



January 19, 2024

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ELECTRONIC SUBMITTAL to: nsandhu@baaqmd.gov

SUBJECT: Fairfield Suisun Sewer District (A/N #31318),
Public Notice Response BAAQMD

Nimrat Sandhu,

The Bay Area Clean Water Agencies (BACWA) appreciates the opportunity to provide sector feedback on FSSD's draft permit. 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.

As public agencies and fellow environmental stewards, POTWs support BAAQMD's mission to improve air quality and promote environmental justice in the region. As such, our members work diligently to manage emissions from our facilities while performing an essential public service of wastewater treatment. POTWs assess each system improvement in close coordination with BAAQMD staff to determine the appropriate considerations that need to be accounted for in their planning to remain compliant and responsibly invest ratepayer funds.

Additionally, BACWA members are working to support the state in its efforts to mitigate climate change not only by managing POTW emissions, but by recovering renewable resources (such as digester gas) to offset fossil fuel-based electricity and natural gas purchases to be more resilient. In fact, the Air Resources Board (CARB), State Water Resources Control Board (SWRCB) and CalRecycle acknowledge available existing digester capacity at POTWs across the state as one of the most viable pathways for recycling diverted organic waste in support of implementation of SB 1383 to reduce statewide methane emissions

BACWA has strived to engage with BAAQMD staff to collaborate on our joint mission of environmental protection. One point of emphasis has been the need for standard permit conditions

for wastewater treatment facilities so our members can install systems and equipment that meet BAAQMD requirements. The proposed draft permit condition that applies to the biogas conditioning system, described in the engineering evaluation as S63, imposes significant new requirements without an underlying change in regulatory justification, change in technology, or significant input from the regulated community. The new condition effectively bypasses the rule-making process by expanding the reach of an existing rule to an industry that is not related to the target of the rule.

BACWA has issued standing offers to BAAQMD to assist with the development of proposed Rule 13-4 and to develop standard permit conditions for wastewater treatment facilities. Either of these two pathways would be a collaborative process that would ultimately lead to better results for all affected parties. BAAQMD would achieve more robust, effective, and enforceable requirements while our members would have less uncertainty as we implement projects to improve water quality in the San Francisco Bay.

BACWA's specific comments on FSSD's draft permit are as follows:

1. The inspiration for the condition for S63, Rule 8-18, applies to "equipment leaks at refineries, chemical plants, bulk plants, and bulk terminals" based upon potential cumulative increases of fugitive emissions at those facilities. The [September 2021 staff report](#) that accompanied the most recent revisions to this Rule explicitly states, "Facilities currently not subject to a petroleum refinery rule are not now swept into one" and it was stated that there is no intent in the rule-making process to cover other facilities under this Rule. However, the Rule is now being applied to this wastewater project in direct contradiction to the stated intent of the rule. The permit engineer acknowledges that wastewater treatment plants are not refineries several times in the draft engineering evaluation but states that "it will be conservative" to require monitoring. This approach significantly expands the scope of permitting actions by including requirements on equipment that is not an emission source. Potential expansion of monitoring requirements at wastewater treatment facilities can be evaluated during the proposed Rule 13-4 rulemaking process.
2. Common practice for POTWs (and any sector) is to follow the Permit Handbook and engage in state and BAAQMD level regulatory development for relevant existing and new regulations. BACWA presented proposals for standard draft permit conditions for sources at wastewater treatment facilities including the equipment covered in the FSSD permit application in September 2019 and submitted draft conditions with tracked changes in 2020 and again in 2023. Multiple offers to engage in a discussion of these conditions have not been accepted. Instead, a part of the engineering group which is not typically assigned to the wastewater sector has chosen to impose new conditions without regard to the BAAQMD rule-making process or the implications of the changes to the wastewater industry.
3. The biogas pretreatment system is identified as a source (S63); however, the pretreatment system is an abatement device and has been permitted as such for POTWs. The pretreatment system has no meaningful potential for emissions and should not be the subject of onerous requirements designed for large emission sources at oil refineries. Again, the Air District is imposing requirements typical for refineries, chemical plants, etc. on flanges, connections, and other units without evidence of emissions or a rule-making process to support it.

BACWA Comments on Fairfield Suisun Sewer District Permit (A/N #31318)

We hereby renew our offer for collaboration and request a meeting with critical staff at BAAQMD to discuss this proposed condition and the process that led to it being in the draft evaluation. The unnecessary requirements represent significant barriers which could impede plans for wastewater treatment plans to improve water quality and reduce greenhouse gas emissions if adopted as proposed. Please contact me at lfono@bacwa.org.

Sincerely,

A handwritten signature in cursive script, reading "Lorien Fono".

Lorien Fono
BACWA Executive Director

Cc: Dr. Philip Fine, BAAQMD Executive Officer
Greg Nudd, Deputy Executive Officer of Science and Policy, BAAQMD
Elizabeth Yura, Director of Rules Division, BAAQMD
Pamela Leong, Director of Engineering, BAAQMD

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