergency purposes that must be operated on a monthly basis for reliability testing. The required testing and maintenance (T&M) hours would subject them to the full or abbreviated reporting requirements. The abbreviated reports could still require unnecessary reporting of all CAPs and TACs. We recommend that T&M hours used to ensure equipment operation reliability either be excluded from the Activity Level Reporting Threshold or include emergency diesel generators under the exclusions listed in 93401(b). Listing these engines as part of a reporting sector would represent a significant administrative issue for these sites.
- Section 93404 (d)(4)(A) – Permitted portable equipment operated at a facility “regardless of ownership.” This new language would force the reporting of all contractor equipment during construction projects that hold a permit for portable equipment. Typically the contractor or rental yard perform reporting duties. The WWTP owner does not have any authority over reporting requirements for this type of temporary equipment, and it would be an administrative burden to track this temporary equipment coming on and off the site and obtain the necessary information.
- The SCAQMD does not currently require annual emissions reporting for facilities emitting <4 tons per year. Smaller facilities are unable to reasonably prepare the required reports without procuring external expertise/support. Additionally, Section 93404(b) requires a lengthy list of toxics be reported. As previously discussed, it is not reasonable to require reporting of the full list of toxics since:
 - Most facilities are not required to test for these compounds (i.e., there is no reason to test for compounds unrelated to the facility nor having any expectation of that compound being present).
 - Most facilities have a history of reporting a short list of TACs based upon experience and past testing and analysis.
 - Additional source testing would be a financial burden on small facilities and facilities that have not had to report previously.
 - Without an existing source test history, or conducting new source testing, very conservative default emission factors would be required (as discussed above) that will greatly exaggerate the community inventory and future risk calculations.

We appreciate the opportunity to provide input on the 15-day modifications 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,



Sarah A. Deslauriers, P.E., ENV SP
Climate Change Program Manager, CASA