



May 16, 2024

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**Re: Proposed Rule 1445 – Control of Toxic Air Contaminant Emissions from Laser and Plasma
Arc Metal Cutting**

Dear Michael Krause,

Clean Water SoCal appreciates the opportunity to comment on Proposed Rule 1445 – Control of Toxic Air Contaminant Emissions from Laser and Plasma Arc Metal Cutting.

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.

Our members have voiced concerns about the proposed rule, citing numerous burdensome provisions. As discussed in working group meetings, mandating portable enclosures and 100% capture efficiency for portable units poses significant challenges. Many areas within wastewater treatment plants have restricted access, making it impossible to set up portable enclosures. Additionally, portable fume extractors typically fall short of achieving the proposed capture velocity of at least 200 feet per minute. If implemented as drafted, the proposed rule could hinder our ability to maintain infrastructure, potentially impacting our capacity to deliver reliable



essential public services. Therefore, we request either a categorical exemption for these non-manufacturing cutting activities from the proposed rule or, at the very least, the establishment of a low-use exemption.

Additionally, the following comments are provided as a supplement to the verbal comments provided by our members during the May 1st Working Group Meeting:

1. For the definition of “Fixed” under paragraph (c)(9), the use of the phrase “attached to a foundation” may cause an unintended emphasis that brings into question what is the difference between this definition and the term “stationary source” relative to rule applicability and permitting purposes.
2. For the definition of “Grade Level” under paragraph (c)(12), the term does not account for activities conducted below grade level (*e.g.*, in tunnels, vaults, etc.). If the intent is to propose an exemption for such confined space activities, it is suggested to add a definition and an exemption for “Below Grade Level” activities. Moreover, certain grade level cutting activities need to be performed in limited access areas, where portable enclosures cannot be erected. This definition should be revised to address any limited access area. In addition, the definition of “Above Grade Level” under paragraph (c)(1), sets 15 feet criteria to be considered “Above Grade Level.” The proposed definition excludes above grade activities that are below 15 feet but would not be conducive to grade level operations. This definition should be revised to address activities below 15 feet, but above a reasonable working height.
3. As outlined above, Clean Water SoCal has significant concerns about the use of temporary enclosures. In addition, health and safety concerns should be considered for workers required to perform metal cutting within such an enclosure. We request that the proposal to require temporary enclosures be removed from the proposed rule.
4. Under paragraph (d)(1) - Control Device Requirements, the phrase “a Unit shall collect and vent emissions from any Fixed Unit” should be reworded to “any Fixed Unit shall collect and vent emissions” to be more succinct.

Additionally, the requirement to only install filter-based technology to meet the control efficiency of 99.97% or greater on 0.3 micron particles is not technology-neutral as intended by the rulemaking process.

5. Under paragraph (d)(2)(B), is the intent that the owner/operator submit a permit application for the cutting device only, the associated air pollution control device only, or both?



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6. Under paragraph (d)(3), the term “Non-Stainless” should be clarified to be “Non-Stainless Steel”.
7. Under paragraph (d)(4), the term “Stainless” should be clarified to be “Stainless Steel”.
8. Is the intent of Table 1 to indicate the minimum control efficiency for TAC metal cutting should be HEPA or better and for non-TAC metal cutting should be a less than HEPA fabric filter? If so, the phrase “99% or greater on 0.3 micron particles” still represents HEPA filters per EPA (<https://www.epa.gov/indoor-air-quality-iaq/what-merv-rating>). For reference, typical Rule 1155 baghouses/fabric filters are considered to have a control efficiency of 99% for 10 micron particles.

As a separate comment, it is recommended to add language similar to prior adopted/amended rules that takes into account the current length of time for SCAQMD to issue a permit. Therefore, the Effective Date is either a set date or within so many months after the permit is issued (e.g., 18 months), whichever is later.

9. Similar comment as No. 8 above for Table 2. Without listing the particle size for each associated control efficiency percentage, it becomes an “apples to oranges” analysis.
10. Under paragraphs (f)(1), (f)(2), (f)(3) and (f)(4)(B), the term “Unit” is incorrectly used since the term is defined as the cutting equipment not the air pollution control device.
11. Under paragraphs (f)(1) and Table 3, smoke testing is required every 6 months. As noted above, a low use exemption should be provided in the rule. Smoke and capture velocity testing should not be required for de minimis usage at an essential public service facility.
12. With respect to the differential pressure gauge requirement under paragraph (g), alternative compliance verification should be considered for existing, portable fume collectors that have other monitoring mechanisms to determine filter health. For example, many units instead will have a Filter Indicator Light which “comes on if the filters become clogged...actuated by a differential pressure switch contained inside the unit” (reference: diversitech.ca/brochures/owners-manuals-english/Fred-Mini-Vac-II-Maintenance-Manual.pdf)

Also, under paragraph (g)(1)(A), “continuously monitor” should be changed to “continuously monitor, when the APCD is in operation”.
13. Under paragraph (h)(3), (i)(1), (j), (k)(1) and (l)(1), the term “Metal Cutting Facility” implies the facility’s main operation is metal cutting. Instead, the term “facility conducting metal cutting” is more accurate.



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14. For the housekeeping requirements under paragraph (i), such periodic cleaning requirements would not achieve the intended outcome for situations where the flooring is not solid (e.g., above grade level catwalks/grated platform). In addition, under paragraph (i)(B), we request the addition of clarifying language, similar to (i)(A), that the requirement applies when metal cutting operations are conducted. Many fixed units operated by our members are low use, therefore cutting operations may only occur a few times a year.
15. Under paragraph (j)(1), the weekly visual inspection requirement seems excessive specifically for units used for short durations and with infrequent use throughout the year. Portable cutters, which are needed to maintain the essential public services equipment, represent the typical operation at our public wastewater facilities. Accordingly, a categorical low-use exemption is requested. Frequent visual inspections can introduce employee hazards during the inspection process, therefore weekly visual inspections may create unnecessary hazards. When visual inspections are required (i.e., for fixed units), we request additional provisions to allow the use of filter health/pressure gauge information in lieu of a visual media inspection.
16. Under paragraph (l)(1)(A), it appears the exemption applies only if the cutting device is permitted with a condition prohibiting the cutting of any Rule 1401 metal TAC. If so, please confirm that there's a scenario where the unit is not subject to PR 1445 but would be required to obtain a permit (e.g., cutting a nickel alloy >0.1% by weight). Similarly, would cutting a nickel alloy ,between 0 and 0.1% by weight, be subject to this proposed rule?

Finally, we greatly appreciate SCAQMD's interest in performing field demonstrations to validate whether the proposed rule is achievable. We look forward to working with you to ensure the proposed rule will not impact our ability to provide essential public services. If there are any questions regarding this transmittal, please contact me directly at (760) 415-4332 or sjepsen@cleanwatersocal.org

Sincerely,

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Executive Director – Clean Water SoCal

cc: Clean Water SoCal Air Quality Committee