



August 14, 2015

Dr. Barry Wallerstein, Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, California 91765

Dear Dr. Wallerstein:

Re: Comments on Proposed Amended Rule 1110.2

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) appreciates this opportunity to provide comments on Proposed Amended Rule 1110.2. SCAP represents 83 public agencies that provide essential water supply and wastewater treatment to nearly 19 million people in Los Angeles, Orange, San Diego, Santa Barbara, Riverside, San Bernardino and Ventura counties. SCAP's wastewater members provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastes into resources such as recycled water and renewable energy.

SCAP greatly appreciates the proposed biogas engine compliance date extension. We do have a minor comment regarding the compliance date, which is described below. While we support the revised biogas engine provisions, our members are troubled by the proposed breakdown provisions. We believe this issue stems from EPA's May 22, 2015 SSM SIP Call, and since it has much wider industry ramifications than just the Rule 1110.2 universe of sources, it should be carefully assessed by SCAQMD legal staff and then fully vetted by all impacted sources. Considering the proposed breakdown provisions were first provided to stakeholders on July 9, 2015, SCAP recommends that the rule be bifurcated to ensure the biogas engine provisions can be adopted quickly, while separately and deliberately assessing how best to respond to EPA's evolving SSM policy.

Biogas Engine Discussion:

SCAP appreciates SCAQMD staff's efforts to address our concerns regarding the biogas engine compliance date. As you are aware, it is challenging to implement new biogas engine technology to

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achieve the lower emission limits. Our members have expended a tremendous amount of public resources to advance unproven technology, which we hope will provide cost-effective options for future biogas engine applications. While the proposed extension until January 1, 2018 for Eastern Municipal Water District and the City of San Bernardino is absolutely essential, we believe that Orange County Sanitation District (OCSD) should also be specifically identified in the rule. Although OCSD commenced construction on their retrofit project prior to other agencies, large complex projects can experience unforeseen problems. Based upon OCSD's early and good-faith efforts, we request the same extension be afforded to this public agency as well.

SSM Breakdown Discussion:

We have been informed that EPA objects to the existing Rule 1110.2 breakdown provisions. To better understand this objection, and because EPA has not provided any written comments, we contacted EPA staff and obtained some useful feedback. EPA confirmed that their concerns regarding the existing breakdown provisions are derived from the SSM litigation and the resulting SIP Call [Federal Register / Vol. 80, No. 113 / June 12, 2015]. This EPA action requires identified states and air districts to submit corrective SIPs by November 22, 2016. However, SCAQMD is not included in this SIP Call.

Based upon our conversations with EPA, we believe that there may be various approaches to address EPA's new SSM policy. In fact, EPA's SIP Call indicates that states and local agencies are allowed to issue their own enforcement discretion criteria, but such criteria cannot be binding on the United States or any citizens group. Unfortunately, EPA didn't provide much guidance explaining how to implement this new policy. In fact, the situation is further complicated by litigation that has been filed further challenging EPA's new SSM policy. What is clear though is that this major national policy is intended to address bad actors in states with weak pollution control requirements. SCAQMD has adopted the most restrictive air pollution rules in the United States, including a comprehensive breakdown rule, so we cannot believe that breakdowns in the South Coast Air Basin could cause significant emissions like those outlined by the Sierra Club's petition to the EPA. Bearing in mind that SCAQMD is not identified in the SIP Call, we believe that we have time to carefully assess EPA's new SSM policy rather than rushing to adopt a rule based solely on verbal feedback from EPA.

Conclusion:

SCAP is supportive of the biogas engine provisions contained in the proposed amended rule, with a very minor modification. Our members are concerned that the proposed breakdown provisions will side-track the adoption of revised biogas engine compliance dates. Without these revisions, public agencies that have acted in good-faith to achieve the proposed emission limits may be unable to operate their biogas engines. Despite our strong desire to adopt these revisions, we are deeply concerned about the proposed breakdown provisions. As a result, we respectfully request that the rule revision process be bifurcated. This approach will allow our members to complete their biogas engine retrofits, while allowing all stakeholders enough time to carefully assess EPA's new SSM policy.

Dr. Barry Wallerstein

August 14, 2015

Thank you for the opportunity to comment on the proposed amended rule. Please do not hesitate to contact Mr. David Rothbart of the Los Angeles County Sanitation Districts should you have any questions at (562) 908-4288, extension 2412.

Sincerely,

A handwritten signature in black ink that reads "John Pastore". The signature is written in a cursive style with a large, looped initial "J".

John Pastore, Executive Director

cc:

Dr. Philip Fine, SCAQMD
Jill Whynot, SCAQMD
Joe Cassmassi, SCAQMD