



June 29, 2026

South Coast Air Quality Management District
Attn: Best Available Control Technology (BACT) Team
21865 Copley Drive
Diamond Bar, CA 91765

Subject: Comments on Proposed Updates to BACT Guidelines [BACT Docket]

Submitted electronically via: BACTTeam@aqmd.gov

To Whom it May Concern:

Clean Water SoCal appreciates the opportunity to provide comments on the **Proposed updates to the BACT Guidelines**. Clean Water SoCal represents over 80 public water and wastewater agencies in Southern California who provide essential water supply and wastewater treatment for approximately 20 million people in San Diego, Orange, Los Angeles, Santa Barbara, Riverside, San Bernardino, and Ventura counties. Our wastewater members provide environmentally sound, cost-effective management of more than two billion gallons of wastewater each day and, in the process, convert wastewater into resources for beneficial uses such as recycled water and renewable energy.

We appreciate the work that SCAQMD staff has put into the BACT updates and the materials presented at the May 28, 2026 meeting. After reviewing the proposed new listings and supporting documentation, we have several concerns regarding their applicability, technical basis, and potential operational impacts to the wastewater sector. We respectfully request that the SCAQMD **postpone adoption of the proposed BACT updates** pertaining to biogas flares and associated pretreatment processes until additional information is made available and the technical justification is fully evaluated.

1. Applicability to POTWs

Although the current proposal for Section I Major Source Listings applies to landfill gas flares and landfill sulfur control systems; we are concerned about the potential for these new limits to be transferred to publicly owned treatment works (POTWs) in future



permitting actions. This concern stems from past instances in which requirements originally developed for one equipment source subcategory were later applied to a different subcategory through technology transfer, even when the underlying gas characteristics and operational realities differed significantly. POTWs operate 24/7, manage digester gas with different sulfur and VOC profiles, and must always maintain critical public safety functions. Any future application of the proposed limits to POTW flares or combustion equipment need to be supported by clear and robust technical evidence demonstrating that such limits are achievable and appropriate for POTW operations.

2. **Transparent Data and Technical Basis**

We appreciate the data summaries provided in the BACT SRC meetings and presentations; however, we have concerns regarding the limited availability of the underlying source test reports. The proposed limits for landfill flares and sulfur treatment are presented as Achieved in Practice (AIP), however testing results presented to the BACT SRC are incomplete. BACT SRC members previously requested the source test reports used as the basis for the proposed BACT (LAER) limits. These reports are necessary to assess whether the proposed VOC, PM, and sulfur limits have been consistently achieved across the full operating range of similar flares.

The inlet gas properties, and applicable gas pretreatment equipment utilized by the AIP case are important factors to include. Improved transparency will allow the BACT SRC to provide meaningful feedback and recommendations on needed clarifications to include in the listing forms. This is particularly important in this case because the ability to achieve the proposed numerical limits is largely contingent on the inlet gas concentrations and pretreatment, rather than by the flare alone. For example, VOC concentrations can vary substantially from site to site and change over time. A fixed concentration-based VOC limit does not account for this variability and may not be technically feasible for all facilities.

In addition, the proposed limits provide very little margin for variations in test results. The summary data for the AIP case illustrates this very small compliance margin. This is concerning for a source category that has a high potential for variations in inlet gas concentrations; with limited ability to control the inlet VOC concentrations.



Improved data transparency is important to fully understand the proposed determination and ensure site specific factors are included in the listing. Our intent is not to question past permitting decisions, but rather to allow the BACT SRC the opportunity to provide technical input on the proposed listings to avoid unintended consequences. BACT SRC members submitted formal Public Records Requests, however these have not been completed. These listings can significantly affect future operations and permitting, therefore we recommend **delaying adoption of these LAER listings** until the source test data can be reviewed and discussed by BACT SRC.

Lastly, we strongly recommend revising the listing forms to include the following critical information:

- Inlet gas data (i.e. inlet VOC concentrations, sulfur content)
- Upstream gas treatment
- PM control device(s) used upstream of the flare (i.e. type, efficiency rating)

Given the operational significance of these limits, we believe this information should be provided to SRC members in a transparent and timely manner prior to finalizing the listings.

3. Operational Implications of Required Pretreatment

We also have concerns regarding the implied need for pretreatment prior to flare operation. At many facilities, flares serve as the final backstop emissions control device for the facility's biogas management system, and provide critical backup capacity for other combustion equipment such as boilers, engines, and turbines. Introducing mandatory pretreatment adds a new point of failure. If the pretreatment system were to malfunction, the pretreatment would need to be bypassed to avoid a raw gas release prior to combustion in a flare. The absence of a bypass option, due to pretreatment requirements, can result in emergency venting, which is not a viable option due to permit prohibitions. Limiting the operational flexibility for critical equipment that needs to always be available for use by requiring pretreatment can add unnecessary non-compliance risk for an essential public service, such as a POTW.

Equipment readiness to immediately combust raw biogas during process upsets, emergencies, or maintenance activities is imperative. Mandating gas pretreatment for



these safety devices adds unnecessary bottlenecks, introduces pressure drop risks, and ultimately compromises the fail-safe reliability of the entire biogas management operation. Because flares rely on safe header pressure to vent and burn excess biogas during a system upset, pretreatment systems may create a flow restriction.

This is particularly problematic during emergency situations or in upset conditions, when reliable flare operation is essential. For facilities with continuous public health responsibilities, operational reliability must remain a central consideration in any BACT determination. While we appreciate the ability to obtain relief from the Hearing Board for emergency situations, we are concerned that planning on relying on such an approach clearly highlights the need to carefully assess BACT determinations for critical equipment needed to reliably maintain essential public services.

Conclusion

For the reasons outlined above—uncertainty regarding future technology transfer, the need for data transparency, and concerns about operational reliability—we respectfully request that SCAQMD **postpone the adoption of the proposed BACT (LAER) listings** pertaining to biogas flares and associated pretreatment processes until the requested technical information is provided and a more comprehensive evaluation can be completed. This will help ensure that the final BACT determinations are technically justified, achievable, and appropriate for all affected sectors.

Clean Water SoCal appreciates the opportunity to comment, and we look forward to continued collaboration. We hope that with additional information and discussion, meaningful progress can be made on these important issues.

If there are any questions regarding this transmittal, please contact me directly at (760) 415-4332 or sjepson@cleanwatersocal.org

Sincerely,

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