CLEAN AIR ACT CONFORMITY ANALYSIS
UPPER GUADALUPE RIVER FEASIBILITY STUDY
SAN JOSE, CALIFORNIA

1.0 INTRODUCTION

This analysis supports the conformity determination for the proposed Upper Guadalupe River Feasibility Study and demonstrates that these flood control improvements would comply with section 176(c) of the Clean Air Act, as amended (CAA).

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 that:

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. Conformity determination is a two-step process: (1) applicability analysis and (2) conformity analysis. Applicability analysis is performed by comparing annual project direct and indirect emissions to de minimis pollutant thresholds outlined in the conformity rule. The more severe the nonattainment status of a region, the smaller the de minimis thresholds. Federal actions are assumed to conform with the most recent federally-approved SIP if total direct and indirect emissions caused by the federal action are less than the de minimis 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 emissions from a proposed federal action exceed a de minimis threshold, a formal conformity analysis would be required as the next step in the conformity determination process. A federal action would conform with the most recent federally-approved SIP if its emissions were consistent with all relevant requirements and milestones contained in the applicable SIP and the action meets any of the

following requirements: (1) the total emissions from the action are accounted for in the applicable SIP, (2) for ozone (O_3) and nitrogen dioxide (NO_2), the total emissions are fully offset by either a revision to the SIP or by emission reductions so that there is no net increase in emissions of these pollutants, or (3) for carbon monoxide (CO), sulfur dioxide (SO_2), or particulate matter less than 10 microns in diameter (PM_{10}), dispersion modeling shows that project emissions would not (a) cause or contribute to a new ambient air quality standard violation or (b) increase the frequency or severity of any existing standard violation in any area.

3.0 APPLICABILITY ANALYSIS

All activities associated with the Upper Guadalupe River Feasibility Study are located within the San Francisco Bay Area Air Basin (SFBAAB). The project area within the SFBAAB is currently designated as a maintenance area for O_3, attainment for NO_2 and SO_2, unclassified for PM_{10}, and nonattainment for CO. Therefore, a project alternative would trigger a conformity analysis if its emissions exceeded (1) 100 tons per year of CO or 50 tons per year of volatile organic compounds (VOC) or (2) 10 percent of the total SFBAAB inventories of VOC or CO (19,528 and 16,863 tons per year, respectively). As stated in Appendix A of this FEIS/R, the SFBAAB is presently exempt from analyzing NO_x emissions as part of conformity determinations for O_3.

The Bypass Channel Plan was chosen for analysis over the Channel-widening Plan, since this project alternative would produce the greatest amount of emissions. The analysis focused on short-term construction impacts, as long-term operational impacts from the project would only occur from occasional maintenance activities and would produce minor amounts of emissions. Construction emissions were based on construction equipment fuel usage data provided by the COE (personal communication with William DeJager). The results of the analysis determined that short-term construction emissions of VOC and CO from the Bypass Channel Plan would amount to 0.9 and 11.6 tons per year, respectively, and would not exceed their applicable de minimis thresholds. These emissions would also be well below 10 percent of the SFBAAB emission inventories for these pollutants. Consequently, further conformity analysis is not required and the proposed emissions would conform to the most recent federally-approved SIP, as required by Section 176(c) of the CAA.

4.0 CONCLUSIONS

Construction of the proposed Upper Guadalupe River Feasibility Study project alternatives would result in short-term increases in air emissions. However, these emissions would be less than the conformity de minimis thresholds and 10 percent of the VOC and CO emissions for the SFBAAB. Long-term operational emissions from the project alternative would remain well below these thresholds. 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 project would comply with section 176 (c) of the CAA.

For the reasons provided above in this conformity analysis, I conclude that the Upper Guadalupe River Feasibility Study project alternatives would conform to the applicable SIP. In light of this, I also conclude that the proposed flood control improvements are in compliance with section 176 (c) of the CAA, as amended.

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Date: _____