CALIFORNIA ASSOCIATION of SANITATION AGENCIES
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April 14, 2021

Ms. Mena Shah
Greenhouse Gas and Toxics Emissions Inventory Branch
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

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Re: California Association of Sanitation Agencies Comments on the Modified Text of the 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)

Dear Ms. Shah:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to comment on the modified text of the proposed amendments to both the EICG and CTR posted by the California Air Resources Board (CARB), in support of harmonizing these efforts and developing a strategy through which the wastewater sector can respond.

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 60 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 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 also recognize and support the need to manage criteria air pollutants and toxic air contaminants while accomplishing greenhouse gas emissions reduction targets.

CASA greatly appreciates CARB's continued close engagement and willingness to consider the wastewater sector's perspective on and interpretation of the modified text of the CTR and EICG regulations (as outlined below). In effort to make our comments easier to review and consider, we have provided excerpts of the applicable provisions showing the text that has been modified since the informal 15-Day Changes draft in tracked changes mode. **We appreciate the edits and respectfully request confirmation of our interpretation of the key provisions as outlined below.**

Excerpts of CTR Provisions and CASA Interpretation

This section shows excerpts of provisions from the formal CTR 15-Day Changes and our interpretations of those provisions for your confirmation.

CTR: § 93401(a)(4)(C). Applicability.

"(C) Activity levels or emissions levels published in Appendix A, Table A-3 for a permitted emissions process at a facility classified with a matching primary or secondary Standard Industrial Classification (SIC) code or North American Industry Classification System (NAICS) code listed for the permitted emissions process. If the SIC or NAICS codes have a designation of "Any" in Table A-3 for a permitted process, then reporting for the process is required regardless of the SIC or NAICS designation for the facility performing the process, if the listed activity level reporting threshold is exceeded."

CTR: § 93404(c)(1)(B). Emissions Report Contents. Emissions and Sources.

"(c) Emissions and Sources. Annual emissions reports for a facility must include the emissions and sources as specified in 93404(c)(1) and (2).

(1) Emissions. For permitted processes and devices (and unpermitted processes and devices, if emissions reporting is required pursuant to district rules or policies), the annual direct and fugitive emissions of the following air pollutants must be reported. Alternatively, at the discretion of the local air district, sufficient activity-level data must be submitted for the air district to calculate such emissions.

(A)…

(B) Toxic air contaminants, as defined herein, in units of pounds per year, except for radionuclides which must be reported in units of curies per year. The ~~list of~~ reported toxic air contaminants must include those chemicals that are actually emitted by the facility by permitted processes and devices (and unpermitted processes and devices, if emissions reporting is required pursuant to district rules or policies), based on existing quantification methods. Reporting must include the substances identified in the 2007 EICG, previously cited in the "Toxic air contaminants" definition, and the substances identified in Appendix B, with reporting of the Appendix B toxic substances phased-in as specified in Table B-1.

If at the time it becomes subject to reporting per Table B-1, a listed toxic air contaminant substance is present or is used or produced at a facility in a way that may result in airborne emissions, one of the alternatives identified as "best available data and methods," as defined in this article, must be used to quantify the emissions, as applicable. If an air district determines that none of the alternatives listed would provide a reasonable, technically justified emissions estimate, and no other method can be determined that will provide such an estimate, then the presence of the toxic air contaminant and the amount used or produced at the facility during the data year must be reported without an estimated quantitative emissions value. Purchase records, substance inventory reconciliation, direct measurement, or other methods may be used to estimate amounts used or produced."

CTR: Table A-1. Initial Data Year by District Group and Sector Phase for Additional Applicability Facilities – Subject Per 93401(a)(4)*

"*** *As with the Sector Phase 3B sectors subject to reporting per Section 93401(a)(4)(C), Sector 3B sources that are subject to applicability under 93401(a)(4)(A) or (B), based on criteria pollutant emissions, must begin ongoing emissions reporting with 2028 data reported in 2029. Reporting for these facilities is not required prior to 2028 data even if other permitted processes in Sector Phases 1, 2, or 3 are present at the facility."*

CTR: Table B-1. Initial Emission Data Quantification Year for Additional Substances in Tables B-2, B-3, and B-4

"** *Any Sector Phase 3B sectors identified in Table A-3 and sources subject to applicability under 93401(a)(4)(A) or (B) must begin ongoing annual emissions reporting of toxics identified in Tables B-2 and B-3 no later than 2028 data reported in 2029. Reporting of the specified toxics for these facilities is not required to begin earlier than 2028 data even if other permitted processes in Sector Phases 1, 2, or 3 listed in Table A-3 are present at the facility.*

*** *Table B-4 substances apply to wastewater treatment facilities, as identified in Sector Phase 3B, Sector 52, of Table A-3. These sources must begin ongoing annual emissions reporting of the toxics identified in Table B-4 no later than 2028 data reported in 2029.*"

The cited CTR provisions provided above are applicable to the waste sector (wastewater, composting, and landfilling) since these facilities cannot control or estimate the amount of EICG Appendix A-1 compounds received for treatment. The provision provided in Section 93404(c)(1)(B) acknowledges that only those compounds that are "actually emitted by the facility" with established quantification methods are to be reported. However, the wastewater sector is unable to quantify additional EICG Appendix A-1 compounds (as detailed below) until the completion of the statewide two-step process and must rely upon the two-step process as the "best available data and methods."

CASA interprets this section to allow the entire wastewater sector to continue status quo reporting (including quadrennial reporting) until the completion of the statewide pooled emissions study. In other words, compounds being characterized in the statewide study would not be reported in response to the CTR until the completion of the two-step process, and reporting would continue business as usual in the meantime.

Excerpts of EICG Provisions and CASA Interpretations

This section shows excerpts of provisions from the formal EICG 15-Day Changes and our interpretations of those provisions for your confirmation.

EICG: Section II.H. Updates to the List of Substances, and Phase-In Provisions

(5) "Availability of Emission Quantification Methods
If no emission quantification method exists to quantify emissions of a substance at the time of its "Effective Phase", the facility operator only needs to report the presence, use, or production of the substance and the amounts present, used, or produced within the facility, using the Appendix B "Supplemental Use and Production Reporting Form" (S-UP) or the equivalent information in a format required by the air district.

The availability of an emission quantification method shall be re-evaluated for these chemicals at the time of the next facility update reporting cycle. If a method is then available, emission quantification is required pursuant to the provisions in section VIII.E.(3)."

This provision is applicable to the entire waste sector (wastewater, composting, and landfilling) since there are no emission quantification methods that exist for most of the existing and proposed compounds listed in EICG Appendix A-1. Additionally, the waste sector has no ability to determine the presence (or lack thereof) of a compound as suggested by the use of Appendix B (S-UP) from an onsite source (open, combustion or other reportable sources) without executing the two-step process as

proposed in EICG Section IX.H. It is our interpretation that this provision allows for the determination of the tentative presence of compounds and to subsequently quantify their emissions based upon guidance provided by CAPCOA or the relevant air district and in accordance with EICG Section IX.H. Compounds being characterized in the statewide study would not be reported until the completion of the two-step process (the results of which represent the "best available data and methods"), and reporting would continue business as usual in the meantime (including quadrennial reporting).

EICG: Section IX.G. Specifications for Acceptable Estimation Methods and Emission Factors.

(1) "Where emissions of substances are required to be quantified but where measurement is not required under section IX.A., the emission inventory plan may propose ~~an estimation~~ a quantification method to quantify such emissions at all primary locations of release to the degree of accuracy required by section VIII.E. The district may approve a proposed method only if all of the following criteria are met:

(a) The district determines that the method is effective and reflects the best available methods and data, and will produce an accurate representation of the types and quantities of air releases at a facility. The district may require source testing of any process and/or device when there are no adequate emissions factors, existing source test results or other method available to determine emissions;

(b) The proposed method accounts for all facets of the applicable emitting process and is based on sufficient data about the air toxics emission characteristics under the full range of relevant conditions to characterize the emissions to the degree of accuracy required by section VIII.E.; and

(c) Standard calculations for mass balance, emission factor application, and engineering calculations and models comply with the following requirements: (i) - (iii)."

This provision is applicable to the entire waste sector because these facilities cannot control or estimate the amount of EICG Appendix A-1 compounds received for treatment. As a result, waste facilities look to EICG Section IX.G to propose emissions and quantification plans needed to estimate emissions at primary locations of release. We interpret this section to allow an air district to approve these alternatives, which would 1) allow facilities to participate in an extensive, statewide two-step process (per Section IX.H) that uses a pooled emissions study (for example) to identify and explain the best available methods approved by CAPCOA or relevant air district that are being used to estimate emissions under §93404(c)(1)(B) of the CTR and 2) include additional time needed to perform such an extensive study continuing status quo reporting in the meantime (i.e., quadrennial reporting already performed by facilities), while maintaining a firm reporting deadline of 2029 for reporting year 2028. In other words, compounds being characterized in the wastewater sector's statewide pooled emissions study would not be reported in response to the CTR until the completion of the two-step process (i.e., all waste facilities subject to the CTR and EICG, including §93401(a)(1) or GHG facilities). The two-step process represents the best available data and methods available for the waste sector.

EICG: Section IX.H. Two-Step Process and Protocol for Specified Open Sources at Waste-Handling Facilities.

"Appendix D requires a two-step process and protocol for qualitative screening followed by quantitative testing, for specified open sources at waste-handling facilities. Due to the unique function and operation of these facilities in receiving and processing inflows over

which they have significantly less control than a typical business, waste-handling facilities are subject to their own phase-in schedule as outlined by Sector 3B in Appendix E. Waste-handling facilities that emit greater than 10 tons per year of criteria pollutants and which are part of an approved pooled source test protocol may also follow the Sector 3B reporting schedule as set forth in Appendix E. For waste-handling facilities in an approved two-step testing process as set forth below, the Sector 3B phase-in schedule shall mean that the emissions from all operations at the facility are due to be reported by the 2028 data year reporting deadline, even if other processes in Sector Phases 1, 2 or 3 are present at the facility.

(1) The two-step process applies to open sources at the following types of facilities for which waste-handling is the primary function:

(a) Wastewater treatment at wastewater treatment facilities, including publicly owned treatment works (included in SIC 4952 or NAICS 221320);

(b) Collection and disposal of refuse at landfills (included in SIC 4953 or NAICS 5622xx, 562920);

(c) Composting of organic waste at composting facilities (included in SIC 2875, 4953 or NAICS 325314, 562212, 562219);

(d) ~~Recycling facilities, and material recovery facilities that separate organic waste from recyclable materials (included in SIC 4953 or NAICS 562212, 562920);~~Scrap and waste wholesale handling and recycling, including but not limited to junk metals, shredding operations, and auto dismantling (included in SIC 5093 or NAICS 423930).

(2) In the first step, the facility operator shall submit an initial emission inventory plan that includes proposed testing protocols for qualitative testing of representative open sources and can include other sources at all relevant emitting processes, devices, or activities at the facility. The testing protocols shall be designed to identify all listed substances of concern for the facility (independent of the Effective Phase shown in Appendix A-I for the substance) for purposes of emission quantification in the second step. Facilities already subject to on-going quadrennial/update reporting need not report the new Effective Phase substances in update reports due prior to the completion of the two-step process, as long as the facility is included in an approved two-step process and continues their reporting of existing substances in the interim."

This provision acknowledges the need for and allows waste sector facilities (wastewater, composting and landfilling) to perform a two-step process on all identified potential sources because:

1. The waste sector facilities cannot control the amount of EICG Appendix A-1 compounds they receive.
2. Unlike most other industry sectors, the material entering these facilities do not have Safety Data Sheets to estimate emissions of EICG Appendix A-1 compounds.
3. There are no emission quantification methods that exist for most of the EICG Appendix A-1 compounds for any identified potential source.

We interpret this section to allow waste sector facilities (as identified in Section IX.H.1) to work collectively to perform a statewide pooled emissions study that is defined by an approved emissions inventory plan identifying the proposed source testing protocols (based on guidance from CAPCOA or relevant air district) for qualitative testing of emissions from any identified potential sources (open, combustion or other reportable sources). CARB recognizes the benefit of performing a single statewide wastewater sector pooled emissions study to identify and then quantify (as part of step two) EICG Appendix A-1 emissions from all potential sources.

If a study of this nature (statewide) cannot be complete in time to comply with reporting deadlines as currently outlined in Sections IX.H6 and IX.H.11, we understand that Section IX.G enables the air district to approve the time necessary to perform the scope of the statewide two-step pooled emissions study in full, while maintaining a firm reporting deadline of 2029 for reporting year 2028.

We want to thank CARB for engaging in discussions on the EICG, the CTR, as well as steps needed to identify a wastewater sector-specific list of compounds. We look forward to working collaboratively with CARB and CAPCOA to establish a formal approach that can quantify actual emissions from our member facilities.

We appreciate the opportunity to comment on the proposed 15-Day Modifications to the EICG and CTR, and further appreciate your willingness to consider our recommendations and confirm our interpretations. Please contact me at sdeslauriers@carollo.com if you have any questions.

Sincerely,

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