



September 1, 2021

Mr. Jacob Finkle
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, California 94105

Via e-mail: jfinkle@baaqmd.gov

Subject: Proposed Amendments to Rules 2-1 and 2-5

Dear Mr. Finkle:

Montrose Environmental Solutions (Montrose) appreciates the opportunity to present comments regarding BAAQMD's proposed amendments to Rule 2-1: General Requirements, and Rule 2-5: New Source Review for Toxic Air Contaminants. Montrose provides permitting and compliance management services to clients in a variety of industries, including clients with operations regulated by the BAAQMD.

Rule 2-1: General Requirements

2-1-408 Actions on Applications

BAAQMD proposes to extend the time limit to take action on applications from the current 35-working-day period to a new 45-working-day period for permitting projects that are not subject to major source and PSD permitting, or projects that are not subject to public notice.

Many permit applications are for relatively minor and routine emission source that do not require complex emission calculations, technology reviews, or risk assessments. Additionally, many applications that are submitted to BAAQMD are for minor modifications to existing emission sources. While some of the proposed NSR rule amendments may warrant additional processing time for some applications, this particular amendment would extend permitting processing timeframes for most applications, including those reflecting the least complex processes.

The additional two weeks to process these minor applications presents an unwarranted burden for applicants. While the additional processing period may be justified for complex sources it would be prudent to maintain swift and efficient permitting processes for the most common sources. Montrose suggests that BAAQMD maintain the existing processing deadline of 35-days or consider creating a subset of application types that would be subject to the proposed 45-day processing period.

2-1-412 Public Notice, Schools and Overburdened Communities

BAAQMD is obligated to respond to all public comments in writing. The rule amendments will increase the volume of public notices and many applicants are not familiar with the process. The staff report to accompany the proposed amendments should clarify the public notice process, the degree to which public comments may alter proposed permitting decisions, the way in which BAAQMD engineers respond to comments, and the additional time that will be required to issue final permits. The staff report should also explain the additional costs that will be borne by applicants due to the public notice process.

Rule 2-5: New Source Review of Toxic Air Contaminants

2-5-113: Limited Exemption, Emergency Standby Engines

The proposed amendment would result in the inclusion of a minimum number of annual operating hours for emergency support in health risk assessments. During the recent public workshop, BAAQMD staff suggested that the threshold would be set at 100 hours per year.

The inclusion of emergency operations in a health risk assessment is inappropriate because such operations are not predictable or repeatable. Even if it were appropriate to include emergency operations in a health risk assessment, assessing BAAQMD's suggested 100 hours per year would result in an unrealistic overstatement of risk.

Montrose is currently evaluating annual operating records for approximately 200 emergency engines located within the BAAQMD. Our preliminary assessment shows that on average, engines are tested for less than 15 hours per year. Approximately 24% of engines have no emergency operations at all in a given year. This finding appears consistent with statements made by other stakeholders during the recent public workshop. Furthermore, approximately 38% of engines operate less than 10 hours in a given year for emergencies. Only 10% of engines operate for a combined total of 50 or more hours per year (testing plus emergency operations). Many of those engines may be located in remote areas that are not near sensitive receptors.

Montrose suggests that emergency operations continue to be excluded from health risk assessments. The current practice of conducting a risk assessment based upon permitted testing and maintenance hours adequately addresses the worst-case repeatable operation of emergency engines.

2-5-230 Essential Public Service

BAAQMD proposes to provide alternative risk-based standards for essential public services and defines those services to include operations at police and fire facilities, hospitals and other medical facilities, and emergency shelter facilities. Montrose appreciates the consideration that BAAQMD proposes for essential public services, but cautions that the list of eligible operations is too restrictive. The definition of essential public services should include telecommunications facilities due to the critical support they provide to first responders every day and the increased need for reliable communications during public emergencies. Sewage treatment facilities, lift stations and potable water distribution systems are also commonly considered to be essential services. All of these operations are critical to public health and safety and are required to be placed within the communities that they serve.

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I welcome the opportunity to discuss the concerns presented in this letter with BAAQMD and will call you next week to answer any questions that you may have. If you prefer, you can also contact me at (714) 376-6531 or by email klany@montrose-env.com.

Sincerely,
Montrose Environmental Solutions

A handwritten signature in blue ink that reads "Karl Lany". The signature is written in a cursive style with a large, sweeping initial "K".

Karl Lany
Senior Principal, Western District Manager
Environmental Permitting and Compliance Services