



August 5, 2016

Ms. Susan Nakamura, Acting Assistant Deputy Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Dear Ms. Nakamura:

Re: Comments on the SCAQMD Proposed Amended Rule 1402

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) appreciates this opportunity to provide comments on Proposed Amended Rule 1402. SCAP represents 83 public agencies that provide essential water supply and wastewater treatment to nearly 19 million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. SCAP's wastewater members provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as recycled water and biogas.

SCAP greatly appreciates SCAQMD's support for the voluntary risk reduction option contained in the proposed amended rule. As described below, we have some minor comments intended to maintain existing source test flexibility and to encourage facilities to participate in the voluntary risk reduction program.

Source Test Requirements:

Historically, wastewater treatment plants have been allowed to pool emissions data and to rely on modeling to develop emission factors. For example, SCAQMD Rule 1179 provides for joint emissions testing, and in accordance with California Health and Safety Code (H&SC) Section 44342 wastewater treatment plants have used models, such as TOXCHEM, to estimate volatile organic compounds air emissions from wastewater treatment processes. To maintain this flexibility, CARB's entire Emission Inventory Criteria and Guidelines for the Air Toxics 'Hot Spots' Program and H&SC Section 44342 should be referenced. We request the following revisions to PAR 1402(d)(3)(A), which will ensure existing flexibility is maintained:

- (A) The Executive Officer will require the owner or operator to conduct a source test to quantify toxic air contaminant emissions if a Reference Source identified in subparagraph (d)(1)(B):
- (i) Does not quantify applicable toxic air contaminants;

P.O. Box 231565

Encinitas, CA 92024-1565

Fax: 760-479-4881 Tel: 760-479-4880 Website: www.scap1.org Email: info@scap1.org

- (ii) Is not consistent with the purpose, type and/or size of the device or process; ~~or~~
- (iii) Is not in accordance with the most current version of ~~Appendix D of~~ CARB's "Emission Inventory Criteria and Guidelines for the Air Toxics 'Hot Spots' Program"; or
- (iv) Is not in accordance with California Health and Safety Code Section 44342.

Voluntary Risk Reduction Requirements:

As discussed at the July 27th Working Group meeting, we respectfully request that facilities be encouraged to participate in the voluntary risk reduction program. As drafted, only facilities with existing health risk assessments that have been notified by the Executive Officer may participate. We believe that such language may inadvertently exclude facilities that should be encouraged to accelerate emission reductions. For example, OEHHA routinely updates cancer potency factors, which could cause facilities without an existing health risk assessment to become subject to Rule 1402. Such facilities should be allowed to qualify for voluntary risk reduction. We understand that the SCAQMD staff are concerned that some facilities not previously subject to Hot Spots/Rule 1402 may lack "necessary data" (draft Staff Report, page 9), so we have proposed a new provision, (h)(1)(A)(iii), that allows these types of facilities to be eligible for the voluntary risk reduction program, but specifies that in order to qualify a facility must have an approved Toxics Inventory Report. Completing of the Toxics Inventory Report should provide enough data to assess potential risk. Similarly, we believe that any facility willing to accelerate emission reductions, not just those notified by the SCAQMD, should be able to opt into this program rather than limiting participation to facilities notified of eligibility. SCAQMD staff expressed concerns over manpower if the ability to opt into the voluntary program is broadened; however, we believe that opening up eligibility requirements in this manner will not create an additional burden.

We request the following revisions to PAR 1402(h)(1)(A) to address these concerns:

(h) Voluntary Risk Reduction Requirements

(1) Participation in Voluntary Risk Reduction Program

(A) The Executive Officer will notify an owner or operator of eligibility ~~or a facility may request~~ to participate in the Voluntary Risk Reduction Program based on the following criteria:

- (i) The facility has a Health Risk Assessment approved or prepared by the District for the purpose of the Hot Spots Act or this rule that, as approved or prepared, is below Action Risk Level; and
- (ii) The Executive Officer has determined that the facility is not a Potentially High Risk Level Facility; or
- (iii) ~~The facility, in accordance with Section (d)(4), has an approved Air Toxics Inventory Report, but has not yet been required to perform a Health Risk Assessment by the District for the purpose of the Hot Spot Act or this rule.~~

Public Notification Requirements:

SCAP requests that it be made clear in the Staff Report that future revisions to “SCAQMD Public Notification Procedures for Facilities Under the Air Toxics ‘Hot Spots’ Information and Assessment Act (AB 2588 and Rule 1402)” be reviewed and vetted by interested parties in public workshops, as well as be subject to Board approval. SCAP greatly appreciates this commitment as discussed at the July 27th Working Group meeting.

Thank you for the opportunity to comment Proposed Amended Rule 1402. Please do not hesitate to contact Mr. David Rothbart of the Los Angeles County Sanitation Districts, SCAP Air Quality Committee Chair, should you have any questions regarding this transmittal at (562) 908-4288, extension 2412.

Sincerely,

A handwritten signature in black ink, appearing to read "John Pastore". The signature is written in a cursive style with a large initial "J" and "P".

John Pastore, Executive Director

cc:

Dr. Philip Fine, SCAQMD