



BACWA - BAAQMD Implementation Workgroup Meeting Summary

Date: July 18, 2022
Time: 3 – 5 PM
Location: MS Teams
Attendees: Victor Douglas, Carol Allen, Pamela Leong, Sanjeev Kamboj, and Jerry Bovee (BAAQMD); Lorien Fono (BACWA ED); Jason Nettleton (San Jose, BACWA AIR Committee Co-Chair); Lori Schectel (Central San); Jackie Zipkin (EBDA); Robert Schlipf (RWQCB); Courtney Mizutani (Mizutani Environmental); Sarah Deslauriers (Carollo)

Notes provided below are based on the discussion by agenda item.

1) Introductions & Workgroup Objective

We opened with introductions and by reviewing the objectives for the group.

Forum to facilitate a collaborative relationship to further our common goals related to:

- *Permit process*
- *Inspections*
- *Rule development*
- *Standard permit conditions*
- *Best available control technologies*
- *Balancing competing regulatory priorities*

2) Overview of Previous Meeting: Decisions & Action Items

BACWA to resend the POTW planning/design/construction process document submitted (already provided to BAAQMD) to explain the longer timeline associated with public projects.

Sanjeev to consider and confirm proposed dates for future meetings:

- Monday, October 17th
- Monday, January 30th
- Monday, April 17th

3) Collaborative Fact-Finding: BACWA & Regional Water Board

Robert provided several examples of collaboration between the Regional Water Quality Control Board (RWQCB or Regional Water Board) and BACWA. The Regional Water Board shared that it has observed that open communication and collaboration saves staff time for both the regulators and the regulated community. Robert provided examples where early communication allowed for collaborative discussions and scientific research to take place in support of developing regulatory requirements based on sound science.

4) Air Toxics: Intersection of State & BAAQMD Regulations

Sarah presented information on how BAAQMD Rules 2-5 and 11-18 intersect with State requirements under AB 617 (Criteria Air Pollutant and Air Toxics Reporting, CTR) and AB 2588 (Air Toxics Hot Spots Program and Emissions Inventory Criteria and Guidelines, EICG). While the implementation schedules for these regulations do not fully align, the timeline approved by

CARB for the statewide two-step process being performed by the waste sector (including POTWs) will include collection of data that will inform the current efforts for POTWs under BAAQMD Rule 11-18. BACWA to engage BAAQMD staff into that process (see item 5 below).

5) Wastewater Sector Two-Step Process (EICG Section IX.H)

The California Association of Sanitation Agencies (CASA) is spearheading the statewide effort to engage with the local Air Districts to 1) scan for and identify detectable compounds and 2) develop sampling and analysis protocols so that data collected across the state is suitable for use in quantifying the emissions of those compounds. The plan is to engage with Air Districts statewide beginning with BAAQMD, SCAQMD, SJVAPCD, San Diego APCD, and SMAQMD, then work with CAPCOA to perform outreach to the remaining Air Districts across the state. This process will require four to five years at an estimated cost of approximately \$10 million. Working as a statewide effort (vs requiring individual sampling) will save time and responsibly utilize public funds by developing a shared database of emission factors reflecting geographic, process, and service area characteristics.

BAAQMD requested that Carol Allen, Jerry Bovee, Marco Hernandez, Brenda Cabral, and Pam Leong be involved in the CASA-CARB-Air District statewide effort. Jerry noted that Source Control staff should be involved from start to finish and to consider the guidelines BAAQMD has regarding how non-detects are handled as part of the discussions. This effort and the associated meetings will be separate from and in addition to this Implementation Workgroup.

Carol requested BAAQMD be involved in the selection of POTWs for field sampling. She also noted that BAAQMD is only looking at compounds with health effects values in Rule 2-5 (see Table 2-5-1) when performing the health risk assessments (HRAs) under Rule 11-18. Carol noted that BAAQMD plans to start working on HRAs for the POTWs with higher preliminary risk numbers as the Two-Step Process begins. There will be several opportunities for the facilities to review and comment during the Rule 11-18 HRA process, including the preliminary draft HRA prior to the release of the public draft.

6) Other Opportunities for Collaboration

Jason presented information on the South Bay Odor Study. BACWA would like to be engaged on efforts like this earlier in the process, providing impacted facilities the opportunity to contribute to BAAQMD's understanding of processes and emissions before presenting information to the public. Preliminary results of the South Bay Odor Study were presented along with preliminary thoughts on mitigation measures to the facilities at the same time as the public. There is now concern that public expectations will not reflect realistic and meaningful mitigation measures. Jason noted that San Jose-Santa Clara Regional Wastewater Facility would like to provide input.

Jerry acknowledged that while BAAQMD wanted this study to be independent, the final draft report was expected at the end of July. BAAQMD would share the final draft report for BACWA's review prior to posting on the website (fall). Jerry stated there would be opportunities to work together to manage public perceptions going forward, and that the Odor Study could be used as a starting point for future collaboration on this work

PM 2.5 Local Risk Methodology Development is an Emission Inventory Group Project looking at health risk and mortality from PM2.5. Carol said in addition to looking at the methodology, the group would also be looking at how to include this methodology into rule development and new source review. Victor suggested that the impacted regulations could include Rule 11-18 and Regulation 6. BAAQMD is not yet engaging the public, though there are Advisory Council meetings where BACWA could participate. A white paper is anticipated to be finalized by the end of the year. It was suggested that Phil Martien (Assessment Inventory & Modeling) and

David Holstius (Planning & Climate Protection) be invited to the Implementation Workgroup meetings.

Victor acknowledged that Regulation 13 remains on hold and it is unlikely that there will be any development this year.

Sanjeev noted that there are staffing shortages at BAAQMD. Pam noted there is a management audit underway and they are unable to hire more staff in Engineering and it is a low priority at this time. She would like to better understand the project process at POTWs to help streamline the permitting process.

Pam noted that a retiree has been brought back to edit the Permit Handbook, as well as standard permit conditions and Sarah noted that BACWA engaged with BAAQMD regarding updates to standard permit conditions pre-pandemic. Sarah will provide BACWA's suggested edits to the Anaerobic Digestion (including flaring), Organic Waste Handling, and Co-Generation standard permit conditions. Pam stated that BAAQMD could share their updates for the regulated community to comment but they are working to get the Permit Handbook updated this year.

7) **Action Items**

- a. BAAQMD (Sanjeev) to schedule quarterly 2-hour meetings for the next 12 months. BACWA proposed the following dates: October 17, 2022; January 30, 2023; April 17, 2023.
- b. BACWA to engage BAAQMD in the statewide Two-Step Process. BAAQMD staff to be included in the process include Pam Leong, Carol Allen, Brenda Cabral, Jerry Bovee, and Marcos Hernandez. Other BAAQMD staff will be included as appropriate.
- c. BAAQMD to include BACWA (specifically San Jose-Santa Clara RWF) in the Odor Study.
- d. BACWA to provide standard permit conditions edits to Sanjeev. The standard permit conditions are currently being updated by BAAQMD so this is a timely contribution to that process.
- e. BACWA to resend POTW planning process document per Sanjeev's request.
- f. BAAQMD to include BACWA in PM 2.5 Local Risk Methodology Development. Pam to invite BACWA representatives to the next meeting.