Title: EPA Proposed Rule on Sewage Sludge Incinerators

Subject: Palo Alto Comments on the Environmental Protection Agency’s Proposed Rule for Sewage Sludge Incinerator Units

From: City Manager

Lead Department: Public Works

Executive Summary
Staff submitted the attached comment letter to the Environmental Protection Agency (EPA) on the proposed new emissions requirements for sewage sludge incinerators and will return to Council with key information following publication of the final rule. This is a brief informational report to Council regarding the proposed rule making. No action by Council is required.

Discussion
On October 14, 2010, EPA proposed emission limits for new and existing sewage sludge incineration units. Due to a court decision in 2007, EPA was directed to regulate sewage sludge incinerators under Section 129 of the Clean Air Act. Section 129 of the Clean Air Act directs EPA to promulgate emission limits that are based on Maximum Achievable Control Technology. In the proposed rule, EPA determined that the calculated Maximum Achievable Control Technology emission limits for mercury were not stringent enough, and therefore proposed a “beyond-the-floor” mercury emission limit that is even more stringent.

The Palo Alto Regional Water Quality Control Plant is one of the 97 agencies nationwide that utilizes sewage sludge incinerators and is thereby affected by the proposed rule. Palo Alto’s sewage sludge incinerators would not be able to meet the proposed “beyond-the-floor” mercury limits without significant and costly emissions control upgrades. Staff has tracked this issue and worked closely with the National Association of Clean Water Agencies in developing the attached comment letter. Staff submitted comments on the proposed rulemaking on November 29, 2010 (Attachment A). EPA acknowledged that many of the comments submitted in response to the proposed emissions guidelines are significant and valid, and EPA requested that the U.S. District Court for the District of Columbia grant a six-month extension to July 2011 for promulgation of a final rule. The Court denied the request, instead ordering EPA to finalize the rule by February 21, 2011. Staff will return to Council after the final rule is published with a staff report discussing the implications of the final emissions rule for Palo Alto’s sewage sludge incinerators.
On a longer time frame, staff is studying other alternatives for managing sewage sludge as part of the Water Quality Control Plant’s Long Range Facilities Planning Process, which began in the fall of 2010. As directed by Council, staff will be evaluating energy recovery technologies during this process, which is scheduled for completion in 2012.

ATTACHMENTS:
• PA Comments EPA HQ-OAR-2009-0559_Final  (PDF)

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