



June 7, 2019

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

Submitted electronically via: [https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ctr2018&comm\\_period=1](https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ctr2018&comm_period=1)

Re: California Association of Sanitation Agencies Comments Regarding the 25-Day Proposed Modifications to the Draft Regulation for Reporting of Criteria Air Pollutants & Toxic Air Contaminants under AB 617

Dear Mr. Edwards:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the proposed 25-day modifications to the draft regulation for the reporting of criteria air pollutants and toxic air contaminants (25-day modifications) under Assembly Bill 617 (AB 617).

CASA is an association of over 120 California 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 in support of 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. We recognize and support the need to manage criteria air pollutants (CAPs) and toxic air contaminants (TACs) as the state pursues the 2030 GHG emissions reduction target.

Our specific comments on the 25-day modifications are provided below for your consideration.

**Wastewater Sector Approach.** We request and recommend that California Air Resources Board (CARB) take an approach that implements a current and accurate monitoring and reporting process for the wastewater sector. To achieve this, we need to:

- *Develop a Sector-Specific (Short) List of TACs for Monitoring/Reporting.* As written, the 25-day modifications require the full list of AB 2588 compounds be reported (see Appendix A-1 of the Emission Inventory Criteria and Guidelines for the Air Toxics "Hot Spots" Program as defined on page A-20 of the draft regulation). Because the majority of compounds are not present in wastewater, there are no municipal wastewater treatment plants (WWTPs) that emit the full list of AB 2588 compounds. Additionally, sampling and testing for the full list of compounds will incur high costs<sup>1</sup> that are unnecessary and

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<sup>1</sup> One of our CASA members contacted their source testing contractor to determine the cost and feasibility of quantifying emissions for the complete AB 2588 list of constituents. This source contractor indicated that the full 2588 list cannot be source tested because there are no methods developed for certain constituents, but testing one emission source for a partial list would cost about \$55,600. The typical WWTP has about fifteen emission sources; each of which would need to be quantified in order to obtain an estimate of actual emissions. Consequently, the average cost of testing for this partial list of constituents would be \$834,000 per WWTP. This information not only confirms the high cost of source testing, but also highlights the infeasibility of quantifying emissions for the full AB 2588 list.

prohibitive for most WWTPs. We recommend working together to establish a list of constituents of concern specific to WWTPs, which more accurately represents potential TAC emissions from the wastewater sector. This approach will focus efforts on testing and reporting those TACs that could pose a real risk to the community.

- *Address Outdated Air District/CARB default emission factors for TACs.* Some of the default emission factors for estimating municipal WWTP TAC emissions are still based on data from the late 1980's<sup>2</sup>, when the influent flow to municipal WWTPs contained a significant contribution from industrial sources of wastewater. Many of those industrial sources either no longer exist or are significantly controlled by pre-treatment and source control programs required by EPA. Use of default emission factors that do not represent current conditions or operations will misidentify and overestimate the magnitude of TAC emissions from WWTPs. We recommend reporting the short/base list of TACS (discussed in the first bulleted item) and allowing the wastewater sector to develop an approach for updating any outdated default emissions factors. Note that new processes permitted by air districts are typically source tested (versus relying upon default emission factors) and air districts do not require that the full list of AB 2588 compounds be analyzed during the permitting process.

**Applicability Thresholds.** The 25-day modifications as written require a large number of small sources to begin reporting emissions. Examples of where in the proposed changes this would occur:

- Table A-3 “Wastewater Treatment at WWTPs” lists “covered” (primary treatment) systems >10 MGD annual average daily flow (AAD) and “uncovered” (primary treatment) systems >5 MGD AAD need to report. Many WWTPs in this size range would be exempt from reporting due to low emissions, but they will be brought into the regulatory requirements merely because of this designation. We recommend that these thresholds be revisited after prioritization scoring is performed on the wastewater sector. In the event that prioritization scores are very low for small WWTPs, then these thresholds should be modified accordingly.
- 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 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 briefly 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. Furthermore, 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.
- Smaller facilities are unable to reasonably prepare the required reports without procuring external expertise/support. Additionally, Section 93404(a) 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.

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<sup>2</sup> Joint Powers Agencies for Pooled Emission Estimation Program for POTWs produced by James M. Montgomery Consulting Engineers, Inc. completed in 1990.

- Without an existing source test history, or conducting new source testing, very conservative default emission factors could be required that will exaggerate the community inventory and future risk calculations.

***Streamline Reporting.*** We strongly encourage CARB to work closely with local Districts, as well as regulated facilities, while developing the uniform, statewide electronic reporting system under AB 617. The draft regulation suggests facilities may report directly to their local District. We recommend facilities continue to have this option while CARB works with local Districts to streamline the reporting process. To this end, the regulation contains an aggressive phase-in schedule with full reporting starting for the 2021 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.

In summary, the proposed regulation is broad and aggressive in terms of the number of sources and timelines for implementation. We recommend the 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 gradual expansion of the program with 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.

We appreciate the opportunity to provide input on the 25-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](mailto:sdeslauriers@carollo.com).

Sincerely,



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