



May 16, 2022

U.S. Environmental Protection Agency
EPA Docket Center OAR Docket EPA–HQ–OAR–2019–0055
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via Online Portal: <https://www.regulations.gov/>

Re: Docket ID No. EPA–HQ–OAR–2019–0055, California Association of Sanitation Agencies Comments on the Proposed Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards

To Whom it May Concern:

The California Association of Sanitation Agencies (CASA) appreciates this opportunity to comment in support of the Proposed Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards (Proposed Standards) released on March 28 for comment. CASA is an association of local agencies, engaged in advancing the recycling of wastewater into usable water, as well as the generation and use of renewable energy, biosolids, and other valuable resources. Through these efforts we help create a clean and sustainable environment for Californians. Our members are focused on helping the state achieve carbon neutrality (and its current 2030 mandates for GHG reductions) which include:

- Reducing carbon intensity of transportation fuel
- Reducing short-lived climate pollutant (SLCP) emissions
- Effectively diverting organic waste from landfills
- Providing 100 percent of the state’s energy needs from renewable sources
- Increasing soil carbon and carbon sequestration under the Healthy Soils Initiative, Natural and Working Lands Climate Smart Strategy, and Forest Carbon Plan

General support:

The updates to the Proposed Standards are intended to balance incentivizing zero and near-zero emissions vehicle (ZEV and NZEV) development with ensuring that the standards achieve an appropriate fleet-wide level of greenhouse gas (GHG) emissions reductions, while also achieving necessary reductions of nitrogen oxides (NOx) and particulate matter (PM) to satisfy existing regulations. This is critical and we strongly support the approach. Even if all stationary sources had zero emissions, some air basins (including the South Coast Air Basin) wouldn’t be in attainment with national ambient air quality standards for ozone. Failure to comply with federal standards could result in the loss of billions of dollars in federal highway funds and a permit moratorium (as stated by [the South Coast Air Quality Management District](#) (SCAQMD)). For example, the Clean Air Act (CAA) requires the South Coast Air Basin, which is in extreme nonattainment for ozone, to come into compliance by 2023. If this deadline is not achieved, CAA Sections 179 and 185 allow the USEPA to impose the following sanctions: withhold federal highway funding and increase offsetting requirements and impose an annual penalty on major stationary sources. Some public wastewater agencies have estimated the potential penalty to exceed \$1,000,000 per year. Thus, these Proposed Standards are essential to air basins for limiting ozone production prior to federal attainment deadlines, while also providing the necessary options of heavy-duty vehicles for critical operations as described in this comment letter. Of utmost concern is that



an electrification-only approach will take significantly longer to implement than an approach that allows NZEVs. Also, renewable non-fossil biogas produced at publicly owned treatment works (POTWs) will need a long-term home in the national effort to decarbonize the economy, which is not addressed in this proposed rulemaking. Last, but not least, delaying emission reductions via an electrification only approach will negatively impact disadvantaged environmental justice (EJ) communities and trigger nonattainment penalties upon stationary sources, when mobile and federal sources are the primary cause of ozone nonattainment.

Specific comments describing our support for, as well as our concerns and recommendations related to, the Proposed Standards are as follows for your consideration:

Essential public services must operate at all times to protect public health and the environment.

As essential public service providers and fellow dedicated environmental stewards, CASA members provide reliable wastewater treatment to protect public health and the environment. CASA members are public, local agencies responsible for providing wastewater conveyance and treatment to over 90 percent of the sewered population across California. While our primary objective is to reliably convey and treat wastewater and residual biosolids to state and regional standards, CASA's members also support the state and nation's clean air goals, which rely heavily on clean vehicles. To support these goals, many of our members produce renewable wastewater biogas as an inherent component of wastewater treatment, and via co-digestion, that can be used as a low carbon transportation fuel (reducing GHGs, NOx, and PM relative to diesel options), which can also support specialty vehicles that must be deployed to meet increasingly frequent mutual aid and critical response demands due to natural disasters (e.g., wildfires, extreme weather events, etc.) and other types of emergencies and routine functions.

CASA members operate medium-and heavy-duty vocational trucks that perform maintenance and repair operations. On any given day they are required to travel long distances (to maintain over 110,000 miles of public sewers and facilities), overcome rough terrain, and provide extended operation of auxiliary equipment via power-take off (PTO) devices at project sites. It is critical to consider the high level of energy and hours of operation required while at worksites and the need for certain trucks to be outfitted with equipment driven by PTO devices. Vehicles are often called upon to tow equipment such as generators or pumps, perform welding operations, power onboard pumps, vacuums, welding machines and air compressors, and other tasks that require long duty cycles. We also utilize heavy duty vehicles to transport biosolids to agricultural fields for beneficial recycling via land application. At this point in time, there are no ZEV options available that provide the level of service required to maintain reliable service to protect public health and the environment, as well as remain in compliance with existing State Water Board and Regional Water Board regulations and permit requirements, while providing critical and timely response services. **CASA strongly supports EPA's approach, to balance ZEV and NZEV development to ensure we meet existing air quality standards, while also providing vehicle options that can support critical response needs of our communities and our core functions.**

NZEVs are not only critical for supporting community resilience, but also reducing NOx emissions to remain in compliance with the Clean Air Act.

Our members have already begun purchasing ultra-low emission natural gas powered on-road heavy-duty vehicles (supported by Cummins-Westport engines) to comply with restrictive local air quality regulations (e.g., [SCAQMD Rule 1196](#)). These vehicles are immediately available and emit 90 percent fewer NOx emissions relative to current standards for heavy-duty vehicles – comparable to emissions



from an equivalent all-electric heavy-duty vehicle when the emissions associated with the electricity production are taken into account. Under CAA section 202(a)(3)(A), standards for emissions of NO_x, PM, HC, and CO emissions from heavy-duty vehicles and engines are to “reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the model year to which such standards apply, giving appropriate consideration to cost, energy, and safety factors associated with the application of such technology.” When fueled by renewable biogas, the Cummins-Westport ISX12N engine can provide even greater GHG emissions reductions than ZEVs by also reducing the emissions from renewable waste sources (i.e., fugitive methane emissions from landfills). Some of our members have recently invested significant capital into co-digestion and biogas conditioning infrastructure, as well as compressed natural gas (CNG) vehicles – all in support of California mandates for achieving GHG emission reductions by 2030 and carbon neutrality, as well as complying with local regulations. Additionally, specialty and critical response vehicles must be able to travel long ranges that include the individual service territory as well as assisting with regional and remote disaster efforts and other types of emergencies. **CASA strongly supports including the use of NZEVs fueled by non-fossil, renewable biogas, especially where ZEVs are not feasible or available, allowing for immediate emissions reductions while meeting critical demands reliably across large regions.**

Wastewater biogas is a non-fossil, renewable, low carbon transportation fuel that should continue to be used to support community resilience and critical response – not wasted!

Regulations under California’s Senate Bill 1383 began implementation in 2022 (requiring diversion of organic waste from landfills to achieve methane reduction) and significantly more renewable biogas will be produced at POTWs through the co-digestion of wastewater sludge with methane producing organic waste diverted from landfills. Co-digestion is a proven approach of economically producing renewable energy/fuel, as well as a soil amendment (biosolids) to improve California’s soil ecosystem. In fact, more than 90 percent of California’s wastewater flow is treated through anaerobic digestion, generating biogas and will continue to do so. As quantified in the [SWRCB’s Co-Digestion Capacity Analysis](#) (released by the Governor’s office in August 2020), POTWs can utilize available existing infrastructure in the form of anaerobic digestion to receive and co-digest all of the divertible food waste across the state thereby removing a major source of fugitive methane from landfills (which account for about 20 percent of the state’s methane inventory). Co-digestion also further advances two initiatives undertaken at USEPA - the joint challenge with the Department of Energy to expand renewable resources at POTWs and the “Winning with Food Waste” initiative to divert food waste away from landfills. Both initiatives favor co-digestion of food waste at wastewater treatment plants. Utilizing co-digestion, California’s POTWs can significantly increase biogas production to provide, among other benefits, a source of low carbon fuel, on- and/or off-site renewable energy production, and biosolids which help mitigate climate change when land applied.

Accordingly, **CASA strongly supports:**

- **EPA’s approach, to balance ZEV and NZEV development to ensure we meet existing air quality standards, while also providing vehicle options that can support critical response needs of our communities.**
- **Continued beneficial use of wastewater-derived biogas for the production of a low carbon fuel.**
- **The use of NZEVs fueled by non-fossil, renewable wastewater biogas, especially where ZEVs are not feasible or available, allowing for immediate emissions reductions to comply with federal standards for ozone while meeting critical demands reliably across large regions.**



CALIFORNIA ASSOCIATION of SANITATION AGENCIES

925 L Street, Suite 200 • Sacramento, CA 95814 • TEL: (916) 446-0388 • www.CASAweb.org

We appreciate the opportunity to comment on the Proposed Standards, and further appreciate your willingness to consider our recommendations. Please contact me at sdeslauriers@carollo.com if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Sarah A. Deslauriers". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Sarah A. Deslauriers, P.E., ENV SP
Climate Change Program Manager, CASA

cc:

Mr. Adam Link, Executive Director, California Association of Sanitation Agencies
Mr. Greg Kester, Director of Renewable Resources, California Association of Sanitation Agencies
Mr. Adam Krantz, Chief Executive Officer, National Association of Clean Water Agencies
Ms. Cynthia Finley, Director – Regulatory Affairs, National Association of Clean Water Agencies