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April 3, 2024

Ginger Vagenas
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105
Submitted via www.regulations.gov

**Re: EPA's Air Plan Disapproval; California; Los Angeles-South Coast Air Basin;
1997 8-Hour Ozone (Docket ID No. EPA-R09-OAR-2023-0626)**

Dear Ms. Vagenas:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on EPA's Proposed Disapproval of the South Coast Air Basin Contingency Measure Plan for the 1997 Ozone Standard (89 Fed. Reg. 7320). NACWA represents the interests of over 350 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. NACWA member utilities are responsible for treating the millions of gallons of wastewater produced by their communities each day, with many utilities also responsible for stormwater management. Utilities must meet both Clean Water Act (CWA) and Clean Air Act (CAA) requirements as they perform this critical service.

NACWA's public agency members in the South Coast Air Quality Management District (SCAQMD) – and potentially other members in California and elsewhere in the U.S. – will be affected if EPA moves forward with its proposed disapproval of the State Implementation Plan (SIP) revision submitted by the State of California to meet the CAA requirements for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS) in the Los Angeles-South Coast Air Basin nonattainment area. NACWA asks that EPA reconsider its proposed disapproval due to the role of federally regulated sources in the SCAQMD, including aircraft, ships, trucks, and locomotives. These sources have only reduced emissions by 15 percent relative to 1997 ozone levels, whereas the stationary sources and in-state mobile sources regulated by the California Air Resources Board (CARB) have been reduced by 70 percent relative to 1997 levels.

The SCAQMD and CARB documented that they cannot meet ozone standards without action on federally regulated sources. While EPA acknowledged its responsibility for emissions from these sources in its response to the

SCAQMD's 1994 ozone SIP, EPA states that it found "no basis for approving federal assignments" for reducing federal emission sources in the current Plan. NACWA requests that EPA provide a limited approval of the SIP and work with SCAQMD and CARB toward further strengthening the SIP with the acknowledgement and implementation of federal measures.

NACWA also asks that EPA consider the impacts of federal penalties and sanctions to stationary sources, including public wastewater utilities. These utilities rely on the approval of permits for stationary sources to implement projects that are required to comply with water quality and air quality standards. However, disapproval of the SIP could result in a moratorium on permits for any sources within the region, putting communities at increased risk of infrastructure failure. California wastewater utilities have estimated that their collective penalties could exceed \$800,000 per year, which would reduce funds for investing in essential operation and maintenance of infrastructure. Wastewater utilities have no option to reduce or stop their operations – they must operate continuously to provide reliable wastewater treatment and protect public health and the environment.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,

A handwritten signature in black ink, reading "Cynthia A. Finley". The signature is written in a cursive, flowing style.

Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs