



March 24, 2020

Mr. Eugene Kang
Program Supervisor
Planning, Rule Development & Area Sources
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar CA 91765
Transmitted via email to: ekang@aqmd.gov

Dear Mr. Kang:

Re: Draft Guidelines on the Use of Source Test Results for Annual Emission Reports

The Southern California Alliance of Publicly Owned Treatment Works (SCAP) appreciates this opportunity to provide comments on Draft Guidelines on the Use of Source Test Results for Annual Emission Reports (Draft Guidelines). 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 biogas.

As previously communicated by our members, we were not aware of any requirement to obtain SCAQMD approval before a source test can be deemed valid in the Annual Emissions Reporting (AER) process. Recently, when our members inquired about the basis for such requirements, SCAQMD staff explained that Rule 301 requires source tests to be submitted to Source Test Engineering for review and approval. Upon review of Rule 301 and the associated May 2019 Final Staff Report, only paragraph (e)(10)(E) addresses the need for an approved source test in order to avoid surcharges in the event of an underpayment. Subsequently, staff confirmed that Rule 301 does not contain approval requirements for source testing.

Because our members were unaware of any requirements for AER source test approval, we have the following concerns regarding the Draft Guidance and SCAQMD's source testing policy:

The Draft Guidance states, "*Beginning with AERs for Calendar Year 2019, source test results that have been submitted for review and approval prior to the reporting deadline of an annual emissions report that references those source test results will be considered approved and valid until notified that they have been disapproved.*" While we appreciate the intent of the Draft Guidance, our members

P.O. Box 231565

Encinitas, CA 92024-1565

Fax: 760-479-4881 Tel: 760-479-4880 Website: www.scap1.org Email: info@scap1.org

were not adequately notified of any requirements to have source test reports approved by Source Test Engineering prior to calendar year 2019. We request that such a requirement to be extended in order to allow for source test reports and protocols to be remitted and approved by Source Test Engineering. For most of our SCAP member agencies, the source testing has already commenced or contracts for source testing services have already been awarded for the calendar year 2020, so any change in source test requirements should not be implemented until it is feasible to comply. Moreover, our members are public facilities largely unable to sole-source source testing services and are required to comply with public purchasing policies. SCAP believes that any requirement to comply with more stringent requirements, retain qualified source test consultants, remit protocols to Source Test Engineering, address potential comments on submitted protocols and then perform source tests cannot be achieved until calendar year 2022. Hence, we request the Draft Guidance effective date to be modified to calendar year 2022 for public facilities.

The Draft Guidance defines, “*A verified source test is one that has been submitted and approved by South Coast AQMD Source Test Evaluation (STE) unit. Emissions data based upon a source test can be considered valid if the source test was:*

- *Approved prior to use in the annual emissions report;*
- *Conducted during or before the subject year;*
- *Reflective of the equipment and its operation for the reporting year; and*
- *Tested at operating loads that demonstrate, at a minimum, normal operation (average emissions).”*

As outlined above, the concepts in the Draft Guidance will require a transition period to implement. During the transition period, achievable standards must be provided (e.g., use of compliance tests or other representative methods). The larger concern is the status of source tests performed as previously specified in our permits. As proposed, any source test previously conducted without Source Test Engineering approval is invalid. SCAP believes that it would be inappropriate to retroactively implement new standards. Our members follow their permit conditions and remit source test protocols to SCAQMD for review and approval in good faith, so we should not be penalized for following our permit conditions. We respectfully request that the Draft Guidance be revised to acknowledge that representative data contained in previously remitted AERs are deemed to be acceptable.

The Draft Guidance also states, “*Source test results that have been approved exclusively for AER purposes does not mean that they will be acceptable for other programs (e.g., Compliance, Permitting, AB 2588, etc.).”* This statement highlights the primary concern our members have with SCAQMD’s existing source testing program. Stakeholders are not aware that SCAQMD has different source test requirements for compliance, permitting, AB 2588, AERs and BACT/LAER Determinations¹. Stakeholders typically conduct source tests in accordance with the requirements described in their permits and applicable rules. SCAQMD has yet to publish any guidance pertaining to different source test requirements for each of these programs. Our members have conducted thousands of source tests over the years in good faith only to be informed that these tests may now

¹ BACT/LAER Determinations establish the most stringent emission limits for major sources. Accordingly, source testing to establish BACT/LAER should meet or exceed testing requirements for the AER and AB 2588 programs.

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be invalid. It's impossible to comply with such unpublished requirements, so it's critical that past representative source tests be accepted for any of these programs.

SCAP supports the concept of educating stakeholders about SCAQMD's source test requirements and to publish clear requirements for any source testing moving into the future. Our members would like to stress that it's imperative that the Draft Guidance address all source test requirements for any purpose. SCAP's recommendations would provide SCAQMD more reliable data, reduce the number of source test protocols/reports to be reviewed and minimize the burden on stakeholders that have acted in good faith to comply with SCAQMD rules and requirements.

Thank you again for the opportunity to comment on the Draft Guidelines. Please do not hesitate to contact Mr. David Rothbart of the Los Angeles County Sanitation Districts, SCAP Air Quality Committee Chair, should you have any questions regarding this transmittal at (562) 908-4288, extension 2412.

Sincerely,



Steve Jepsen, Executive Director

cc: Mr. Tracy Goss, SCAQMD
Ms. Sarah Rees, SCAQMD
Mr. Mike Garibay, SCAQMD
Dr. Matt Miyasato, SCAQMD
Mr. Al Baez, SCAQMD