



November 16, 2020

Ms. Mary Nichols, Chair
California Air Resources Board
1001 "I" Street
Sacramento, California 95814

Via Electronic Submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

RE: Air Toxics "Hot Spots" Program: Proposed Amendments to the Emissions Inventory Criteria and Guidelines Staff Report

Dear Chair Nichols:

The California Waste Haulers Council (CWHC) 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.

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 disadvantaged communities.

We are pleased to provide comments on the California Air Resources Board's consideration of recommendations to the AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Report (the Guidelines or EICG) that will provide CARB and the air districts with a better understanding of stationary source toxic emissions, enhance public access to information on toxic pollutant emissions, and further reduce their impacts on public health by ensuring that many new and emerging chemicals of concern are reported. 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.

CWHC understands the regulatory requirements being proposed for certain types of "open" waste sources: wastewater treatment plants, landfills, composting and recycling facilities, material recovery facilities, and scrap metal recovery and metal shredding facilities. The operation of these facilities is unique in that it involves accepting waste streams for processing that could potentially contain and emit almost any listed substance of Appendix A-1 of the EICG. Therefore, to adequately characterize the

types of substances that may be present in the waste stream, an all-in approach for reporting is necessary based on joint data inputs, coordination and oversight with CalRecycle and other affected CalEPA departments. This approach is necessary to demonstrate sound science and the data that supports the drive to effective public health policy. For this reason, a pooled two-step testing protocol is required for these facilities. The first step of the proposed two-step testing protocol involves a qualitative statewide pooled testing protocol to identify potential listed substances of concern for the specific emitting process, device or facility activity. From the results of the first-step qualitative test, a testing program protocol would be developed to perform the quantitative testing required by the second-step of the proposed two-step testing protocol. These quantitative results would be used to develop representative emission factors for the emitting process, device or facility activity. These procedures could be refined and used for both the qualitative and quantitative phases of testing to address redundancy in the waste flow and processing hierarchy.

Points for Further Considerations to Address Potential Unintended Consequences

We submit the following comments on the Emissions Inventory Criteria Guidelines (EICG Report) 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 waste 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.

In addition to the unknowns, [AB 901](#) (Gordon, Chapter 746, Statutes of 2015) changed how organics, recyclable material and solid waste are reported to CalRecycle. The law requires the businesses listed below to report directly to CalRecycle on a quarterly basis on materials sold and transferred by a reporting entity. The CARB EICG reporting is not consistent with the AB 901 mandate reporting of the waste management hierarchy. AB 901 addresses reporting for the following:

- Recycling facilities
- Compost facilities
- Disposal facilities including landfills
- Transformation facilities
- Engineered municipal solid waste conversion facilities
- Transfer/processing facilities
- Contract haulers
- Food waste self-haulers
- Brokers
- Transporters

Further, the Solid Waste Information System (SWIS) database contains information on solid waste facilities, operations, and disposal sites throughout the State of California. The types of solid waste activities found in this database include landfills, transfer stations, composting sites, in-vessel digestion sites, engineered municipal solid waste conversion facilities, transformation facilities, and closed disposal sites. For each site, the database contains information about the location, landowner, operator activity type, regulatory and operational status, authorized waste types, local enforcement agency, inspections, and enforcement action record.

Both the CalRecycle AB 901 RDRS regulation and the SWIS database have direct and/or unintended effects on the quality and quantity of scientific data supporting the EICG Report amendments.

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 197](#) (E. Garcia, Chapter 250, Statutes of 2016) and [AB 617](#) (C. Garcia, Chapter 136, Statutes of 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 or get counted multiple times through the waste hierarchy.

Unlike the manufacturing sector that could potentially estimate emissions based upon throughput and raw 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 annually report hundreds of new AB 2588 toxic substances without the ability to accurately estimate or quantify these emissions.

The applicability of the proposed EICG Report, as written, broadly expands the number of reporting facilities by introducing activity levels through additional source testing that would capture numerous small or de minimis emission sources, including particulates, mobile sources and portable engine emissions.

We are concerned with the addition of specific proposed source testing requirements for open sources to the EICG Report, including the addition of "unit processes including feedstock and receiving, composting, mixing, finished product, uncomposted feedstock and fugitive emission locations" that could trigger inaccurate accumulative reporting at multiple levels of the waste hierarchy. 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 [SB 1383](#) (Lara, Chapter 395, Statutes of 2016) diversion goals unattainable. We would urge you to reconsider the approach and timeline of these new waste hierarchical processes.

Recommendations

We recommend that the addition of the new list of toxic air contaminants be delayed until facilities have a sufficient amount of time to understand what quantification methods are adequate to determine if toxic air contaminants are emitted, using an all-in pooled approach, 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
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The Honorable Christina Garcia
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