

## APPENDIX E

### CLEAN AIR ACT CONFORMITY ANALYSIS SAN FRANCISCO BAY TO STOCKTON PHASE III (JOHN F. BALDWIN) NAVIGATION CHANNEL PROJECT

#### 1.0 INTRODUCTION

This analysis supports the conformity determination for the recommended plan associated with the San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel Project and demonstrates that this plan would comply with section 176(c) of the Clean Air Act, as amended (CAA). The recommended plan includes construction and operation of the pipeline system utilizing a free-standing wharf with a submerged pipeline connecting the wharf to the tank farm at Point Orient, and use of a pipeline route from the tank farm to the existing PG&E line that passes under Castro Cove (Alternate Route 2).

#### 2.0 REGULATORY BACKGROUND

As required by the CAA, States establish State Implementation Plans (SIPs) to ensure that areas in attainment of the National Ambient Air Quality Standards (NAAQS) remain in compliance with these standards and that they have a viable plan for nonattainment areas to reach attainment. Section 176(c) of the CAA requires that federal actions conform with the most recent federally approved SIP. Conformity to an implementation plan means the following:

1. A project will conform to an implementation plan's purpose of eliminating or reducing the severity and number of violations of the NAAQS and achieving expeditious attainment of such standards, and
2. A project will not (a) cause or contribute to any new violations of any standard in any area, (b) increase the frequency or severity of any existing standard violation in any area, or (c) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area. The determination of conformity shall be based on the most recent estimates of emissions, as determined by the metropolitan planning organization or other agency authorized to make such estimates.

In accordance with Section 176(c) the U.S. EPA promulgated the final conformity rule for general federal actions on November 30, 1993, which is codified as 40 CFR 51 Subpart W, and 40 CFR 93 Subpart B. The 40 CFR 93 Subpart B applies to federal agencies until states revise their SIPs to adopt a conformity rule at least as stringent as U.S. EPA's rule (40 CFR 51 Subpart W).

According to 40 CFR 93 Subpart B, determining conformity is essentially a two step process: (1) applicability analysis and (2) conformity analysis. Applicability analysis is performed according to Subpart 93.153 wherein de minimis thresholds based on the region's nonattainment status and regional emission levels are established for total project direct and indirect pollutant emissions. Conformity analysis is not required for projects where the total direct and indirect emissions caused by the federal action are less than the respective thresholds. The definitions of total direct and indirect emissions for conformity purposes distinguish emissions according to timing and location rather than the type of emission source. Direct emissions occur at the same time and place as the federal action. Indirect emissions include those that may occur later in time or at a distance from the federal action. In addition, the conformity rule limits the scope of indirect emissions to those which can be quantified and are reasonably foreseeable by the federal agency at the time of analysis, and those for which the federal agency can practicably control and maintain control through its continuing program responsibility.

If required by the applicability analysis, the conformity analysis should consider whether the project conforms to the guidelines of the most recent federally approved SIP, as stated in section 176(c) of the CAA. The San Francisco Bay Area Air Basin (SFBAAB) portion of the SIP approved by the U.S. EPA is the *1982 Bay Area Air Quality Plan* (Air Quality Plan) (Bay Area Air Quality Management District [BAAQMD], Association of Bay Area Governments [ABAG], and the Metropolitan Transportation Commission [MTC] 1982). This plan was required to demonstrate attainment of the ozone and carbon monoxide NAAQS by 1987 in the SFBAAB, but ultimately failed to reach its goals. As part of the CAA milestones, the BAAQMD, ABAG, and MTC submitted the *San Francisco Bay Area Redesignation Request*

*and Maintenance Plan for the National Ozone Standard (Maintenance Plan)* to the U.S. EPA on November 15, 1993 (BAAQMD, ABAG, MTC 1993). Since the national ozone standard had not been exceeded in the SFBAAB more than once annually over the past three years, the U.S. EPA approved the Maintenance Plan and redesignated the SFBAAB as attainment for ozone effective June 21, 1995. The Maintenance Plan adopts most of the emission control measures identified in the 1982 SIP, includes new transportation emission control measures, and demonstrates continued attainment of the national ozone standard in the SFBAAB. As part of the approval process for the Maintenance Plan the U.S. EPA determined that reliance on volatile organic compound (VOC) control measures would be sufficient to maintain the ozone standard and the nitrogen oxides (NO<sub>x</sub>) class of compounds was given the status of an exempt pollutant (60 FR 27028-27041).

### **3.0 APPLICABILITY ANALYSIS**

All activities associated with the San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel Project recommended plan are located within the SFBAAB. The SFBAAB is currently designated as a maintenance area for ozone, attainment for nitrogen dioxide and sulfur dioxide, and unclassified for particulate matter less than 10 microns in diameter (PM<sub>10</sub>). The urbanized areas of the SFBAAB are classified as nonattainment for carbon monoxide (CO). To determine applicability, project emissions therefore need to be compared to the area-specific de minimis thresholds for ozone and CO [Subpart 93.153(b)(2)]. In addition, the emissions of ozone precursors (VOC only, NO<sub>x</sub> exempt) and CO must not exceed 10 percent of the total SFBAAB inventories of VOC and CO emissions [Subpart 93.153(i)]. If total project direct and indirect VOC and CO emissions are less than the de minimis thresholds and less than 10 percent of the area inventory for VOC and CO, the project is assumed to conform, and further conformity analysis is not required.

The short-term VOC and CO emissions from construction activities associated with the recommended plan within the SFBAAB are compared to the de minimis thresholds and regional inventories in Table E-1. Table N-1 shows that project VOC and CO emissions are less than the applicability thresholds. Further conformity analysis is therefore not required, and short-term project emissions are presumed to conform to the most recent federally approved SIP as required by Section 176(c) of the CAA.

An applicability analysis for long-term impacts of the recommended plan is not necessary since long-term emissions would be less than no-action and would result in a beneficial impact (see Table 5.1-13 in section 5.1.5, and Table 7.1-1 in section 7.1.1 in the main EIR/S for a comparison of long-term emissions from the recommended plan and the no-action alternative). Emissions of VOC (as ROG), CO, NO<sub>x</sub>, SO<sub>2</sub>, and PM<sub>10</sub> would be 15.3, 41.4, 353.8, 188.7, and 20.1 tons per year less than no-action emissions, respectively, if the recommended plan were implemented.

**Table E-1**  
**San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel**  
**Project Recommended Plan VOC and CO Emissions Compared to**  
**Conformity Thresholds**

<i>Emissions and Thresholds</i>	<b>POLLUTANT (TONS/YEAR)</b>	
	<i>VOC</i>	<i>CO</i>
Short-term Emissions <sup>a</sup>	23.7	77.4
De Minimis Thresholds <sup>b</sup>	100.0	100.0
10 Percent of Inventory <sup>c</sup>	19,528.0	88,513.0

*Notes:* a. Values obtained from Table 5.1-12 of the EIR/S.  
b. Source: 40 CFR 93.153(b)(2).  
c. Source: *BAAQMD CEQA Guidelines, Assessing the Air Quality Impacts of Projects and Plans.* (BAAQMD 1996).

#### **4.0 CONCLUSIONS**

The recommended plan of the San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel Project would produce a long-term air quality benefit to the region. Although construction activities would result in short-term, increased air emissions, these emissions would be less than the de minimis thresholds and less than 10 percent of the nonattainment area's emissions. The recommended plan would conform to the emission growth factors identified in the most recent federally approved SIP and the regional Maintenance Plan. Therefore, by definition, the project would not (1) cause or contribute to any new ambient air quality standard violation, (2) increase the frequency or severity of any existing standard violation, or (3) delay timely attainment of any standard. As a result, the recommended plan would comply with section 176 (c) of the CAA.

For the reasons provided above in this conformity analysis, I conclude that the recommended plan of the San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel Project conforms to the applicable SIP, is consistent with the regional Maintenance Plan, and would lead to a long-term air quality benefit in the project region. In light of this, I also conclude that the recommended plan is in compliance with section 176 (c) of the CAA, as amended.

Richard G. Thompson  
Lieutenant Colonel  
U.S. Army Corps of Engineers, San Francisco District  
District Engineer  
Date

I concur that the recommended plan of the San Francisco to Stockton Phase III (John F. Baldwin) Navigation Channel Project conforms to the applicable SIP, is consistent with the Maintenance Plan, and would lead to a long-term air quality benefit in the project region. In light of this, I also concur with the conclusions reached by the District Engineer that the recommended plan is in compliance with section 176 (c) of the CAA, as amended.

J. Richard Capka

Brigadier General

U.S. Army Corps of Engineers, South Pacific Division

Director of Civil Works

Date

