March 6, 2020

SUBMITTAL VIA EMAIL TO: RCave@baaqmd.gov

Mr. Robert Cave, BAAQMD
375 Beale Street, Suite 600
San Francisco, CA 94105

SUBJECT: COMMENT LETTER ON THE REVISED PROPOSED BAAQMD RULE 13-2: ORGANIC MATERIAL HANDLING OPERATIONS

Dear Mr. Cave:

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to submit comments to the Bay Area Air Quality Management District (BAAQMD) on the revised proposed Regulation 13, Rules 2. BACWA is a joint powers agency whose members own and operate publicly-owned wastewater treatment works (POTWs) that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay (SF Bay) Area. BACWA members are public agencies, governed by elected officials and managed by professionals who protect the environment and public health. We have an active committee structure with our Air Issues and Regulations (BACWA AIR) Committee charged with working cooperatively with Regulators to address air quality and climate change issues.

We also recognize and support the State in pursuing reductions in methane emissions under Senate Bill 1383 (SB 1383). To accomplish the mandated reductions, one pathway being considered under SB 1383 is the diversion of organic waste from landfills to reduce the methane resulting from anaerobic decomposition. In the final draft regulatory text for SB 1383, in vessel anaerobic digestion and composting are recognized as the viable means for the diversion and processing of organic waste to successfully reduce methane emissions.

Most POTWs (and BACWA members) in the SF Bay use anaerobic digestion for stabilization of sewage sludge into biosolids, with one member operating a compost facility and others considering compost as a potential future option. State agencies have made it clear they are looking to POTWs to use existing infrastructure to accept and recycle diverted organic waste to achieve the SB 1383 mandates. We also understand that the BAAQMD would like to see existing facilities avoid increases of methane, odors, and volatile organic compound (VOC) emissions given the expected increase in pre-processed (slurried) organic waste to be received by these facilities for recycling purposes. Because the wastewater sector operates both anaerobic digestion and composting facilities within BAAQMD's nine-county jurisdiction, BACWA is actively participating in the Regulation 13 rule development.

Building upon comments submitted in July 2019 (on the proposed Rule 13-2 and Rule 13-2 Workshop Report) and October 2019 (responding to wastewater-specific requests for information on organic waste and biosolids handling at POTWs), the remainder of this letter provides comments on the revised proposed Rule 13-2 for your consideration – keeping in mind

the purpose of the Rule as stated in the revised draft is to minimize emissions of methane and volatile organic compounds (VOCs) from material recovery facilities, transfer stations, and chipping and grinding operations that handle or store municipal solid waste, organic material, or mixture thereof.

Requesting an Exemption for Wastewater Treatment Operations

As described in BACWA's October 2019 response to BAAQMD's request for information on the handling of organic waste and biosolids at POTWs, POTWs receive preprocessed organic waste from material recovery facilities and transfer stations to extract energy and recycle it into a beneficial biosolids product per EPA's Title 40 Code of Federal Regulations Part 503 (40 CFR Part 503). Additionally, CalRecycle has designated in-vessel digestion at POTWs an excluded activity in their processing rules for hauled-in anaerobically digestible material under specified conditions (Title 14 CCR, Division 7, Chapter 3.2, Section 17896.6). Per the definitions for material recovery facilities, transfer stations, and chipping and grinding operations in Section 13-2-200 and considering CalRecycle's POTW exclusion, **BACWA requests that wastewater treatment operations be given an explicit exemption from the proposed Rule 13-2**, as the developing Rule 13-4 will address the appropriate operations at a POTW.

Should BAAQMD elect to not exempt POTWs, we provide specific comments to the revised proposed Rule for your consideration:

- ***General comment***: The term wastewater is one word, not two words (or "waste water"). **We recommend replacing references to "waste water" with "wastewater" throughout the proposed Rule 13-2.**
- ***Regarding 13-2-101:*** The rule description states the focus is to reduce volatile organic compounds (VOCs) and methane. However, some of the proposed requirements in Section 301 (Organic Material Handling Requirements) target odor control. If the purpose of the rule is to also manage odor control (as in previous drafts), that should be stated and the specific standards and testing requirements should be revised to reflect that. That said, the recommended walls and roof in Section 13-2-301.1 (1.1) have little effect on methane, VOCs, or odor emissions. These provisions add compliance cost without associated environmental benefit. Refer to BACWA's comment letter submitted in October 2019 for additional details.
- ***Regarding 13-2-203 Definition of Biosolids:*** The definition of biosolids remains incomplete and inaccurate, as there are specific standards (40 CFR Part 503) that must be satisfied in order for treated sewage sludge to be referred to as biosolids. **BACWA recommends the definition of Biosolids be modified to read as follows:**
  "Biosolids: Solid, semi-solid, or liquid residue resulting from the treatment of domestic sewage sludge that meets the EPA pollutant, pathogen, and vector control requirements for land application and surface disposal (i.e., 40 CFR Part 503 and the State Water Board's General Order)."
- ***Regarding 13-2-301.1 Existing Transfer Stations and MRFs:***
  - (1.2) The type of emissions the misting system is designed to minimize should be specified. A misting system could, if designed with an odor reducing agent, reduce odors but would not be effective in reducing methane or VOC emissions. Misting should only be required as necessary to prevent exceedances of the Regulation 7 odor standards.

- ***Regarding 13-2-301.2 New or Modified Transfer Station or MRFs:***
    - (2.2) The pressure differential (of no less than 0.013 millimeters of mercury (0.007 inches water) does not match the American Institute of Architects standard. Please confirm how this pressure differential was determined.
    - (2.2) The opening across which the pressure differential is supposed to be measured is stated as being greater than 10 square feet; however, a standard door is 36 inches by 80 inches (i.e., 20 square feet). **BACWA recommends replacing "greater than 10 square feet" with "equal to or greater than 20 square feet."**
    - (2.3) A reduction of 80 percent by weight of methane and VOCs through a control device may not be a feasible standard. Operations that generate low levels of emissions should not be held exclusively to the percent reduction standard. For example, biofilters may not be able to achieve 80 percent destruction efficiency – especially under low inlet concentration conditions. In the absence of adequate biofilter options to achieve the required emissions reduction, a facility could be required to install thermal oxidation resulting in secondary emissions of nitrogen oxides, as well as increasing natural gas consumption. **BACWA recommends including a de minimis VOC emission standard below which, installation and operation of an emission control device would not be required. This will avoid installation and operation of unnecessary equipment that could result in a net increase in emissions.**
- ***Regarding 13-2-405 Initial and Annual Demonstration of Control Efficiency:***
    - The proposed demonstration compliance requirements state that "annual" source testing must be conducted at least every "15 months." These deadlines are inconsistent. **BACWA recommends using the date of the first compliance test as the annual compliance day and month for future annual compliance tests.** Additionally, the annual compliance test should be conducted no earlier than 3 months before the annual compliance day and month and no later than 3 months after the annual compliance day and month**.**
- ***Regarding 13-2-500 Monitoring and Records:***
    - (502.3) Recordkeeping Requirements with respect to Pressure Differential for New or Modified Transfer Stations and MRFs require daily pressure readings - a properly designed system will meet the negative pressure requirements when it is in operation. Periodic checks to ensure proper operation are appropriate, but daily readings of each pressure gauge are unnecessary and may cause undue burden on operators.
    - (502.4, 4.4) Storage or Stockpiling of Organic Material or Putrescible Material requirements are defined in Section 13-2-605 – while the proposed language requires daily monitoring of stockpile temperature and specifies where to do so in the stockpile, it does not specify temperature standards that must be achieved. In the absence of a standard, temperature monitoring requirements should be eliminated.

We very much appreciate the willingness of the BAAQMD staff to continue working collaboratively with BACWA in the development of the Rules supporting Regulation 13.

BACWA supports BAAQMD's efforts to protect the Bay Area's air quality.

We would be happy to discuss any questions regarding the information provided. Nohemy Revilla and Randy Schmidt, BACWA AIR Committee Co-Chairs, can be reached at NRevilla@sfwater.org and RSchmidt@centralsan.org, respectively.

Sincerely,

Lorien Fono
BACWA Executive Director

Cc: BACWA Executive Board
Nohemy Revilla, BACWA AIR Committee Co-Chair
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Courtney Mizutani, BACWA AIR Committee Project Manager
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