



April 3, 2024

Ginger Vagenas  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street San Francisco, California 94105  
[vagenas.ginger@epa.gov](mailto:vagenas.ginger@epa.gov)

*Submitted electronically via the Federal eRulemaking Portal at <http://www.regulations.gov>*

**Comments on USEPA's Proposed Air Plan Disapproval  
California; Los Angeles - South Coast Air Basin; 1997 8-Hour Ozone  
Docket ID No. EPA-R09-OAR-2023-0626**

Dear Ginger Vagenas,

Clean Water SoCal appreciates the opportunity to comment on USEPA's Proposed Air Plan Disapproval - California; Los Angeles - South Coast Air Basin; 1997 8-Hour Ozone.

Clean Water SoCal represents over 80 public water/wastewater agencies in Southern California who provide essential water supply and wastewater treatment for approximately 20 million people in San Diego, Orange, Los Angeles, Santa Barbara, Riverside, San Bernardino, and Ventura counties. Our wastewater members provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastewater into resources for beneficial uses such as recycled water and renewable energy.

Many Clean Water SoCal member agencies operate public wastewater facilities in the South Coast Air Quality Management District (SCAQMD). In compliance with the most stringent stationary source requirements in the nation that are required by SCAQMD, these public wastewater facilities are already Best Available Control Technology (BACT) and Best Available Retrofit Control Technology (BARCT) compliant. Public wastewater facilities perform an essential public service in all types of communities, including environmental justice communities, and cannot be relocated.

Currently over 80 percent of NOx emissions in the air district are from mobile sources such as trucks, ships, aircraft and locomotives. Even if the emissions from stationary public wastewater



facilities were completely eliminated, it would barely even provide a measurable reduction of ozone forming emissions. Furthermore, eliminating all stationary sources would still not achieve attainment with the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The disconnect in USEPA's full disapproval of the South Coast Air Basin Contingency Measure Plan is that the SCAQMD lacks direct regulatory authority over mobile and federal sources that are the primary emitters of ozone forming emissions. To meet the federal ozone standard, significant reductions in both mobile and federal sources should have occurred prior to the 2023 attainment deadline.

Imposing Clean Air Act (CAA) Section 185 sanctions on essential public service wastewater facilities, essentially fining the public, for non-attainment issues caused by mobile and federal sources not within the control of these public facilities or the local air district was not the intent of the CAA. This public injustice should be avoided with guidance from USEPA targeting mobile and federal source emission reductions to achieve equivalent reductions in the future.

Public wastewater facilities regularly complete upgrades to improve water quality and air quality standards and to improve reliability and resiliency for the protection of public health and the environment. USEPA's disapproval of the SIP could result in a permit moratorium that would jeopardize the ability of these public agencies to collect, transport, and treat wastewater for the public. This could ultimately put all types of communities at risk of infrastructure failure and air or water quality non-compliance.

Clean Water SoCal respectfully requests that:

- USEPA provides a limited approval of the South Coast Air Basin Contingency Measure Plan and works with SCAQMD and CARB to make progress on a practical solution to this problem on behalf of the public. Avoiding unrealistic permit moratoriums and economic sanctions on the public and essential public services over a standard they have no control over should be a priority, and
- USEPA develops guidance to avoid penalties being imposed upon major public stationary sources that are already at BACT/BARCT.

Finally, we have concerns over the potential withholding of highway funds that maintain the regional transportation system we rely on to access our facilities for operation, maintenance, and emergency response.



**CLEAN WATER SoCAL**  
CREATING SUSTAINABLE SOLUTIONS

If there are any questions regarding these comments, please contact me directly at (760) 415-4332 or [sjepsen@cleanwatersocal.org](mailto:sjepsen@cleanwatersocal.org)

Sincerely,

Steve Jepsen

Executive Director – Clean Water SoCal

cc: Martha Guzman, Regional Administrator, U.S. Environmental Protection Agency, Region 9 [guzman.martha@epa.gov](mailto:guzman.martha@epa.gov)

Matt Lakin, Acting Director, Air & Radiation Division, U. S. Environmental Protection Agency, Region 9 [lakin.matthew@epa.gov](mailto:lakin.matthew@epa.gov)

Clean Water SoCal Air Quality Committee