



March 29, 2017

Ms. Karen Marsh
Sector Policies and Programs Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
Research Triangle Park, NC 27711

Submitted Electronically via *www.regulations.gov*:

Re: SCAP Comments on the Proposed National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works, Docket ID EPA-HQ-OAR-2016-0490

Dear Ms. Marsh:

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) respectfully submits comments on the proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for publically owned treatment works (POTW). 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 renewable energy.

Our main concern with the proposed rule is its inappropriate consideration of collection system emissions for applicability in the rule for Group 2 (non-industrial) facilities. SCAP feels that only emissions occurring within the treatment plant boundaries should determine such applicability as that is the best place to implement controls. We also disagree with the economic analysis offered by EPA, and disagree for the need to impose arbitrary removal targets when EPA's own analysis concludes no unacceptable risk is being generated.

Collection System Emissions Are Not Appropriate for the Applicability Determination

SCAP concurs with other commenters on the legal arguments explaining why collection system emissions should not be considered when determining rule applicability. The original rule development history along with existing rule language and case-law should be sufficient, on their own, to justify excluding the collection system emissions. In addition, we wish to point out other reasons why including these emissions is inappropriate for the Group 2 applicability determination.

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The operational jurisdiction for many municipal agencies excludes many miles of collection system that eventually lead into their POTWs. For example, the Los Angeles County Sanitation Districts (LACSD) is a special district providing wastewater services for 78 cities and many unincorporated areas. Although LACSD has an extensive industrial waste source control program, there are hundreds of miles of sewer networks that are maintained by these upstream cities. This regional setup severing operational control is common in many metropolitan areas, not just southern California. In the event EPA considers emissions from the collection system for the proposed regulatory scenario, we are concerned that POTW operators could eventually be responsible for these negligible emission sources.

Wastewater collection systems are enclosed structures that generally are not active emissions sources and often operate in a vacuum condition. It is the experience of many SCAP members that emissions from the collection system are insignificant, and only occur infrequently where active ventilation is needed to prevent flow blockages or at inverted siphons. Additionally, in the reaches closest to facilities, many SCAP members operate their inlet works or primary treatment odor control stations under vacuum, so any meaningful collection system emissions are drawn into permitted sources within the treatment plant boundaries.

Therefore, SCAP formally requests that the text on page 95385 of the Preamble suggesting to “clarify that the rule applies to all parts of the POTW and not just the treatment plant portion.” be removed.

EPA’s Economic Analysis Neglects Significant Costs

Although it may be EPA’s intent to not expand the list of facilities regulated by the rule, it cannot neglect the possibility that, of the 16,000 POTWs in the nation, more could be regulated, and each POTW impacted could bear significant additional costs to control minimal collection system emissions. Many SCAP member agencies are keenly aware of the cost for compliance for this rule, because they have already implemented many of the rule requirements to proactively and voluntarily control odors and emissions. For example, one SCAP member agency installed over 300,000 square feet of primary treatment covers for odor control purposes. The capital cost of that installation was roughly \$13.4 million. Additionally, that same agency installed associated headworks and primary treatment odor control stations and ductwork with a capital cost of roughly \$67.5 million. Although these capital costs are site-specific, EPA should conduct a more thorough economic analysis considering on-site controls anticipating that more facilities could be affected by the rule.

In addition, EPA did not properly consider the analysis costs for both existing and future sources. Any effective monitoring program must include analyses to confirm loadings and emissions of HAPs, and a valid monitoring effort must include duplicates and blanks. To demonstrate effective HAPs control on-site, gas samples with replicates and blanks will be required, so a POTW treatment plant could incur very significant costs attempting to characterize and control trivial sources of HAPs. Bear in mind, sampling at the point of entry to the POTW treatment plant cannot tell the operator where the specific source of HAPs originated; significant

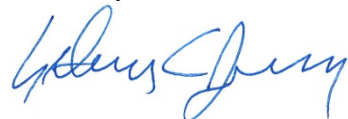
upstream sampling could be required. A quick calculation shows that a POTW may spend over \$2,000 per a single sampling event for a single sample point because multiple analytical test methods are required to cover most of the HAP list.

Emission Controls Are Not Justified by Risk Results

EPA's own risk analysis shows that no concern is justified for risks from existing emissions. Therefore, it is difficult for SCAP to understand why, if the risk is minimal, EPA is implementing control metrics for existing POTW treatment plants. Instead of implementing an arbitrary 0.08 performance target for existing facilities that have been proven to have no risk, perhaps a better approach might be to require best management practices until emissions can be shown to be impactful.

Thank you for the opportunity to provide comments on the proposed changes to the POTW NESHAP. Please do not hesitate to contact Mr. Patrick Griffith of the Los Angeles County Sanitation Districts should you have any questions at (562) 908-4288, extension 2117.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Jepsen".

Steven Jepsen, Executive Director, SCAP

cc: Cynthia Finley – NACWA