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Submitted via website forms at: www.arb.ca.gov/lispub/comm/bclist.php

Honorable Members of the California Air Resources Board
c/o Clerks Office
California Air Resources Board
1001 I Street
Sacramento, California 95814

RE: Proposed Amendments to the 1) Air Toxics “Hot Spots” Program Emission Inventory Criteria and Guidelines, and 2) Reporting of Criteria Air Pollutants and Toxic Air Contaminants Regulation

Dear Members of the California Air Resources Board:

The Inland Empire Utilities Agency (IEUA) is pleased to have this opportunity to comment on the California Air Resources Board’s (CARB) proposed amendments to the Air Toxics “Hot Spots” Program Emission Inventory Criteria and Guidelines (EICG) and to the Reporting of Criteria Air Pollutants and Toxic Air Contaminants Regulation (CTR).

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 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 Groundwater Basin and for non-potable direct uses, such as landscape irrigation.

Additionally, IEUA has partnered with the Los Angeles County Sanitation Districts (LACSD) to construct and operate the nation’s largest indoor biosolids composting facility. The Inland Empire Regional Composting Facility (IERCF) was constructed in 2007 in the city of Rancho Cucamonga and is completely enclosed to control odors and to meet stringent air quality regulations. Composting capacity is critical to the state’s goals of meeting SB1383. IEUA is also a leader in the development of solar and wind energy in conjunction with battery technology to cost-effectively power our wastewater and composting facilities and reduce the carbon footprint of our operations, which are considered to be essential services.

Water Smart - Thinking in Terms of Tomorrow

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Shivaji Deshmukh
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Background

The CTR supports the mandates of AB 617, AB 197, and AB 2588 by implementing statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. It establishes new requirements to improve emissions inventory data, which is critical to understanding sources of emissions contributing to adverse health risks or other impacts at the local, regional, and statewide level. This regulation would require most facilities with an air permit to annually report the full “Hot Spots” compound list (~1,500 compounds).

IEUA’s staff has worked collaboratively with the California Association of Sanitation Agencies (CASA), the Southern California Association of Publicly Owned Treatment Works (SCAP), and the California Association of Compost Producers (ACP) in order to engage with CARB staff over the past several months to discuss considerations for the waste sector, given its unique circumstances. The waste sector, unlike the manufacturing and perhaps other sectors, is challenged to identify the specific makeup of influent and source emissions that will vary from community to community. As such, we cannot reliably estimate emissions of emerging compounds found in wastewater and biosolids compost operations.

More importantly, there are few approved methods available for our industry to quantify many of the constituents listed in the EICG, making this task impossible for our industry to comply. Moreover, toxicity data are not available for the majority of the existing or proposed Appendix A-1 compounds. During discussions with CASA, SCAP and ACP, we understand that a sequenced approach for waste sector compliance was proposed that would focus initially on a shortlist of compounds that would be identified and reported on by 2026 through the development of a sector-specific pooled emission inventory study. This study would be performed through a two-step process with CARB to ensure that approved test methods would be used to quantify available contaminants found as a result of these types of waste operations. It has been suggested that the public waste sector would be able to report “business as usual” until this study is completed.

Concerns

As written in the amended CTR, the public waste sector would need to test and report for the comprehensive list of compounds by 2023 in wastewater influent and source emissions, which is not scientifically possible to accomplish, as is discussed above. Undertaking a pooled emission study and subsequent reporting methodology for the public waste sector would be the logical approach for achieving meaningful compliance results. However, the amended regulation does not provide any regulatory certainty to allow appropriate time for a pooled emission study to take place by the required reporting year under this new regulation. This is concerning as, once again, a vast majority of compounds to be reported for do not have established sampling or testing methods.

The lack of approved methods could lead to overestimated analyses for certain compounds or could require the use of blanket default emission factors that are overly conservative for these

toxic compounds, which may or may not be present in our sector's operations. Reporting of improperly quantified compounds could result in unintended consequences such as a higher facility prioritization score under AB 2588, potentially leading to wrongful public notification(s) and the imposition of misinformed and thereby unnecessary risk reduction plans on public agencies that could, at best, impose unnecessary costs on drinking water and sanitation services, or, at worst, prohibit basic sanitation, water recycling and biosolids composting services altogether.

Recommendations

1. **Phased Regulation.** IEUA proposes that CARB institute a phased approach for CTR compliance, focusing initially on sectors and facilities that can control the raw materials used in their processes. One approach may be to select a manufacturing sector with known inputs that can be quantified through Safety Data Sheets (SDS) and test them first to better understand the relation to the emissions. With this gained knowledge, it would make sense to subsequently phase in other sectors – moving from those sectors with the greatest control over raw materials in their processes to those, like the waste sector with little to no control over source materials. This is a prudent approach promoting improved scientific discovery helping to define effective methods for pre-treatment programs that can be enhanced to limit contaminants in the wastewater and composting sectors.
2. **For Waste Sector, Complete Pooled Emission Study.** IEUA urges CARB to amend the EICG and CTR to include a sensible regulatory compliance pathway for the unique conditions of the public waste sector, providing sufficient time to first complete a pooled emissions study. This study would identify a narrowed list of reportable compounds for which public waste agencies like IEUA could realistically detect, measure and report for compliance purposes.
3. **For Waste Sector, Add Only Detectable and Measurable Compounds to Hot Spots List.** After the establishment of the pooled emission study, IEUA is not opposed to subsequently adding compounds to the Hot Spots list, should they be present within our influent, treatment, or compost sources. However, it is essential that the compounds be detectable and measurable within the unique nature of our sector and the variability of influent sources. This approach would be consistent with a previously approved study, the Pooled Emission Estimation Program (PEEP) completed December 10, 1990. The information based in that document has been used for decades to report for air toxic compounds emitted from various publicly owned treatment works facilities. A subsequent study can be developed, updating this document that is reflective of the expanded list of Hot Spot compounds. A similar approach should be utilized for the compost industry, as these issues may be even trickier when applied to composting facilities.

Conclusion

Thank you for this opportunity to provide comments and CARB's willingness to consider our recommendations. We look forward to our continued collaboration with CARB staff through SCAP, CASA and ACP to help develop functional approaches for the waste sector to be able to report meaningful data related to measurable constituents. For additional information or questions, please contact Ms. Cathleen Pieroni, IEUA Manager of Government Relations, at cpieroni@ieua.org.

Sincerely,
INLAND EMPIRE UTILITIES AGENCY

A handwritten signature in blue ink that reads "Shivaji Deshmukh". The signature is written in a cursive style.

Shivaji Deshmukh, P.E.
General Manager