



AIR ISSUES & REGULATIONS COMMITTEE
A Committee of the Bay Area Clean Water Agencies

Quarterly Meeting
May 21, 2025

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Agenda

- Introductions
- BACWA-Bay Area Air District (Air District) Implementation Workgroup
- Source Testing for Compliance Purposes
- Air District Rule Development
- Air District Permit Prioritization
- Permit Portal
- CARB Statewide Air Toxics Pooled Emissions Study
- CARB Advanced Clean Fleet Regulations Implementation Update
- 2025 State Legislative Update
- Open Discussion/Member Updates
- Adjourn



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BACWA-Air District Implementation Workgroup Updates from April 21st Meeting

- Outlook on Engagement
 - Update from BACWA and Water Board on Nutrient Reduction requirements and collaborative decision-making
 - Permit Streamlining
 - Update from Air District on Strategic Plan and Resulting Rulemaking Priorities
 - Update from Air District on Anaerobic Digester White Paper
 - Updates from Air District on Future BACT Determination Process/Manager and Guidebook Updates
 - Air District Source Testing for Compliance Purposes
 - Update from BACWA on Status of Edits to Standard Permit Conditions
 - SB 318 (Becker) – Air pollution: stationary sources: best available control technology: indirect sources.
- Other Opportunities for Collaboration between BACWA and Air District



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Air District Implementation Workgroup Upcoming on July 14th

- Possible Topics
 - Air District Source Testing for Compliance Purposes
 - Permit Streamlining
 - Update from Air District on Strategic Plan and Resulting Rulemaking Priorities
 - Update from Air District on Anaerobic Digester White Paper
 - Updates from Air District on Future BACT Determination Process/Manager and Guidebook Updates
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Source Testing for Compliance Purposes

- Required Source Testing vs Monitoring Issues
 - Reasons for Air District rejection: Actual compliance issue vs Report documentation issue
 - Lengthy Air District review times and subsequent rejected reports without opportunity to retest within required window
- BACWA member agency experiences?
 - Comments on submitted source test reports?
 - Any resulting NOVs?

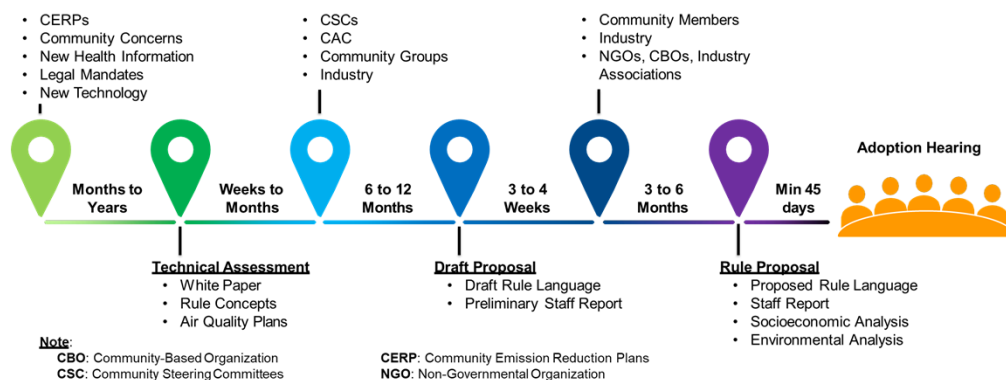


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Air District Rule Development

Rule Development and Public Engagement



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Air District Rule Development

- Anaerobic Digestion White Paper – Draft expected August 2025
- Rule 11-18 Amendments – Draft expected May 2025
- Current & Planned Rule Development
 - Regulation 2 Back-up Generators
- Considered Rule Development
 - Regulation 2 Permitting Efficiencies/BACT
 - Rule 11-18 Phase 2 Facilities
 - Rule 2-5 Toxics NSR/Cumulative Impacts



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Air District Permit Prioritization

- Air District Strategic Plan Strategies:
 - Timely Permits
 - Transparent Permit Process
 - Consistent Permits
- Complex Permits Impacting the Processing of All Permits
- Engineering Program Manager Pilot Program (Facility Funded)
- BACT Coordinator

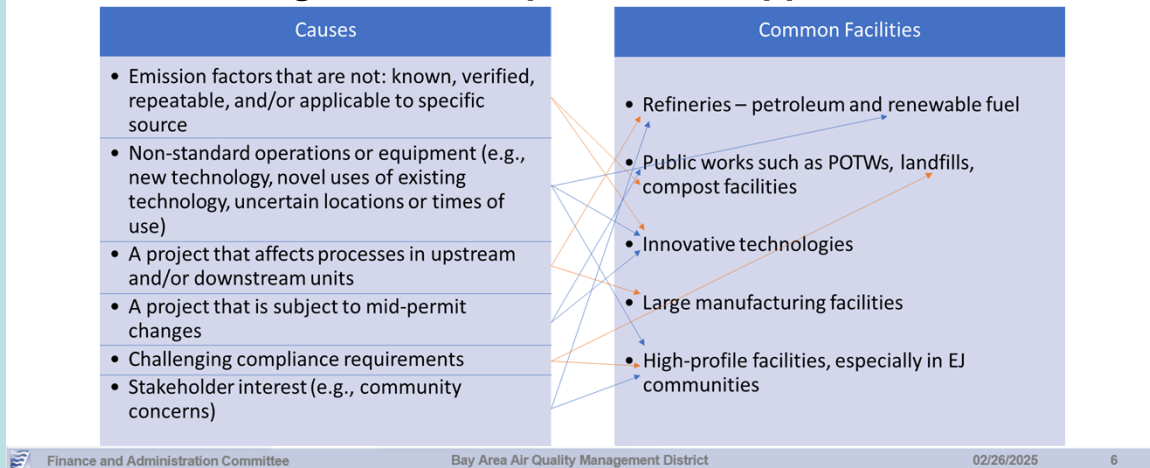


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Complex Permit Applications

Background: Complex Permit Applications



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Engineering Program Manager

Engineering Program Manager: Pilot

Engineering Program Managers would:

- Work with applicants with complex permit applications prior to submittal.
- Keep projects on a schedule.
- Coordinate timely exchange of information.
- Resolve roadblocks and elevate for management decision as needed.

Funding and Pilot Phase

- The pilot program will run for three years, during which facilities will fund the assigned positions.
- After the pilot phase, the program may transition to a voluntary fee-based model in FY 2030.



Key Benefits for Facilities

- Faster Permit Processing – Reduces delays and improves approval timelines.
- Pre-Application Guidance – Helps applicants prepare more complete applications.
- Dedicated Expertise – Engineering Program Managers provide specialized support.
- Greater Transparency – Facilities receive clear expectations and regular updates.
- Support for Emerging Technologies – Assistance to participating facilities in permitting new technologies such as renewable energy, carbon capture, and other innovative projects.

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Engineering Program Manager Pilot Next Steps

- Air District Board approves new positions for FY 2026 (expected June)
- Air District Staff solicits interest from facilities that typically have complex permit applications
- Staff develops selection criteria
- Staff develops funding agreement
- Air District hires additional staff
- Air District implements pilot program (3 years)



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New Position: BACT/Consistency Coordinator

- Proposed Position starting FY 2026
- Intended for “more standard/typical” processes
- Intended to provided consistency across permits

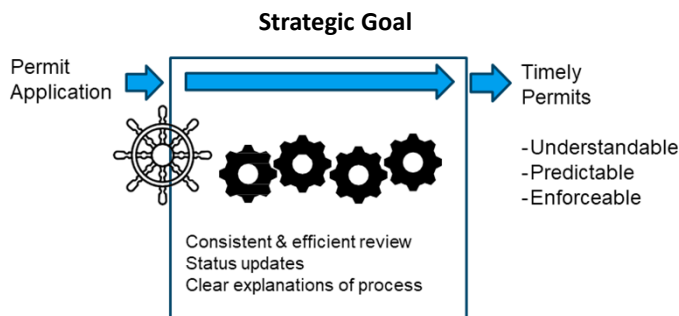


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Air District Updating Permit Portal

- Current Portal – Limited information
- Air District Strategic Plan calls for timely, transparent, and consistent permits



Source: Air District Updates: Focus on Permitting (Annual BACWA Meeting, May 2, 2025)



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Portal Revisions Underway Application History and Status for the Facility



Application Status

Time with Air District and Applicant

Visual Timeline



Source: Air District Updates: Focus on Permitting (Annual BACWA Meeting, May 2, 2025)

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Suggestions for Implementation

- What would agencies like to see in the permit portal?
- Permit status – submittal date, fees paid, etc.
 - What information is still needed? What information has already been provided?
- What kind of interaction would be useful?
- Do you want to be able to input the forms directly online? Do you want your consultant to be able to interact with the system directly?



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CARB Statewide Air Toxics Pooled Emissions Study: Criteria Pollutants & Air Toxics Reporting (CTR)

- AB 617 and AB 2588 were updated to “harmonize” air monitoring, reporting, & emission reductions from stationary sources in CA for a long list of compounds
- **POTWs must participate in a two-step process (individually or as a group) to determine a shortlist of compounds to be monitored and reported**
 1. Scan air space of unit processes to determine detectable compounds
 2. Perform sampling and analysis to ultimately quantify emissions of detectable compounds (Mimic 1990 Pooled Emissions Estimation Program, PEEP, but broader in scope)
- Report business-as-usual through 2028 while performing two-step process (reporting begins in 2029 for 2028 data)



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CARB Statewide Air Toxics Pooled Emissions Study: Latest PES Activities

- Two-step process is being achieved in two Phases
 - 1) Develop plan to perform two-step process (**current activity**)
 - 2) Scan & quantify emissions (according to approved plan for performing two-step process)
- Steering Committee presented approach to Air Districts for feedback
 - SCAQMD, San Diego APCD, San Joaquin Valley APCD, and Bay Area Air District support approach
 - Met with CAPCOA, which formed a CTR Uniformity Group to support review/approval of plan
 - Met with CARB's team to discuss their feedback on our approach
 - CAPCOA met (with CARB in attendance) to share their support for our approach
- Steering Committee and Yorke team working to simplify draft plan to be CARB Board-ready



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Updates & Next Steps

- BACWA invoicing impacted agencies
- Fee schedule remains unchanged
- CASA's Air Toxics Subgroup open to all PES participants with next meeting June 11th

FY 2024: Pay July 1, 2024	FY 2025: Pay July 1, 2024	FY 2026: Pay July 1, 2025*	FY 2027: Pay July 1, 2026
\$200 per MGD	\$1,000 per MGD	TBD, budget ~\$1,250 per MGD	TBD, budget ~\$1,250 per MGD
*BACWA is fronting costs for its members and will include amount in annual invoices to individual agencies.			



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2025 State Legislative Process



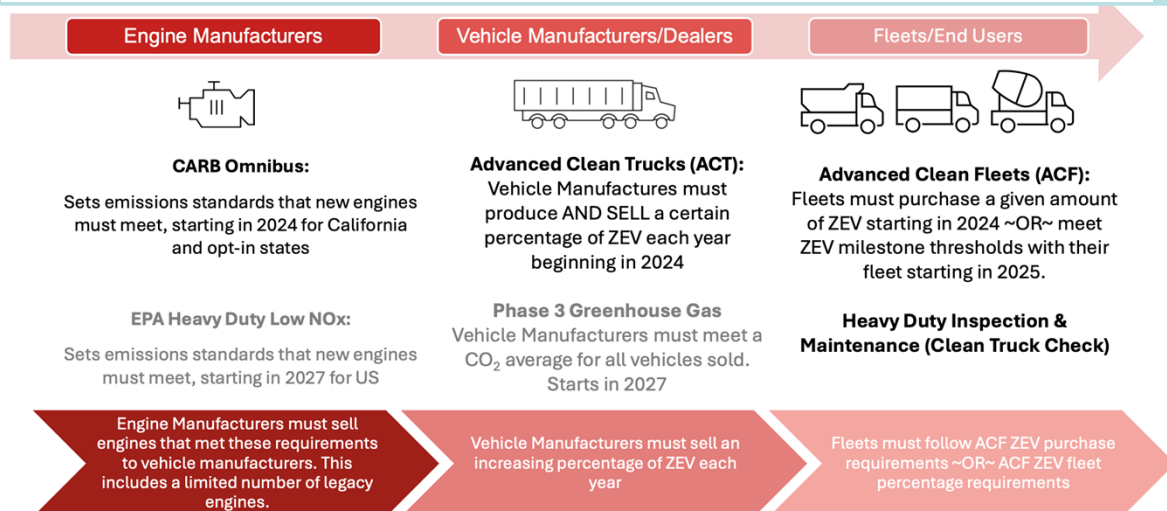
- CASA used key words to filter bills, which are organized under the following categories:
 - Air Quality – SB 318 (BARCT/BACT, CARB authority for Title V permits)
 - Hydrogen – AB 35 (clean hydrogen definition)
 - Low Carbon Fuel Standard
 - Natural & Working Lands – SB 285 (natural approaches)
 - Organics Diversion/Biomethane under SB 1383 – AB 70 (pyrolysis, pipeline injection)
 - Scoping Plan Update
 - Vehicles – AB 496 (appeals committee, vehicle exemption for emergency uses)
 - Other (adaptation related – sea level rise)
- Welcome to participate in CASA's review!



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Vehicle Regulations Overview (graphic by Cummins)



House of Representatives voted to apply Congressional Review Act (CRA) to CA's clean vehicle waivers – Government Accountability Office says it can only apply to rules not waivers. House passed 3 Resolutions (87, 88, 89) seeking congressional disapproval of ACT, ACCII, and Omnibus Rule Waivers! Senate to vote!

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CARB's ACF Regulations/Resolution



Applies to gross veh

1. State & Local Government Agency Fleets

(cities, counties, special districts, State agencies)

Contain requirements/s

CARB withdrew Waiver Request for ACF Regs from EPA January 13th. Without a Waiver, CARB cannot enforce ACF Regulations on manufacturers.

CARB maintains they have enforcement authority over State & Local Government Agency Fleets (i.e., purchasers). If you opted into High Priority & Federal Fleet Requirements, you must remain in compliance with those requirements.

CARB maintains the ACT Regulations are sufficient to drive implementation of infrastructure also supporting ACF, but the ACT waiver is now at risk.

Four lawsuits have been filed related to ACF Regulations. Settlement discussions underway with CA Trucking Association re: ACT Regulations.

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CARB continues to address AB 1594 Requirements into the ACF Regulations



Signed October 8, 2023, applies to public agencies – community water systems, water districts, wastewater treatment providers.

Authorizes public agencies to "...purchase traditional replacements for medium- and heavy-duty vehicles at the end of their useful life...when needed to maintain reliable service and respond to major foreseeable events...**without regard to the model year of the vehicle being replaced.**"

- March 25th CARB re-opened ACF regulations to incorporate AB 1594 requirements
- CASA submitted comments May 20th and September 3rd, met w/ CARB staff June 26th
- CASA continues coordinating with CMUA, ACWA, SCPPA, NTPA to have united voice
- Workshop held October 3rd to discuss Draft Rulemaking Language (released Oct 1st):
 - Definition of a public agency utility.
 - Definition of traditional utility-specialized vehicles (Class 3-8 vehicles).
 - Early access to Daily Usage & ZEV Purchase exemptions
- November 1st CASA submitted comments
- Preview of revised Draft Regulatory Language released February 7th
- **CARB has postponed release of 45-day language**



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Open Discussion / Member Updates

- Air District Inspection/Compliance Pilot
- Other topics?



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Compliance Inspection

Elements of a Compliance Inspection

An **inspection** typically includes the following activities:

Review Permits

- Review Air District permit for accuracy and applicable regulations

Onsite Inspection

- Inspection of equipment, operations, abatement devices, and controls, including general housekeeping

Records Review

- Ensure compliance with recordkeeping requirements (e.g., usage logs and permit condition limits, emissions testing, monitoring, maintenance, etc.)

Inspection Report

- Document inspection findings in a compliance report with a determination of compliance or NOV

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Routine Inspection – Source Types

Routine Inspections by Source Types

Title V & Synthetic Minor Facilities

- **Major Facility (Title V):** A facility with the potential to emit 100 tons/yr of criteria air pollutants or 10 tons/yr of Hazardous Air Pollutant
- **Synthetic Minor:** A facility that emits or has the potential to emit at or above 80% of the Title V threshold
- Federal Environmental Protection Agency (US EPA) Compliance Monitoring Strategy recommends the following inspection frequency
 - **Title V:** Every **2 fiscal years**
 - **Synthetic Minor:** Every **5 fiscal years**

Fixed Inspection Frequencies	
Title V & Synthetic Minor Facilities	1.5 years
Facilities with Elevated Health Risks	1.5 years
Industrial Sources and Operations (non-Title V/Synthetic Minor Facilities)	
<ul style="list-style-type: none"> Landfills and Organic Material Handling Operations Tanks, Terminals, and Bulk Plants Metal Shredding and Recycling Operations Aggregate, Cement, and Asphalt Plants 	2 years
<ul style="list-style-type: none"> Surface Coating and Prep, Solvent, Adhesive and Resin Operations Wastewater Treatment Operations Chrome Plating Operations Combustion Sources Gasoline Dispensing Facilities (Retail) 	3 years
<ul style="list-style-type: none"> Auto Body Coating Operations Printing Operations Soil Groundwater Remediation / Soil Vapor Extraction Food & Agricultural Processes Dry Cleaners 	4 years
Gasoline Dispensing Facilities (Non-Retail)	5 years

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Routine Inspection – Source Types

Routine Inspections by Source Types (cont.)

Facilities with Elevated Health Risks

- Focus compliance efforts on facilities that have been identified with elevated health risks
 - Utilize prioritization scores to guide inspection priorities
 - Prioritization scores are based on the quantity of toxic air contaminants (TACs), the relative toxicity of the TACs emitted, and the proximity of the facility to possible receptors
 - Prioritization scores are updated annually

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Air District – Upcoming Timeline/Next Steps

Next Steps



Routine Inspection – Source Types

Routine Inspections by Source Types (cont.)

- Compliance priorities are based on the type of site, facility, and sources of operation
- Inspection frequencies and source categories to be inspected may occasionally be adjusted or augmented to address:
 - Known causes for potential compliance concerns
 - Community-identified site/facility of significance

Fixed Inspection Frequencies	
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Open Discussion / Member Updates

- CASA/CWEA Partnering for Impact – June 3rd (David Brower Center, Berkeley, CA)
- CASA 2025 Annual Conference – July 30 - August 1 (San Diego, CA)
- **Next Quarterly Meeting: August 20**



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Thank You – Enjoy the Summer!



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