



# CALIFORNIA ASSOCIATION of SANITATION AGENCIES

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December 2, 2016

SUBMITTAL VIA EMAIL TO: [vdouglas@baaqmd.gov](mailto:vdouglas@baaqmd.gov)

Mr. Victor Douglas  
Principal Air Quality Specialist  
Technical Services  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

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

Dear Mr. Douglas:

The California Association of Sanitation Agencies (CASA) appreciates the opportunity to comment on the Bay Area Air Quality Management District's (BAAQMD) proposed Regulation 11, Rule 18 (Rule 11-18). CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, generation of renewable energy, biosolids and other valuable resources. Through these efforts we help create a clean and sustainable environment for millions of Californians.

It appears that the proposed Rule 11-18 has been developed in reaction to community concern about only a few existing facilities, and the BAAQMD's proposed regulatory response impacts more agencies than necessary to reach its air quality goals. BAAQMD staff estimate that hundreds of facilities could be affected by this rule (Notice of Preparation/Initial Study; Regulation 11, Rule 18 and Regulation 12, Rule 16; Page 1-9 October 2016). While CASA appreciates the outreach that BAAQMD staff has done, there are dozens of POTWs that have not been engaged on this issue, and have only very recently become somewhat aware of this significant regulatory initiative. Based on this sector, it seems likely that there are far more, perhaps hundreds, of potentially impacted facilities who are not aware nor have considered the impact and cost of this Regulation, and have thus not had the opportunity to provide meaningful comments for your consideration. Therefore, we ask that the BAAQMD consider a more robust effort to meet in workshop formats with all affected facilities to review the basis for the Regulation, describe the proposed compliance routes, and collectively understand its potential impacts. CASA has further concerns that the action taken by the BAAQMD may be mimicked in other Air Districts and thus believes it is critical that any action be fully vetted and supported by science.

CASA's specific comments on the proposed Rule 11-18 are as follows:

**1) Public notification by BAAQMD for Rule 11-18 should clarify that emissions have not increased**

Despite there being no change in a POTW's emissions levels, incorporating the updated California Air Pollution Control Officers Association (CAPCOA) risk factors and guidelines may result in the first notification the public receives about an existing facility within its vicinity. This notification could result in greater public anxiety about health risks from existing stationary sources. Providing a clear explanation that the changes in facility risk estimates are due exclusively to changes in risk assessment methodology, not actual increases in emissions (and health risk), should be incorporated in the public notification. CASA, along with many other public and private entities raised this issue in a letter to CAPCOA on October 27, 2016. Please let me know if you would like a copy of that letter.

**CASA recommends the public notification of risk include language providing context to the risk values to improve public understanding and reduce potential anxiety.**

**2) Proposed rule should not inadvertently discourage renewable energy production**

While the purpose of the proposed Rule 11-18 is to reduce toxic air contaminants and protect public health, it may discourage the production and beneficial use of biogas for the generation of renewable energy or fuel, resulting in a wasted (flared) resource. Most CASA members already beneficially use biogas generated from anaerobic digestion of sewage sludge to generate renewable electricity. 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. Furthermore, the State Air Resources Board would like to see POTWs accept additional organic waste streams (specifically, diverted food waste and fats, oils, and grease from landfills) for co-digestion with sewage sludge to increase generation of biogas, in turn increasing renewable energy/fuel production in support newly adopted mandates under Senate Bill 1383 (reducing methane emissions across the state). However, the proposed Rule 11-18 may restrict use of biogas since its combustion may contribute to a slight increase in some toxic air contaminants, potentially forcing POTWs to purchase fossil fuel based electricity or natural gas. This would result in an increasing in fossil fuel based greenhouse gas emissions statewide and is in direct contradiction with the Governor's goals for 2020, 2030, and beyond. The practice of diverting this organic waste from landfills for co-digestion at wastewater treatment plants is increasing across the state making Rule 11-18 a significant factor in achieving these goals moving forward.

**CASA recommends BAAQMD consider providing exceptions in Rule 11-18 for projects that contribute toward achieving state goals for**

**reductions in greenhouse gas emissions through the diversion of organic waste from landfills, and increased production of biogas for the generation of renewable energy or fuel.**

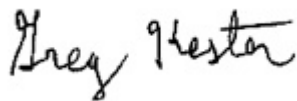
**3) BAAQMD should consider cross-media environmental impacts**

POTWs are regulated by a number of different governmental agencies whose goals can result in contradictory impacts to the municipal wastewater treatment sector. While regulatory actions may be seen as effective when each media (air, water, land) is addressed separately, the deficiencies become evident when the regulations are viewed holistically for protecting the overall environment and public health. CASA hosted a cross-media roundtable with state regulatory agencies including the Air Resources Board in 2008 highlighting these issues. A regulatory checklist was developed as an outcome of that meeting which was intended to highlight cross-media issues during regulatory development. CASA would be pleased to provide a copy of the checklist to the BAAQMD. There are increasing concerns about cross-media impacts and the potential operational and financial effects they will have on POTWs that are trying to provide an essential public service while maintaining compliance with regulations supporting contradictory goals.

**CASA recommends a holistic approach and asks BAAQMD to address the cross-media environmental impacts of the proposed Rule 11-18 and in future proposed regulations.**

Thank you for the opportunity to comment on the draft Rule 11-18. CASA supports BAAQMD's intent to protect the Bay Area's air quality, but asks BAAQMD to carefully address our concerns. CASA also strongly supports the comments provided to you by the Bay Area Clean Water Agencies (BACWA). Please feel free to contact me with any questions at [gkester@casaweb.org](mailto:gkester@casaweb.org) or at 916-844-5262.

Sincerely,



Greg Kester  
Director of Renewable Resource Programs

cc: Roberta Larson, Executive Director, California Association of Sanitation Agencies  
Dave Williams, Executive Director, Bay Area Clean Water Agencies  
Debbie Webster, Executive Officer, Central Valley Clean Water Association  
Steve Jepsen, Executive Director, Southern California Alliance of POTWs