



April 17, 2026

Greg Nudd  
Deputy Director of Policy  
Bay Area Air District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

Submitted via email to [ruledevelopment@baaqmd.gov](mailto:ruledevelopment@baaqmd.gov)

SUBJECT: COMMENTS ON PROPOSED AMENDMENTS TO REGULATION 11-18

Dear Greg Nudd:

The Bay Area Clean Water Agencies Air Issues and Regulations Committee (BACWA AIR Committee) appreciates the opportunity to comment on the March 2026 Proposed Amendments to Rule 11-18, as presented in the Bay Area Air District's (Air District) documents released March 18, 2026. 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. The BACWA AIR Committee is a coalition of SF Bay Area POTWs working cooperatively to address air quality and climate change issues, under the guidance of BACWA.

BACWA has commented numerous times during the ongoing development of Rule 11-18, beginning in 2016. During initial rule development and at each proposed update to the Rule and associated Implementation Procedures, BACWA has consistently expressed concerns ([December 2, 2016](#); [April 4, 2017](#); [October 16, 2017](#); [October 25, 2017](#); [February 29, 2024](#); and [October 13, 2025](#)) regarding the time allowed for conducting the work required by this rule. Those concerns remain with the latest proposed amendments. While we understand the Air District's urgency associated with this rule, the preparation times, the review times, and the potential times allotted to reduce risk are inadequate for BACWA member agencies to comply.

Our comments on the proposed Rule 11-18 amendments are as follows:

***The time to prepare the HRAs is insufficient.***

BACWA supports the revised approach to have facilities or their consultants prepare the HRAs as it should result in more consistent and accurate HRAs. However, BACWA is concerned that there are a limited number of consultants with appropriate sector experience which will necessitate longer response times. The staff report asserts that the proposed amendments will allow Air District staff to process "many" HRAs concurrently, apparently without consideration of the availability of qualified consultants with the necessary staffing and air dispersion and health risk modeling skill.

The Air District itself, in the August 2020 Implementation Procedures, identified only six (6) firms as authorized HRA vendors. The current Implementation Procedures state that groups of facilities will be processed in “small, manageable batches” and then describes groups of up to more than 50 facilities at a time. It seems unlikely, given the large number of HRAs to be prepared and the limited qualified firms available, that the required documents could be prepared in the allotted time.

Additionally, developing an accurate AERMOD model is the first step, even before running the HRA model. It’s important to note that building an air dispersion model using AERMOD is time-consuming and may require 2-3 months to survey site features, such as stack heights and building dimensions, and establish an AERMOD model. Most BACWA agencies do not have an AERMOD model built.

***Proposed response times are still too brief to allow public agencies to comply.***

The time allotted in the proposed language is insufficient for public agencies to respond. The Air District’s own Socio-Economic Impact Analysis acknowledges that nearly one third of the 342 facilities impacted by Rule 11-18 are publicly owned. Public agencies, including BACWA member facilities, have requirements regarding the process of hiring consultants and contractors that often include a competitive bidding phase with extended timelines. To streamline the review of the site-specific modeling protocol, sufficient advance notice must be given to public agencies subject to Rule 11-18, and flexibility allowed to accommodate the public contracting process. Depending on the agency and the amount of the contract, it may take 120 days or more to retain a consultant (develop the request for proposals, allow 30 days for responses, evaluate all submittals, wait for appeals, obtain Board/Council approval, develop the agreement, verify insurance, and confirm AB339 compliance), and then conduct the work. BACWA suggests a minimum of 180 days and up to 1 year, depending on facility complexity, to prepare the draft protocol. Similarly, depending on the availability of consultants, additional time may also be necessary for development of the HRA and the Risk Reduction Plan (RRP). Agencies may want to run several risk-reduction scenarios in the HRA model to identify the best risk-reduction measure that ensures compliance with the risk limits and is cost-effective for our ratepayers. Running several iterations of the HRA model is time-consuming. There are 37 BACWA member agencies identified as subject to Rule 11-18, all of which are in Phase II, and many of them will likely be trying to respond to Rule 11-18 requirements using the same subset of specialized industry consultants.

As explained in earlier correspondence, implementing a capital improvement project at a POTW requires a minimum of six years for planning, design, and construction since public projects must go through a public process and requires Board/Council approval at each stage. Project planning, scheduling, financial planning, environmental review, funding, pre-design, design, permitting, bid and award, and ultimately construction, is a lengthy and involved process, which cannot be completed within an accelerated time frame. Based upon recent experience, permitting alone can take several years. BACWA appreciates that the Risk Reduction Plan time frame has been extended for up to 10 years to allow for compliance with existing public project implementation requirements.

BACWA also requests that the rule language include, in addition to specifying “safety regulations” in Section 11-18-403.1, additional language such as “operational constraints, or applicable technology options” as considerations with the potential to impact the RRP implementation process and timeline. Project sequencing must be carefully planned during construction projects to allow for continuous operation of POTWs to protect public health and the environment, so implementation of

the RRP may need to be extended to allow for uninterrupted operation of the treatment plant.

***There are no specified times for Air District response.***

BACWA notes that the proposed rule requires short response times on the part of the facilities but does not include any timelines for Air District responses. BACWA requests that the proposed rule establish a timeline for Air District staff to review and respond to submittals, so that the facilities and consultants can forecast their workload and staffing requirements.

***The addition of sections 11-18-404, 11-18-405, and revision of section 11-18-406 will allow for the use of best available data and methods.***

Categorizing POTWs as Phase II facilities allows access to new data from the statewide Pooled Emissions Study (driven by the California Air Resources Board's (CARB) updated reporting requirements). The objective of this study is to determine which air toxics are present at POTWs, what quantities of these air toxics are present, and what emission factor is appropriate for relevant air toxics. This rigorous effort is being performed in close coordination with POTWs, Air District staff (as part of the California Air Pollution Control Officers' Association), CARB staff, and source test specialists to complete it in time for expanded monitoring and reporting planned to begin in 2028. This is the first time a study of this magnitude has been conducted in nearly 30 years. Using the best available data and methods developed in the Pooled Emission Study will result in more meaningful risk estimates. BACWA continues to engage Air District staff in this process and requests that Rule 11-18 HRAs at POTWs be deferred until after the updated emission factors are available.

Thank you for the opportunity to provide feedback on the proposed amendments to Rule 11-18. BACWA is the Air District's partner in protecting the Bay Area's public health and environment, and we appreciate that Air District staff continues to work collaboratively with BACWA to support these goals.

We would be happy to discuss any questions regarding these comments. Please contact me at [LFono@bacwa.org](mailto:LFono@bacwa.org).

Sincerely,



Lorien Fono  
BACWA Executive Director

Cc: BACWA Executive Board  
Nohemy Revilla, BACWA AIR Committee Co-Chair  
Jason Nettleton, BACWA AIR Committee Co-Chair  
Courtney Mizutani, BACWA AIR Committee Supporting Consultant  
Ray David, BACWA AIR Committee Supporting Consultant