



September 3, 2021

Jacob Finkle
Bay Area Air Quality Management District
375 Beale Street, Suite 600
San Francisco, CA 94105
ELECTRONIC SUBMITTAL to: jfinkle@baaqmd.gov

SUBJECT: BAY AREA CLEAN WATER AGENCIES COMMENTS ON THE PROPOSED REGULATION 2 AMENDMENTS

Dear Mr. Finkle:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide sector feedback on the draft Regulation 2 amendments. BACWA is a joint powers agency whose members own and operate publicly owned wastewater treatment works (POTWs) that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. We have an active committee structure with our Air Issues and Regulations (BACWA AIR) Committee charged with working cooperatively with regulators to address air quality and climate change issues.

As public agencies and fellow environmental stewards, POTWs are supportive of BAAQMD's mission to improve air quality and promote environmental justice in the region. As such, our members work diligently to manage emissions from our facilities while performing an essential public service. POTWs assess each system improvement in close coordination with BAAQMD staff to determine the appropriate considerations that need to be accounted for in their planning to remain in compliance and responsibly invest ratepayer funds.

Our comments are in response to the proposed language as presented in the Workshop Report revised August 16, 2021, and the presentation slides as presented during the public workshop on August 24, 2021. First, please reference our previously submitted letter dated [May 28, 2021](#), for comments on the proposed amendments.

There are two specific areas within Rule 2-5 that BACWA wants to highlight in this letter:

- 1) *Section 2-5-111. Limited Exemptions, Emergency Standby Engines.* This section should not cap the number of hours of POTW operation during an actual emergency event. During a power outage that may occur due to wildfire, preventing wildfire (e.g., Public Safety Power Shutoff, PSPS, events), or other weather-related events, it is critical that essential public services, such as wastewater collection and treatment, continue to operate to continue protecting public health and the environment. For example, this requires the ability to maintain flow and treatment of sewage through a wastewater treatment plant or pumping sewage through the collection system during these times. Equipment supporting these types of critical functions are required to avoid sewage backflow or overflows

resulting in spills of raw sewage. The objectives of POTWs are not only to protect the health of San Francisco Bay but also protect human health by preventing the spread of diseases through the release of raw sewage. Limiting the operation of a POTW for the sake of achieving a tiny emissions reduction from the intermittent operation of diesel-powered emergency engines presents a far greater risk to the public and environment via exposure to raw sewage. Limiting the number of hours POTWs have for emergency operation of an essential public service would force them to choose to violate their BAAQMD permit in order to protect public health and the environment from a greater threat, which is very concerning and unreasonable.

- 2) *Section 2-5-230 Essential Public Service*. The list of essential public services provided in this section should be expanded to include those already listed in other BAAQMD regulations to be consistent (e.g., [Rule 9-8-233](#)), and is similar to South Coast Air Quality Management District's list (e.g., in [Rule 1302](#)).

In summary, BACWA respectfully requests:

1. Section 2-5-111 limited exemption not include a cap on emergency use hours for POTWs and other essential public services.
2. Section 2-5-230 definition of essential public service be harmonized with BAAQMD [Rule 9-8-233](#) to include POTWs and their associated collection systems to maintain services critical to protecting both public and environmental health.

We appreciate this and upcoming opportunities to provide our comments and would be happy to meet to answer any questions you may have. Please contact me at lfono@bacwa.org.

Sincerely,



Lorien Fono
BACWA Executive Director

Cc: Jack Broadbent, BAAQMD
Greg Nudd, BAAQMD
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