



# Central Contra Costa Sanitary District

Protecting public health and the environment

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SUBJECT: COMMENT LETTER ON PROPOSED BAAQMD  
REGULATION 11, RULE 18: REDUCTION OF RISK FROM AIR TOXIC  
EMISSIONS AT EXISTING FACILITIES

The Central Contra Costa Sanitary District (CCCSD) appreciates the opportunity to comment on the Bay Area Air Quality Management District (BAAQMD) proposed draft Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities. The proposed Regulation 11, Rule 18 would establish limitations on risks from toxic air contaminants at existing facilities that may result in a significant health risk to nearby residents and workers. CCCSD operates a permitted wastewater treatment facility, Bay Area Air Quality Management District (BAAQMD) Facility A0907 in Martinez, California. CCCSD is a special district that collects and treats an average of 32 million gallons of wastewater per day for discharge into Suisun Bay. CCCSD serves nearly 482,000 residents and 3,000 businesses in central Contra Costa County.

CCCSD fully supports the protection of public health and the environment, and is committed to achieving 100% regulatory compliance with existing and future regulations. However, CCCSD would like to express serious concerns regarding the proposed Regulation 11, Rule 18's implementation timeline, economic feasibility, cross-media environmental impacts, and discouragement of renewable energy usage.

CCCSD's comments on the proposed Regulation 11, Rule 18 are listed as follows:

## **1) Regulation 11-18-401 Health Risk Assessment Information Requirement**

This draft provision requires affected facilities to provide the necessary information to complete a Health Risk Assessment (HRA) of the facility within 30-days of the initial request by BAAQMD. The data collection phase for a facility-wide HRA can be complex and time-consuming. Additional time is necessary for the requested site-specific information to undergo our facility's internal quality assurance procedures to ensure we provide accurate information to BAAQMD for the input of the HRA.

**Therefore, CCCSD recommends extending the response time for the HRA information requirement to 90 days.**

**2) Regulation 11-18-402 Risk Reduction Plan Submission Requirements**

Draft Section 11-18-402 allows for 180 days to complete a Risk Reduction Plan for BAAQMD's review and approval. The Risk Reduction Plan, as described in draft Section 11-18-403, requires a detailed characterization of each source of toxic emissions, an evaluation of risk reduction measures to be implemented, and a schedule to implement the proposed risk reduction measures. The evaluation and determination of risk reduction measures requires elaborate characterization studies, careful planning, and preliminary design of the air pollution control technologies to reduce toxic emissions. Allowing only 180 days to complete a Risk Reduction Plan may result in insufficient characterization and planning, with higher potential for unnecessary engineering.

**Therefore, CCCSD recommends extending the response time to 365 days to complete a thorough Risk Reduction Plan to ensure meaningful compliance.**

**3) SSIs Should Be Exempted from Regulation 11-18 due to SSI MACT Applicability and Compliance**

BAAQMD must consider specifically exempt, CCCSD's sludge incinerators and all air toxic pollutants emitted from the sludge incinerators, from Regulation 11-18 because the incinerators satisfy the Best Available Retrofit Control Technology for Toxics (TBARCT) requirement under Regulation 11-18 as they are regulated by the USEPA's SSI MACT Standard 40 CFR 60 Subpart M. The SSI MACT covers air toxics and other regulated pollutants and requiring the incinerators to be evaluated for 11-18 compliance would be tantamount to putting a MACT type regulatory burden on top of an existing MACT regulation. It should also be noted that USEPA analyzed beyond the MACT floor control options for all pollutants in setting the SSI MACT limits.

**Therefore, CCCSD recommends exempting from Regulation 11-18, SSIs that are in compliance with the SSI MACT regulation.**

**4) Compliance Schedule is Too Short for a Major Capital Project at a Public Agency**

Draft Section 11-18-402 proposes a three-year implementation timeline for risk reduction measures to reduce a facility's health risk. Since CCCSD is located in a CARE designated area, the implementation schedule may be shortened. For the protection of its ratepayers and to address technical and financial feasibility

challenges associated with any capital project CCCSD considers carrying forward, planning requires a multi-year process, with rate increases requiring the approval of our governing board. The timeline associated with identifying, planning, funding, designing, and constructing a capital project to reduce risk through the installation of a TBARCT will require more than three years. Early estimates of what could be required as risk reduction measures at publicly owned treatment works (POTWs) in response to Rule 11-18 range up to tens of millions of dollars for installation of yet to be identified advanced control technologies. An extended implementation timeline should be available for essential public service facilities, such as CCCSD, also so that unexpected shutdowns for installing TBARCT do not inconvenience the public.

CCCSD makes long term investments in public infrastructure, using careful financial analysis to maximize the usefulness of public funds over the functional lifetime of facilities. Depending on the type of facility, equipment and process structures are designed to function for up to several decades. If structural or equipment changes are required shortly into the planned life of a facility, public funds will not be used effectively. Given the uncertainty of appropriate process specific control technology and the associated planning horizon that would be necessary to research, design, and construct an undefined TBARCT, failing to give POTWs like CCCSD reasonable time to develop the Risk Reduction Plan with the required approvals, may lead to inadequate financial planning for implementation.

In the past, BAAQMD has recognized the need for longer response times by the regulated community. For example, when Regulation 9, Rule 8 was amended in 2007, facilities were provided a compliance horizon of nearly a decade, until 2016. This rule provided agencies the time necessary to plan and budget for their compliance response in a meaningful way.

**CCCSD recommends a minimum five-year implementation timeline for the risk reduction measures, with a possible extension of an additional five years.**

#### **5) Notification of Cancer Prioritization Scores**

The cancer prioritization scores are not currently available to the facilities or the public.

**Given the accelerated promulgation schedule for the proposed Regulation 11, Rule 18, BAAQMD should publish the cancer prioritization scores and notify impacted facilities as soon as possible to ensure proper planning and engineering.**

## 6) Priority Score Input Data

Pages 32 and 33 of the Draft Staff Report issued in October 2016 indicates that the BAAQMD will conduct a Health Risk Screening Analysis (HRSA) to determine a facility's priority score (PS). The draft staff report indicates the PS will be used to determine the facility's implementation phase. The HRSA will use TAC emission inventory information that has previously been submitted by the facility to BAAQMD. In some cases, however, a facility may have more recent emission information, such as recent stack testing of certain TACs that wasn't available at the time the annual TAC emission inventory was submitted to BAAQMD.

**CCCSD recommends allowing facilities to submit updated TAC emission information to calculate the PS, given the importance of the PS on determining the implementation phase.**

## 7) Cross-Media Environmental Impacts

CCCSD would like to express its concerns regarding cross-media environmental impacts. The proposed Regulation 11, Rule 18 would require high-risk facilities to implement TBARCT. The state-of-the-art air pollution control technologies, such as a venturi scrubber, may effectively reduce toxic air contaminants, but the air contaminants removed from the air exhaust will be diverted to the venturi scrubber's effluent, making its way back to the wastewater treatment process. There is a potential for the toxic air contaminants to negatively impact the quality of CCCSD's treated wastewater effluent, and in turn, the integrity of Suisun Bay.

CCCSD's liquid treatment process was designed in the 1970s and is currently not designed to treat all of the toxic air contaminants present in the liquid stream. Additional modifications, such as side-stream treatment, may be required in conjunction with the installation of a wet scrubber technology. This leads to additional capital cost and financial burden on CCCSD's ratepayers.

**CCCSD recommends a holistic approach to regulation and asks BAAQMD to address the cross-media environmental impacts of the proposed regulations and provide flexibility in the regulation to take into consideration such potential impacts.**

## 8) Discouragement of Renewable Energy Use

While the purpose of the proposed Rule 11-18 is to reduce toxic air contaminants and protect public health, it may discourage beneficial use of biogas for the generation of renewable energy or fuel, resulting in a wasted (flared) resource. CCCSD already beneficially uses biogas generated from a nearby landfill to

supplement the combustion of sewage sludge and generate renewable steam. The steam is used to drive the turbine that supplies air to the secondary wastewater treatment process. Not only does this practice offset the treatment plant's dependence on fossil fuel based energy, it reduces the resulting anthropogenic greenhouse gas emissions.

The production of biogas, production of renewable energy, and the reduction of greenhouse gas emissions support statewide greenhouse gas reduction goals set under Assembly Bill 32 and Senate Bill 32. However, the proposed Rule 11-18 may restrict use of biogas since its combustion may contribute to an increase in some toxic air contaminants, potentially forcing CCCSD to use natural gas. This would result in increased fossil fuel based greenhouse gas emissions and is in direct contradiction with the Governor's goals for 2020, 2030, and beyond.

**CCCSD recommends BAAQMD consider providing flexibility in Rule 11-18 for facilities like CCCSD, that contribute toward achieving state goals for reductions in greenhouse gas emissions.**

**9) The Methods to Demonstrate the Effectiveness of Risk Reduction Measures is Not Clear in Regulation 11-18**

Subsection 11-18-403.5.4 of Draft Regulation 11, Rule 18 indicates that dates for demonstrating the effectiveness of risk reduction measures should be included in a facility's risk reduction plan, if a facility is required to reduce TAC emissions based on the facility's HRA results. The draft regulation and draft Staff Report dated October 2016 does not specify the methods that would be required to demonstrate the effectiveness of risk reduction measures.

**CCCSD recommends that BAAQMD clarify within the rule or within the Staff Report the methods that are acceptable for a facility to demonstrate effectiveness of risk reduction measures that are implemented.**

Thank you for the opportunity to comment on the draft Regulation 11, Rule 18. CCCSD supports BAAQMD's intent to protect the Bay Area's air quality and asks BAAQMD to carefully address CCCSD's concerns regarding the new regulation as it is proposed. Please contact Senior Engineer Randy Schmidt at (925) 229-7333 or [rschmidt@centralsan.org](mailto:rschmidt@centralsan.org), if you have any questions.

Sincerely,



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