

BACWA-BAAQMD Implementation Workgroup Meeting Agenda

Date: June 3, 2024

Time: 1:30-3:30 pm

Location: BAAQMD Offices (375 Beale Street Suite 600, San Francisco) and [MS Teams](#)

- 1) **Introductions (All)**
- 2) **Outlook on Engagement**
 - a) Update from BAAQMD on Status of Report to BAAQMD Board (see attached)
 - b) Update from BAAQMD on Status of Edits to Standard Permit Conditions
 - c) Update from BAAQMD on Source Testing
 - i) Comparison of EPA and BAAQMD Methods
 - ii) Guidance on Report Formatting
 - d) Update from BAAQMD on Future BACT Determination Process and Guidebook Updates
 - e) Update from BAAQMD on Status of Rule 11-18 Amendments
 - f) Update from BACWA on the CASA Statewide Air Toxics Pooled Emissions Study Coordination
 - i) BAAQMD Point of Contact Needed
 - g) Update from BAAQMD on Strategic Planning Initiative
 - i) Management Audit
 - ii) Staffing Update
 - iii) 5-Year Plan
 - iv) White Papers on Future Regulations (Regulation 13)
- 3) **Other Opportunities for Collaboration between BACWA and BAAQMD**
- 4) **Decision/Action Item Summary**
- 5) **Next Meetings**
 - a) **Quarterly Meeting:** TBD – Monday, September 9, 2024?
- 6) **Adjourn**

Subject	Actions	Lead	Initiated	Status	General Comment
Report to BAAQMD Board on Workgroup Activities	<i>BACWA to update draft report, then send to BAAQMD staff for final edit.</i> <i>BAAQMD to include Report in BAAQMD Board meeting packet.</i>	BACWA BAAQMD	2/2023 4/2023	Pending Pending	BACWA provided a draft report 6/12/2023, to be reviewed and included in the BAAQMD Board packet. 2/28/2024 BACWA to review and update draft if necessary. Current draft is attached.
Edits to Standard Permit Conditions	<i>Brenda and Sanjeev to respond to edits and propose additional SPCs for BACWA review. Sanjeev to send SPCs to Jerry.</i> <i>Consider source testing in permit conditions. Pam noted that revisions to the Permit Handbook include Source Testing to review SPCs (permit engineer/supervisor to consult with Source Testing).</i>	BAAQMD BAAQMD	2/2023 7/2022	Pending Pending	BACWA to work directly with Brenda Cabral and copy Sanjeev on emails. BAAQMD to provide feedback to BACWA.
Standard formatting for source test results	<i>Jerry offered that BAAQMD could provide comparison of EPA guidance and BAAQMD requirements.</i>	BAAQMD	6/2023	11/2023 - Pending	BAAQMD and source test specialists are under-resourced. Standardization would save source test specialists and facilities time.
Rule 11-18 Amendments	<i>BAAQMD amending Rule 11-18.</i>	BACWA	2/2024	Ongoing	BACWA to engage with Rulemaking process. Comment letter submitted 2/29/2024.
BAAQMD / CASA Air Toxics Pooled Emissions Study Coordination	<i>Coordination via CASA and with CARB. Sanjeev and Brenda would like to provide input on Bay Area facility selection for source testing.</i> <i>BACWA will send out invitation for meeting with CARB/CAPCOA/Air Districts.</i>	CASA BACWA	12/2020	Ongoing Pending	First meeting with BAAQMD 12/7/22. Track alignment between CARB two-step process and BAAQMD Rule 11-18 implementation.
Engage BACWA in BAAQMD Strategic Planning	<i>Include EO Fine in future Workgroup meetings as an opportunity to engage with him and update him on workgroup activities.</i> <i>BACWA will track Finance and Administration Committee agendas to identify opportunities to engage in Strategic Planning.</i>	BAAQMD BACWA	2/2023 2/2023	Pending Ongoing	Met with EO Fine and Deputy APCOs 2/29/2024 BAAQMD is undergoing an internal management audit.
Review PM 2.5 Local Risk Method	<i>BACWA to monitor Stationary Source, Advisory Council, and Community Advisory Council meetings. Update expected later in 2024.</i>	BACWA	7/2022	Ongoing	BAAQMD finalizing draft methodology and sending OEHHA.
Nitrous Oxide Emissions	<i>BAAQMD to planning to develop white paper. May become part of Regulation 13, if there needs to be a rule.</i>	BAAQMD	6/2023	Pending	Rule Development assigned Chris Easter as contact for white paper development.

**BACWA-BAAQMD
Implementation Workgroup
Draft Meeting Summary**

Date: February 28, 2024
Time: 12-2 pm
Location: Zoom
Zoom Link: Link provided in meeting invite
Call-in: Details provided in meeting invite

- 1) **Introductions – BACWA** – Lorien Fono, Jackie Zipkin, Jason Nettleton, Lori Schectel, Amit Mutsuddy, Chris Dembiczak, Nohemy Revilla, Rita Cheng, Arvind Akela, Meg Herston, Courtney Mizutani, Sarah Deslauriers, Ray David; **BAAQMD** – Carol Allen, Sanjeev Kamboj, Greg Nudd, Jerry Bovee, Pamela Leong, Simrun Dhoot, Meredith Bauer, Viet Tran
- 2) **Overview of Previous Meeting: Decisions and Action Items**
(see table on following page for detailed status updates)
- 3) **Outlook on Engagement**
 - a) Update from BAAQMD on Status of Report to BAAQMD Board – Not yet submitted to Board. Greg asked BAAQMD to review what was submitted previously and see if it needed to be updated. BACWA will review/update and send it back to Greg.
 - b) BACWA to Provide Summary of Source Test Workshop and Next Steps – First Source Test Workshop was November 2023. Additional concerns came out of that meeting regarding potential confusion between test methods approvable by Source Testing and permit requirements. BACWA requested a written guidance document to provide more certainty around source testing requirements (like stack diameters and heights, as well as test methods). Jerry wants to work with BACWA to establish standardization. BAAQMD to work internally then reach out to BACWA. Pam noted that Sanjeev and Brenda are working on the permit handbook, and that should provide some standardization. Pam’s group will meet with Jerry to discuss source testing.
 - c) Following the Established Process for Policy Decisions – BACWA supports a systematic approach to rule development, where stakeholders can provide input to the process and help BAAQMD understand how rules impact the regulated community. There was discussion around two recent examples where potentially precedential policy decision were being made through the permit application process, rather than via rulemaking. Both situations seem to have been resolved after BACWA input.
 - i) FSSD – Monitoring of fittings as required at refineries
 - ii) SVCW – POC and NPOC limits
 - d) Update from BAAQMD on Future BACT Determination Process and Guidebook Updates – Tier 4 is planned for standby ICE > 50 hp. Posting is expected at the end of Q1, with workshops Q2 2024. Already achieved in practice in Sac Metro AQMD and SJVAPCD. Carol noted to plan for diesel PM filers; NOx controls depend on emissions. It is easy to trigger BACT or TBACT requirements.
 - e) Update from BAAQMD on Strategic Planning Initiative

- i) Management Audit – Finance & Administration will receive the audit report on March 20 and be able to review the corrective plan. In the meantime, BAAQMD continues to work to reduce vacancies. Some retired staff are returning to help out, and hopefully there will be new engineering positions authorized.
 - ii) Staffing Update – There are still three open Air Quality Engineer positions (out of 73). These are not all permit writers.
 - iii) 5-Year Plan – Greg reported that the strategic planning will hopefully go to the Board this summer. It will be presented to the Finance & Administration Committee first.
 - iv) White Papers on Future Regulations – Greg reported that Chris Easter has been assigned to develop a white paper looking at nitrous oxide emissions. This may become part of Regulation 13, if it is determined a rule is necessary. BAAQMD wants to be health protective. BACWA would like to support Chris in the white paper development as it relates to POTWs. Greg also noted that BAAQMD needs to change the way that backup generators are permitted, for example, looking at non-fossil fuel options or process streamlining.
 - f) Update from BAAQMD on Status of Edits to Standard Permit Conditions – So far, BACWA has submitted three draft SPCs for BAAQMD’s consideration. Sanjeev reported no updates yet. He expects there to be something to report by the next meeting in June.
 - g) Update from BAAQMD on Status of Rule 11-18 Amendments – Comment period on the draft Concept Paper is open. (note: post-meeting BACWA submitted comments 2/29/2024). There will be a status report to the Stationary Source Committee on 3/13/2024. Updated draft rule language is anticipated summer/fall 2024. There will be an opportunity for stakeholders to respond at that time. Carol noted that key proposed changes included an annual update to the facility list (following the annual submittal of emissions to CARB each October), identifying opportunities to reduce the time to implement risk reduction plans, and changes to the HRA process. BACWA expressed an interest in making sure firms that might be approved to conduct the HRAs are familiar with the type of facilities that are being modeled, while recognizing potential conflicts of interest.
 - h) Update from BACWA on the CASA Statewide Air Toxics Pooled Emissions Study Coordination – Sarah reported that due to staff changes at CARB, the anticipated meeting with CARB and the air districts is expected in Q2 2024.
- 4) **Other Opportunities for Collaboration between BACWA and BAAQMD**
- 5) **Decision/Action Item Summary**
- 6) **Next Meetings**
- a) **BACWA Meet and Greet with EO Phil Fine:** February 29th
 - b) **BACWA Annual Members Meeting:** May 3rd 8:30-3:30, Bower Center Berkeley
 - c) **Quarterly Meeting:** June 3rd, 1:30-3:30, in person at BAAQMD offices/ hybrid
- 7) **Adjourn**

Subject	Actions	Lead	Initiated	Status	General Comment
a) Engage BACWA in BAAQMD Strategic Planning	<i>Include EO Fine in future Workgroup meetings as an opportunity to engage with him and update him on workgroup activities.</i>	BAAQMD	2/2023	Ongoing	Met with EO Fine and Deputy APCOs 2/29/2024
	<i>BACWA will track Finance and Administration Committee agendas to identify opportunities to engage in Strategic Planning.</i>	BACWA	2/2023	Ongoing	BAAQMD is undergoing an internal management audit.
b) Rule 11-18 Amendments	<i>BAAQMD amending Rule 11-18.</i>	BACWA	2/2024	Ongoing	BACWA to engage with Rulemaking process. Comment letter submitted 2/29/2024.
c) Edits to Standard Permit Conditions	<i>Brenda and Sanjeev to respond to edits and propose additional SPCs for BACWA review. Sanjeev to send SPCs to Jerry.</i>	BAAQMD	2/2023	Pending	BACWA to work directly with Brenda Cabral and copy Sanjeev on emails. BAAQMD to provide feedback to BACWA.
	<i>Consider source testing in permit conditions. Pam noted that revisions to the Permit Handbook include Source Testing to review SPCs (permit engineer/supervisor to consult with Source Testing).</i>	BAAQMD	7/2022	Pending	
d) Standard formatting for source test results	<i>Jerry offered that BAAQMD could provide comparison of EPA guidance and BAAQMD requirements.</i>	BACWA	6/2023	Complete	Source Testing Workshop 11/6/2023. Others to follow. BAAQMD and source test specialists are under-resourced. Standardization would save source test specialists and facilities time.
		BAAQMD	6/2023	11/2023 - Pending	
e) BAAQMD / CASA Air Toxics Pooled Emissions Study Coordination	<i>Coordination via CASA and with CARB. Sanjeev and Brenda would like to provide input on Bay Area facility selection for source testing. BACWA will send out invitation for meeting with CARB/CAPCOA/Air Districts.</i>	CASA	12/2020	Ongoing	First meeting with BAAQMD 12/7/22. Track alignment between CARB two-step process and BAAQMD Rule 11-18 implementation.
		BACWA		Pending	
f) Review PM 2.5 Local Risk Method	<i>BACWA to monitor Stationary Source, Advisory Council, and Community Advisory Council meetings. Update expected later in 2024.</i>	BACWA	7/2022	Ongoing	BAAQMD finalizing draft methodology and sending OEHHA.
g) Nitrous Oxide Emissions	<i>BAAQMD to planning to develop white paper. May become part of Regulation 13, if there needs to be a rule.</i>	BAAQMD	6/2023	Ongoing	Rule Development assigned Chris Easter as contact for white paper development.
h) Report to BAAQMD Board	<i>BACWA to update draft report, then send to BAAQMD staff for final edit. BAAQMD to include Report in BAAQMD Board meeting packet.</i>	BACWA	2/2023	Pending	BACWA provided a draft report 6/12/2023, to be reviewed and included in the BAAQMD Board packet. 2/28/2024 BACWA to review and update draft if necessary.
		BAAQMD	4/2023	Pending	

BAAQMD Board Update

BAAQMD-BACWA Implementation Workgroup

The wastewater sector is BAAQMD's partner in community protection. It is regulated by BAAQMD as well as other regional and state agencies, necessitating coordination on projects to address multiple environmental goals and regulatory objectives. As Regulation 2 was amended in 2021, BAAQMD staff recognized that need and proposed engaging more closely with the wastewater sector to help facilitate its implementation. As a result, BAAQMD established the wastewater-focused Implementation Workgroup.

The Workgroup consists of leadership from BAAQMD staff and the Bay Area Clean Water Agencies (also referred to as BACWA). BACWA is a joint powers agency whose members own and operate publicly-owned wastewater treatment works that collectively provide sanitary services to over 7.1 million people in the nine-county San Francisco Bay Area. The Workgroup will work to facilitate implementation of Regulation 2 amendments and will remain in place to address other regulatory concerns, such as toxic air contaminant reduction, future rule development, permit issuance, and best available control technology determination.

Since the Workgroup began, the Implementation Workgroup has met seven times (March, July, and October 2022, and February, June, and September 2023, and February 2024) focusing on the topics of Regulation 2 implementation, the wastewater sector's statewide air toxics study, BAAQMD's permitting process (including staffing needs), as well as source test reporting and standard permit conditions. The intent is to continue meeting quarterly to work toward increasing efficiency in the permitting process for critical wastewater projects in balance with various regulatory objectives.

Specific topics covered during the first seven meetings are provided below for reference:

March 2022 (Kick-Off):

- Regulation 2 Amendments Summary
- Implementation Workgroup – Objectives and Considerations
- Implementation Workgroup – Future Meeting Dates and Logistics

July 2022

- Intersection of BAAQMD and State Regulations (Rule 2-5, Rule 11-18, AB 617/AB 2588 – CTR and EICG Updates)
- Statewide Wastewater Sector Air Toxics Study: Two-Step Process (BAAQMD coordination)
- Other Opportunities for Collaboration (PM_{2.5}, South Bay Odor Study)

October 2022

- Statewide Wastewater Sector Air Toxics Study: Two-Step Process and BAAQMD Rule 11-18
- Permitting Process and Timelines (permit flow tracking, critical path permitting)

- Source Test Concerns (timely notification of new test methods, report review and approval)

February 2023

- Statewide Wastewater Sector Air Toxics Study: Two-Step Process and BAAQMD Rule 11-18
- Permitting Process and Timelines
- Source Test Concerns (including compliance and enforcement coordination, developing standard report formatting)
- Getting Involved in Strategic Planning with the new Executive Officer

June 2023

- Engaging in Strategic Planning with the new Executive Officer
- Statewide Wastewater Sector Air Toxics Study: Two-Step Process and BAAQMD Rule 11-18
- Source Test Concerns (including discussion for a POTW specific workshop with BAAQMD staff)
- Permitting Process and Timelines (including revisions to standard permit conditions)
- Projected Regulatory Changes

September 2023

- Status of Report to BAAQMD Board
- Tier 4 Equivalence for standby diesel IC Engines
- Statewide Wastewater Sector Air Toxics Study: Two-Step Process and BAAQMD Rule 11-18
- Source Test Concerns (POTW specific workshop with BAAQMD staff in November 2023)
- Permitting Process and Timelines (including revisions to standard permit conditions)

February 2024

- Status of Report to BAAQMD
- Update on Source Test Workshop and Next Steps (including standardized reporting formats and written guidance)
- Following Established Guidance for Policy Decisions
- Future BACT Determinations
- Update on BAAQMD Strategic Planning
- Permitting Process and Timelines (including status of revisions to standard permit conditions)
- Statewide Wastewater Sector Air Toxics Study: Two-Step Process and BAAQMD Rule 11-18

Key actions and outcomes of these discussions are summarized in the table below:

Item	Outcome
Permit Backlog	<ul style="list-style-type: none"> • To streamline POTW facility permits in support of community protection, BAAQMD received BACWA’s edits submitted on three standard permit conditions – BAAQMD to get back to BACWA on incorporating edits, as well as editing additional standard permit conditions. • Workgroup acknowledged need for additional permitting staff to help manage the backlog.
Statewide Wastewater Sector Air Toxics Study	<ul style="list-style-type: none"> • Agreement by BAAQMD staff to engage in the statewide Air Toxics Study (identifying five staff members to do so) in collaboration with CARB and other regional Air Districts, and reference updated/new emission factors (determined as part of the statewide study) in BAAQMD Rule 11-18 data analysis. Meetings with CARB are anticipated to begin in spring 2024
Source Test Requirements & Reporting	<ul style="list-style-type: none"> • Workgroup agreement that a standard report format would be beneficial; BAAQMD to provide feedback on next steps. • BAAQMD to convene a POTW focused workshop on source test requirements and reporting.
Ongoing & Future Collaboration	<ul style="list-style-type: none"> • Agreement by BAAQMD staff to inform BACWA of upcoming rule development to collaborate ahead of rule adoption on issues that may impact operations at POTWs.
Strategic Planning	<ul style="list-style-type: none"> • BAAQMD staff recommended involving BACWA in strategic planning efforts with the new Executive Officer. BACWA to engage in District level planning as external stakeholders, as appropriate.