Appendix P

Berth 97-109 [China Shipping] Container Terminal Improvements Project

Draft General Conformity Determination

The Port of Los Angeles, California

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Prepared for:

US Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Prepared by:

CDM
111 Academy, Suite 150
Irvine, California 92617

Project No. 59998-67056

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Section 1
Introduction

Section 176 (c) of the Clean Air Act (42 U.S.C. § 7506(c)) requires any entity of the Federal government that engages in, supports, or in any way provides financial support for, licenses or permits, or approves any activity to demonstrate that the action conforms to the applicable State Implementation Plan (SIP) required under Section 110 (a) of the Clean Air Act (42 U.S.C. § 7410(a)) before the action is otherwise approved. In this context, conformity means that such Federal actions must be consistent with a SIP's purpose of eliminating or reducing the severity and number of violations of national ambient air quality standards (NAAQS) and achieving expeditious attainment of those standards. Each Federal agency (including the U.S. Army Corps of Engineers [USACE]) must determine that any action that is proposed by the agency and that is subject to the regulations implementing the conformity requirements will, in fact, conform to the applicable SIP before the action is taken.

At issue for the Port of Los Angeles (POLA) Berth 97-109 [China Shipping] Container Terminal Improvements Project (hereinafter the Project) is the issuance of a USACE permit, pursuant to Section 404 of the Clean Water Act and Section 10 of the River and Harbor Act, for several improvements in and over the water at the China Shipping berths, including near-water areas affected by temporary access, storage, and staging necessary to complete the in- and over-water activities, and the transport and disposal of dredged material at an approved upland site. This draft general conformity determination documents the evaluation of the Federal action with Section 176 (c) requirements of the Clean Air Act. The remainder of Section 1 discusses the background of the regulatory requirements. Section 2 discusses the USACE's Federal action. Section 3 discusses the regulatory procedures for the conformity evaluation. Section 4 describes how applicability of the conformity requirements to the Federal action was analyzed. Section 5 presents the methods and criteria that were used to evaluate the conformity of the Federal action. Section 6 discusses the concepts of mitigation required under conformity regulations. Section 7 presents the reporting process to be followed to formalize the conformity determination. Section 8 offers the USACE's findings and conclusions. Section 9 provides references for the evaluation. Attachment A provides a discussion and results of the emission calculation methods applied in the general conformity evaluation. Attachment B provides correspondence received from the Southern California Association of Governments (SCAG) regarding the Project and POLA activity forecasts. Attachment C presents the USACE general conformity guidance document.

1.1 Transportation Conformity Requirements

The U.S. Environmental Protection Agency (EPA) promulgated two regulations to address the conformity requirements of the Clean Air Act. On November 24, 1993, EPA promulgated final transportation conformity regulations at 40 C.F.R. Part 93 Subpart A to address Federally-assisted transportation plans, programs, and projects. These

regulations have been revised several times since they were first issued to clarify and simplify them. On September 14, 1994, the South Coast Air Quality Management District (SCAQMD), which oversees air quality management in the South Coast Air Basin (SCAB) of California, adopted these regulations by reference as part of Rule 1902. The SCAQMD rule has also been amended since its original issuance. Although, in general, a seaport development project may require or rely on improvements in roadway or transit infrastructure, a determination of transportation conformity related to such improvements would typically be addressed by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) as part of a regional transportation plan or regional transportation improvement program and not as a stand-alone project. SCAG, the regional metropolitan planning organization (MPO), has indicated that the project is not regionally significant (SCAG 2008), and also indicated that POLA growth in truck and automobile traffic is accounted for in the 2008 Regional Transportation Plan (RTP) (SCAG 2007) for which a transportation conformity determination has been issued (see Section 3.1); therefore, it would not be necessary to include on-road emissions associated with construction material deliveries and on-road debris hauling in the general conformity evaluation since this portion of the Federal action is considered to conform to the SIP (40 C.F.R. § 93.158(a)(5)(ii)). Attachment B includes the SCAG statements.

1.2 General Conformity Requirements

On November 30, 1993, EPA promulgated final general conformity regulations at 40 C.F.R. Part 93 Subpart B for all Federal activities except those covered under transportation conformity. On September 14, 1994, SCAQMD adopted these regulations by reference as part of Rule 1901. The general conformity regulations apply to a Federal action in a nonattainment or maintenance area if the total of direct and indirect emissions of the relevant criteria pollutants and precursor pollutants caused by the Federal action equal or exceed certain de minimis rates, thus requiring the Federal agency to make a determination of general conformity. Even if the total direct and indirect emissions of any pollutant from a Federal action does not equal or exceed the de minimis rates, but represents ten percent or more of a nonattainment or maintenance area's total emissions of that pollutant, the action is considered regionally significant and the Federal agency must make a determination of general conformity. By requiring an analysis of direct and indirect emissions, EPA intended the regulating Federal agency to make sure that only those emissions that are reasonably foreseeable and that the Federal agency can practicably control subject to that agency's continuing program responsibility will be addressed.

The general conformity regulations incorporate a stepwise process, beginning with an applicability analysis. According to EPA guidance (EPA 1994), before any approval is given for a Federal action to go forward, the regulating Federal agency must apply the applicability requirements found at 40 C.F.R. § 93.153(b) to the Federal action and/or determine the regional significance of the Federal action to evaluate whether, on a pollutant-by-pollutant basis, a determination of general conformity is required. The guidance states that the applicability analysis can be (but is not required to be) completed concurrently with any analysis required under the National Environmental

Policy Act (NEPA). If the regulating Federal agency determines that the general conformity regulations do not apply to the Federal action, no further analysis or documentation is required. If the general conformity regulations do apply to the Federal action, the regulating Federal agency must next conduct a conformity evaluation in accord with the criteria and procedures in the implementing regulations, publish a draft determination of general conformity for public review, and then publish the final determination of general conformity.

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Section 2
Description of the Federal Action

In accordance with applicable general conformity regulations and guidance, including USACE guidance dated April 20, 1994 (see Attachment C), when a general conformity determination is necessary, the USACE is only required to conduct a general conformity evaluation for a specific Federal action associated with the selected alternative for a project or program (EPA 1994), and the USACE must issue a positive conformity determination before the Federal action is approved. Each Federal agency is responsible for determining conformity of those proposed actions over which it has jurisdiction. This draft general conformity determination is related only to those activities included in the USACE's Federal action pertaining to the Project selected by the Los Angeles Harbor Department (LAHD). The Project is more fully described in Section 2.1.

The general conformity requirements only apply to Federal actions proposed in nonattainment areas (i.e., areas where one or more NAAQS are not being achieved at the time of the proposed action and requiring SIP provisions to demonstrate how attainment will be achieved) and in maintenance areas (i.e., areas recently reclassified from nonattainment to attainment and requiring SIP provisions pursuant to Section 175A of the Clean Air Act to demonstrate how attainment will be maintained). The attainment status in the vicinity of POLA is discussed in Section 4.1.

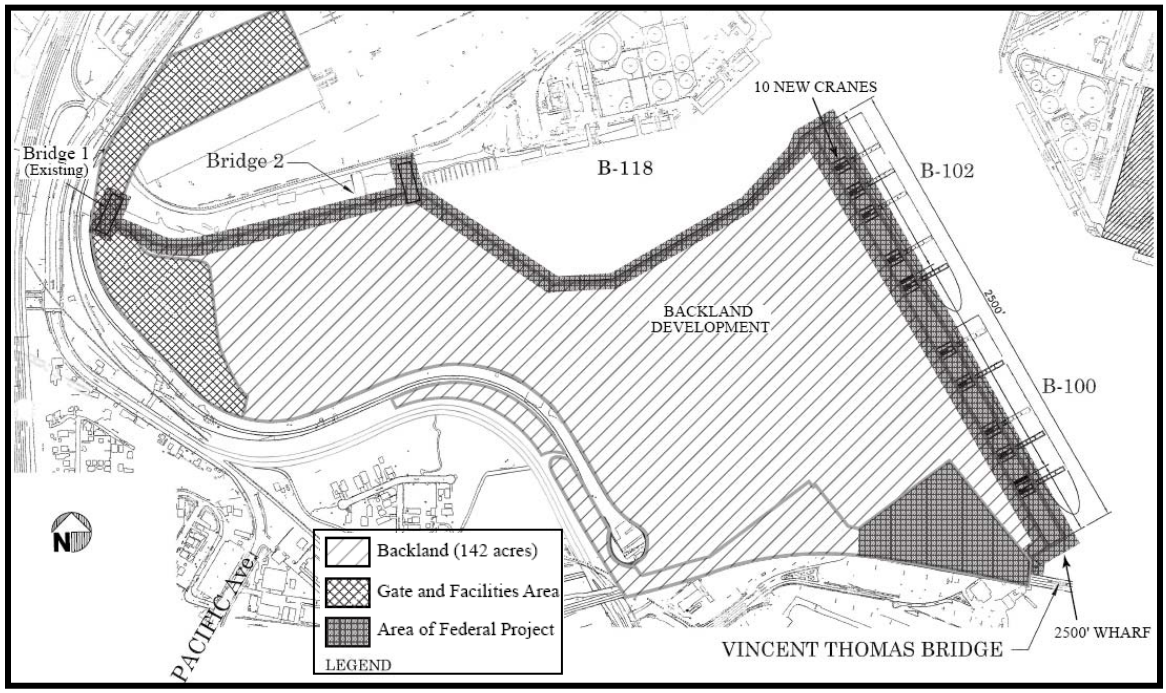
2.1 Berth 97-109 Container Terminal Improvements Project

The City of Los Angeles (City) is undertaking the Project to implement numerous improvements at POLA, only some of which are included in the Federal action being addressed herein. The Project includes new wharf construction and lengthening of Berths 100 and 102; addition of ten shoreside A-frame cranes; expansion and development of 142 acres of terminal backlands; construction of container terminal buildings, gate facilities, and accessory structures; construction of two new bridges over the southwest slip to connect Berth 97-109 Container Terminal to Berth 121-131 Marine Terminal; construction of road improvements with minor dredging to match the West Basin channel depth of -53 feet; and relocation of Catalina Express Terminal from Berth 96 to south of Vincent Thomas Bridge at Berth 95. The Project is being implemented in three phases. Phase I, which was completed and has been in operation since 2004, included installation of four A-frame cranes, dredging along the waterfront at Berth 100, 1,200 feet of wharf improvements at Berth 100, construction of Bridge 1, and construction on 72 acres of backlands. Phase II, scheduled to be completed by 2011, includes the installation of five A-frame cranes, 925 feet of wharf improvements at Berth 102, construction of buildings at Berths 100-109, construction of Bridge 2, construction on 45 acres of backlands, and possible minor maintenance dredging. Phase III, scheduled to be completed by 2012, includes installation of one A-frame crane, construction of the southern extension of Berth 100, and construction on 25 acres of backlands (behind Berth 100).

The Federal action is defined by the permit application submitted to the USACE by the LAHD in June 2003. The portions of the Project requiring a USACE permit are all dredging and spoils disposal, construction of new wharves at Berths 100 and 102, construction of two bridges over Southwest Slip, construction of floating docks for Catalina Express, and landside construction activities within 100 feet of the shoreline required to complete the in- and over-water structures and work (herein referred to as the Federal action). The latter includes the crane installation activities. Twenty-five acres adjacent to Berth 100 and used by Catalina Express are also being included in the Federal action because this area would not be developed (for backlands) without the Federal action. It should be noted that the requirements of general conformity do not apply to maintenance dredging and associated debris disposal (40 CFR 93.153(c)(2)(ix)).

As part of the environmental review of the Project, the USACE, in coordination with the City, has prepared this draft general conformity determination to demonstrate compliance with the general conformity requirements in support of the USACE's Federal action associated with the Project.

The seaport layout for the Project is presented in **Figure 2-1**. **Table 2-1** presents the list of major construction activities included in the Federal action.



Source: LAHD 2008.

Figure 2-1 Overall Project Layout with Federal Action Locations Shown (figure may not accurately present total Federal action acerage).

Table 2-1
List of Construction Activities in the Federal Action

Construction Phase	Construction Project
Phase 1	- Construct 1,000-foot Wharf at Berth 100 - Construct 200-foot Wharf at Berth 100 - Crane Delivery and Installation - Construct Bridge 1
Phase 2	- Construct Berth 102 - Construct Bridge 2 - Crane Delivery and Installation
Phase 3	- South Extension of Berth 100 - Construct 25-acre Backlands (Behind B100) - Crane Delivery and Installation

Source: Camp Dresser & McKee Inc., 2008.

LAHD has prepared an extensive list of both construction and operational mitigation measures that it proposes to implement as part of the Project to satisfy requirements of the California Environmental Quality Act (CEQA), and for the general conformity evaluation, the construction measures are considered part of project construction as designed. These mitigation measures were developed from reviews of mitigation measures and plans used at other seaports, extensions of ongoing LAHD environmental policies (including implementation of the Sustainable Construction Guidelines (POLA 2007) and the San Pedro Bay Ports Clean Air Action Plan (POLA/POLB 2006)), and public comments received on the Draft EIS/EIR. The mitigation measures related to construction include the following general approaches to reduce air quality impacts:

- MM AQ-1: Harbor Craft Used During Construction. During Phase I, all diesel-powered derrick barges used for pile driving shall use emulsified diesel fuel. During Phases II and III, all harbor craft used during construction shall be at a minimum repowered to meet the cleanest existing marine engine emission standards or EPA Tier 2, or Tier 3 if available.

- MM AQ-2: Cargo Ships. During Phases II and III, all cargo ships used for terminal crane deliveries shall comply with the expanded vessel speed reduction program of 12 knots for 40 nautical miles from Point Fermin to the Precautionary Area.

- MM AQ-3: Fleet Modernization for On-Road Trucks. During Phases II and III, trucks hauling materials such as debris or fill shall be fully covered while operating off POLA property; idling shall be restricted to a maximum of five minutes when not in use; all heavy duty diesel trucks with a gross vehicle weight rating of 19,500 pounds shall meet EPA 2004 on-road particulate matter standards and be cleanest available NOx and certified with California Air Resources Board (CARB) certified best available control technology devices.

- MM AQ-4: Fleet Modernization for Construction Equipment. During Phases II and III, construction equipment shall incorporate, where feasible, emission-savings technologies such as hybrid drives and specific fuel economy standards; idling shall be restricted to a maximum of five minutes when not in use; between 2009 and 2011, all off-road diesel-powered construction equipment greater than 50 horsepower shall achieve the EPA Tier 2 emission standards and be certified with CARB-certified best available control technology devices; beginning January 1, 2012, construction equipment shall achieve the EPA Tier 3 emission standards and be certified with CARB-certified best available control technology devices.

- MM AQ-5: Best Management Practices. During Phases II and III, institute practices such as construction equipment shall use diesel oxidation catalysts and diesel particulate traps, maintenance of equipment according to manufacturers' specifications, restriction of idling of construction equipment to a maximum of five minutes when not in use, and installation of high-pressure fuel injectors on construction equipment vehicles.

- MM AQ-6: Additional Fugitive Dust Controls. The construction contractor shall further reduce fugitive dust emissions to 90 percent from uncontrolled levels. Measures will include, but not be limited to: additional watering beyond that required by SCAQMD Rule 403, use of non-toxic soil stabilizer, use of temporary wind fencing, covering of haul trucks, use of wheel washers for vehicles leaving the construction site, and suspension of soil disturbance when wind speed exceeds 25 miles per hour.

- MM AQ-7: General Mitigation Measures. If a CARB-certified technology becomes available and is shown to be as good as or better in terms of emission performance compared to those proposed in MM AQ-1 through MM AQ-6, the new technology could replace the existing measure pending approval by LAHD.

- MM AQ-8: Special Precautions Near Sensitive Sites. All construction activities located within 1,000 feet of sensitive receptors (defined as schools, playgrounds, daycares, and hospitals) shall notify each of these sites in writing at least 30 days before construction activities begin.

All of the mitigation measures that the USACE has relied upon in this draft general conformity determination are CEQA-related mitigation measures that are being expressly adopted by LAHD and the City in approving the overall project and certifying

a Final EIR. As such, those mitigation measures are fully enforceable under Cal. Pub. Res. Code § 21081.6. California regulations also require compliance with mitigation requirements as stated in a mitigation monitoring and reporting program (MMRP); see 14 C.C.R. §§ 15091(d) and 15097(c)(3). The Project MMRP (LAHD 2008), which incorporates all of the mitigation measures that the USACE has relied upon in this draft general conformity determination, describes LAHD's lead responsibility for administering the program, the timing of implementation, monitoring frequency, and actions indicating compliance. These provisions ensure that the measures will be properly implemented through incorporating mitigation measures into all construction bid specifications for the Project.

2.2 Relationship to Other Environmental Analyses

A joint Draft EIS/EIR was published for public review and comment in August 2006 (USACE/LAHD 2006) providing an analysis of eight build alternatives (the original proposed project and Alternatives 1 through 7). A joint Recirculated Draft EIS/EIR was published in April 2008 (USACE/LAHD 2008) addressing comments raised on the original draft document. The USACE is the lead agency for the NEPA analysis documented in an Environmental Impact Statement (EIS). The City is the lead agency for the CEQA analysis documented in an Environmental Impact Report (EIR).

Both NEPA and CEQA require that the air quality impacts of the Project implementation be analyzed and disclosed. Regulatory guidance implementing these statutes requires that the air quality impacts from the project and its alternatives be determined by identifying the associated project incremental emissions and air pollutant concentrations and comparing them respectively to emissions thresholds and state and national ambient air quality standards. For CEQA purposes, the air quality impacts of the build alternatives were compared to the impacts of the environmental baseline to determine environmental significance and develop appropriate mitigation measures. The air quality impacts of the build alternatives were also compared to the NEPA Baseline for NEPA purposes. This draft general conformity determination is being published with the Final EIS that clarifies the Federal action, and revises the construction emissions associated with the Federal action.

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Section 3
Regulatory Procedures

The general conformity regulations establish certain procedural requirements that must be followed when preparing a general conformity evaluation. This section addresses the major procedural issues and specifies how these requirements are met for the evaluation of the Federal action. The procedures required for the general conformity evaluation are similar but not identical to those for conducting an air quality impact analysis under NEPA regulations.

3.1 Use of Latest Planning Assumptions

The general conformity regulations require the use of the latest planning assumptions for the area encompassing the Federal action, derived from the estimates of population, employment, travel, and congestion most recently approved by the MPO (40 C.F.R. § 93.159(a)). It should be noted that the latest planning assumptions available from the MPO at the time of this evaluation may differ from the planning assumptions used in establishing the applicable SIP emissions budgets. The approved 1997/1999 AQMP was developed with data similar to that used in the 1998 RTP, which was contemporaneous with the 1997/1999 AQMP. The approved 2008 RTP, which supersedes earlier RTPs, predicts an increase of goods movement in the SCAG region out to at least 2035, which partly reflects activities at POLA.

As noted previously, SCAG is the MPO for the region encompassing POLA. The SCAG region covers an area of over 38,000 square miles and includes the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCAG adopted the 2008 RTP on May 8, 2008 (SCAG 2008). On June 5, 2008, the Federal Highway Administration issued a finding that the 2008 RTP conforms to the applicable state implementation plan (i.e., transportation conformity determination). The growth forecast for the 2008 RTP estimated a region-wide population growth of approximately 30 percent between 2005 and 2035 and a nearly equivalent region-wide employment growth for the same period. The growth rates for population and employment in Los Angeles County are among the lowest for counties in the SCAG region.

The 2008 RTP indicates that container volume processed by the San Pedro Bay ports (Port of Los Angeles and Port of Long Beach) grew by almost 60 percent between 2000 and 2006, and it is expected to nearly triple by 2035. While the 2008 RTP focuses on the land transport aspects of goods movement (e.g., freight rail, high-speed regional transport, and highway), it recognizes the huge contribution and potential to goods movement from maritime transport and other marine activities in the ports.

3.2 Use of Latest Emission Estimation Techniques

The general conformity regulations require the use of the latest and most accurate emission estimation techniques available, unless such techniques are inappropriate (40 C.F.R. § 93.159(b)). Prior written approval from SCAQMD or EPA is required to modify

or substitute emission estimation techniques. It should be noted that the latest and most accurate emission estimation techniques available at the time of this evaluation may differ from the emission estimation techniques used in establishing the applicable SIP emissions budgets. The details of emissions estimating are described in Attachment A. The emission estimation techniques used in this evaluation are generally consistent with those used in preparing the Recirculated Draft EIS/EIR (USACE/LAHD 2008).

3.3 Emission Scenarios

The general conformity regulations require that the evaluation must reflect certain emission scenarios (40 C.F.R. §93.159(d)). Specifically, these scenarios must include emissions from the Federal action for the following years: (1) for nonattainment areas, the year mandated in the Clean Air Act for attainment and for maintenance areas, the farthest year for which emissions are projected in the approved maintenance plan; (2) the year during which the total of direct and indirect emissions for the Federal action are projected to be the greatest on an annual basis; and (3) any year for which the applicable SIP specifies an emissions budget. These emission scenarios will be described in more detail in Section 5. **Table 3-1** specifies the years for which the general conformity evaluation was performed for comparison to the approved SIP. **Table 3-2** specifies the years for which the general conformity evaluation was performed for comparison to the proposed SIP revisions.

Table 3-1
Emission Scenario Years for General Conformity Evaluation based on 1997/99 SIP

Pollutant	Attainment/ Maintenance	Greatest Emission Year	Emissions Budget Years
Ozone (VOC or NO_x)	2010	2002	2002,2003,2005[a.],2006 [a.],2007 [a.], 2008[a.],2010,2020[b.]

Source: Camp Dresser & McKee Inc., 2008.

a. No project construction estimated to occur in 2005, 2006, 2007 or 2008; therefore, no comparisons to budgets for these years are necessary.

b. Federal action construction does not extend to 2020; therefore, no comparisons to 2020 budgets are included.

Table 3-2
Emission Scenario Years for General Conformity Evaluation based on 2007 AQMP

Pollutant	Attainment/ Maintenance	Greatest Emission Year	Emissions Budget Years
Ozone (VOC or NO_X)	2023[a,b]	2002	2002, 2005 [c.],2008[c.],2010,2011, 2014[a.],2017[a.],2020[a.],2023[a.],2030[a.].

Source: Camp Dresser & McKee Inc., 2008.

a Federal action construction does not extend beyond 2012; therefore, no comparisons to budgets for years beyond 2012 are included.

b. The current designation of the region is Severe-17, which indicates an attainment year of 2021. However, the 2007 AQMP requests a re-designation to Extreme non-attainment, which has an attainment date in June 2024. Since the ozone season extends into the Autumn, attainment must be demonstrated by the end of the ozone season in 2023.

c. No project construction estimated to occur in 2005 or 2008; therefore, no comparisons to budgets for these years are necessary.

Section 4
Applicability Analysis

As stated previously, the first step in a general conformity evaluation is an analysis of whether the requirements apply to a Federal action proposed to be taken in a nonattainment or a maintenance area. Unless exempted by the regulations or otherwise presumed to conform, a Federal action requires a general conformity determination for each pollutant where the total of direct and indirect emissions caused by the Federal action would equal or exceed an annual de minimis emission rate. Notwithstanding the de minimis emission rate, if a Federal action is identified to be regionally significant, the Federal agency must make a general conformity determination.

4.1 Attainment Status of South Coast Air Basin

POLA is located within Los Angeles County in the SCAB of southern California. The regulatory agencies with primary responsibility for air quality management in the SCAB include SCAQMD and CARB, with oversight by EPA. Pursuant to the Clean Air Act, EPA established primary NAAQS to protect the public health with an adequate margin of safety and secondary NAAQS to protect the public welfare for seven air pollutants. These pollutants are known as criteria pollutants: particulate matter with an equivalent aerodynamic diameter less than or equal to ten micrometers (µm) in diameter (PM_{10}), particulate matter with an equivalent aerodynamic diameter less than or equal to 2.5 µm in diameter ($PM_{2.5}$), sulfur dioxide (SO_2), carbon monoxide (CO), ozone (O_3), nitrogen dioxide (NO_2), and lead (Pb). EPA has delegated authority to SCAQMD to implement and enforce the NAAQS in the SCAB.

That portion of the SCAB encompassing POLA is in an area that is designated as being in nonattainment of the NAAQS for O_3 (eight-hour average), PM_{10}, and $PM_{2.5}$. In addition, the severity of the nonattainment status for this area has been classified as "severe" for O_3 and "serious" for PM_{10}, and it is unclassified for $PM_{2.5}$. On July 24, 1998, this area was redesignated from nonattainment to attainment/maintenance status for NO_2 by EPA (63 FR 39747). More recently, the area was redesignated by EPA from nonattainment to attainment/maintenance for CO (72 FR 26718), effective June 11, 2007. The area is in attainment of the NAAQS for SO_2 and Pb. Thus, for purposes of the general conformity requirements, this evaluation addresses NO_2, O_3 (eight-hour average), CO, PM_{10}, and $PM_{2.5}$.

4.2 Exemptions from General Conformity Requirements

As noted previously, the general conformity requirements apply to a Federal action if the net project emissions equal or exceed certain de minimis emission rates. The only exceptions to this applicability criterion are the topical exemptions summarized below. However, the emissions caused by the Federal action do not meet any of these exempt categories (except maintenance dredging and associated debris disposal pursuant to 40 CFR 93.153(c)(2)(ix)).

- Actions which would result in no emissions increase or an increase in emissions that is clearly below the de minimis levels (40 C.F.R. § 93.153(c)(2)). Examples include administrative actions and routine maintenance and repair.
- Actions where the emissions are not reasonably foreseeable (40 C.F.R. § 93.153(c)(3)).
- Actions which implement a decision to conduct or carry out a conforming program (40 C.F.R. § 93.153 (c)(4)).
- Actions which include major new or modified sources requiring a permit under the New Source Review (NSR) program (40 C.F.R. § 93.153(d)(1)).
- Actions in response to emergencies or natural disasters (40 C.F.R. § 93.153(d)(2)).
- Actions which include air quality research not harming the environment (40 C.F.R. § 93.153(d)(3)).
- Actions which include modifications to existing sources to enable compliance with applicable environmental requirements (40 C.F.R. § 93.153(d)(4)).
- Actions which include emissions from remedial measures carried out under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) that comply with other applicable requirements (40 C.F.R. § 93.153(d)(5)).

In addition to these topical exemptions, the general conformity regulations allow each Federal agency to establish a list of activities that are presumed to conform (40 C.F.R. § 93.153(f)). The USACE has not established a presumed-to-conform list of activities at the time of this evaluation.

4.3 De Minimis Emission Rates

The general conformity requirements will apply to the Federal action for each pollutant for which the total of direct and indirect emissions caused by the Federal action equal or exceed the de minimis emission rates shown in **Table 4-1**. These emission rates are expressed in units of tons per year (tpy) and are compared to the total of direct and indirect emissions caused by Federal action for the calendar year during which the net emissions are expected to be the greatest. It should be noted that, because O_3 is a secondary pollutant (i.e., it is not emitted directly into the atmosphere but is formed in

the atmosphere from the photochemical reactions of volatile organic compounds, VOC, and oxides of nitrogen, NO_x, in the presence of sunlight), its de minimis emission rate is based on primary emissions of its precursor pollutants - VOC and NO_x. If the net emissions of either VOC or NO_x exceed the de minimis emission rate for O_3 (EPA 1994), then the Federal action is subject to a general conformity evaluation for O_3.

The region in which the project is located has been designated as a "severe" non-attainment area for the 8-hour O_3 NAAQS, which carries a 25 tpy de minimis emission rate for NO_x and VOC. However, the currently approved SIP (1997 AQMP, as amended in 1999) was developed to demonstrate attainment of the revoked 1-hour O_3 NAAQS by 2010. At that time the region had been designated as an "extreme" nonattainment area for O_3, which carries a 10 tpy de minimis emission rate for NO_x and VOC. In addition, SCAQMD has requested re-designation (bump up) to "extreme" nonattainment for the 8-hour O_3 NAAQS in the 2007 AQMP. Therefore, the applicability analysis will use 10 tpy as the most stringent de minimis emission rate that might be applied to the Federal action for NO_x and VOC emissions.

Further, the pollutant $PM_{2.5}$ consists of primary particulate matter (directly emitted) and secondary particulate matter (formed in the atmosphere from precursor compounds) and may ultimately be composed of many separate chemical compounds. Generally, the main precursors of secondary $PM_{2.5}$ include oxides of nitrogen (NO_x), oxides of sulfur (SO_x), and ammonia, although organic carbon compounds (VOC) also contribute to the formation of $PM_{2.5}$. Dynamic reactions between these precursor compounds emitted into the atmosphere by the sources of interest will affect the amount of $PM_{2.5}$ attributable to the Federal action. Based on studies conducted by SCAQMD in the SCAB, in general, the total mass of $PM_{2.5}$ is more associated with combustion-related sources and secondary particles formed therefrom, and primary particles represent a relative small proportion of total $PM_{2.5}$ mass. In fact, ammonium nitrates and ammonium sulfates represent a dominant fraction of $PM_{2.5}$ components in the SCAB. If the net emissions of any of these precursor compounds exceed the de minimis emission rate for $PM_{2.5}$, then the Federal action is subject to a general conformity evaluation for $PM_{2.5}$.

Table 4-1
De Minimis Emission Rates for Determining Applicability of General Conformity Requirements to the Federal Action

Pollutant	SCAB Attainment Status Designations	De Minimis Emission Rate (tpy)
Nitrogen Dioxide	Attainment/Maintenance	100
Ozone (VOC or NO_x)	Nonattainment/Extreme [a]	10 [a]
Carbon Monoxide	Attainment/Maintenance	100
Particulate Matter PM_{10}	Nonattainment/Serious	70
Particulate Matter $PM_{2.5}$ (and each precursor) [b]	Nonattainment	100

Source: Camp Dresser & McKee Inc., 2008.

a. The region in which POLA resides has been designated as a "severe" nonattainment area for the 8-hour O_3 NAAQS, which carries a 25 tpy de minimis emission rate for NO_x and VOC. However, the currently approved SIP (1997 AQMP, as amended in 1999) was developed to demonstrate attainment of the revoked 1-hour O_3 NAAQS by 2010. At that time the region had been designated as an "extreme" nonattainment area for O_3, which carries a 10 tpy de minimis emission rate for NO_x and VOC. In addition, SCAQMD has requested re-designation to "extreme" nonattainment for the 8-hour O_3 NAAQS in the 2007 AQMP. Therefore, the applicability analysis will use 10 tpy as the de minimis emission rate for Federal action NO_x and VOC emissions.

b. The $PM_{2.5}$ precursors in the region include SO_x, NO_x, VOC, and ammonia.

4.4 Regional Significance

Even if a Federal action is less than the applicable de minimis emission rate for a given pollutant, the general conformity requirements state that a regionally significant action must undergo a conformity evaluation. A regionally significant action is one for which the total of direct and indirect emissions represent ten percent or more of the nonattainment or maintenance area's emissions inventories for all sources (as identified in the applicable SIP for stationary point, mobile, and area sources) for that pollutant. EPA guidance also indicates that any milestone emissions inventory in the applicable SIP should also be considered when evaluating regional significance (EPA 1994).

4.5 Applicability for Federal Action

The applicability of the general conformity requirements to the Federal action was evaluated by comparing the total of direct and indirect emissions (calculated as discussed in Attachment A) for the calendar year of greatest emissions to the de minimis emission rates specified in Table 4-1. Where the total of direct and indirect emissions attributable to the Federal action were found to be excluded from the general conformity requirements because they are below the de minimis emission rates for a pollutant, the total of direct and indirect emissions for that pollutant were compared to the nonattainment or maintenance area's emission inventory for that pollutant to determine whether it is regionally significant. Those pollutants that could not be excluded from applicability by both of these mechanisms underwent a complete general conformity evaluation consistent with the procedures in Section 3 above using the methods in Attachment A and the criteria in Section 5 below.

4.5.1 Methodology

Attachment A contains a discussion of the approach used for estimating emissions for this general conformity evaluation and the resulting emission inventories for the Federal action. In general, the equipment parameters and construction activities have been described in the Recirculated Draft EIS/EIR (USACE/LAHD2008). This information has been incorporated into the emission calculations presented in Attachment A, and summarized below.

4.5.2 Estimated Emissions and Comparison to De Minimis

Emissions were calculated for VOC, CO, NO_x, PM_{10}, and $PM_{2.5}$ (including precursors) for construction activities associated with the Federal action. For purposes of this evaluation, emissions of NO_2 are assumed to equal emissions of NO_x. These emissions are associated with mobile and area sources expected to be used for on-site construction-related purposes. Off-site construction-related emission sources (e.g., construction worker commute trips, material delivery hauling trips, debris/spoils disposal hauling trips) are assumed to be accounted for in the conforming 2008 RTP (due to the extensive discussions of, and plans for growth in, goods movement in the SCAG region presented in that document, and the SCAG statements included in Attachment B), and they are therefore excluded from consideration of general conformity herein (40 C.F.R. § 93.158(a)(5)(ii)). Emissions related to other construction and operations at Berths 97-109 at POLA subsequent to the completion of the Federal action addressed herein are not included in the total of direct and indirect emissions associated with the Federal action because the USACE has determined that it has no legal authority to control those emissions-generating construction and operational activities (i.e., USACE lacks continuing program responsibility over the project once the construction activities in and over navigable waters of the U.S./waters of the U.S. are completed) (USACE 1994).

The Federal action emissions are summarized in **Table 4-2** for the entire construction period regardless of the individual year or years that each construction activity occurs. The specific construction activities are listed by the name used in the Recirculated Draft EIS/EIR. The resulting calculations indicate that only emissions of NO_x could potentially exceed the general conformity de minimis emission rates presented in Table 4-1. Therefore, only NO_x emissions are analyzed to determine the peak annual emission rate. The Federal action emissions of CO, SO_x, VOC, PM_{10}, or $PM_{2.5}$ are compared to the regional emissions in Section 4.5.3 to verify that project emissions do not represent ten percent or more of the regional budgets.

The Federal action annual NO_x emission rates for each year during the construction period is summarized in **Table 4-3**. The peak year of NO_x emissions is estimated to be 2002, and the peak annual emissions are 23.6 tpy. This emission rate exceeds the de minimis emission rates, as does the emission rate estimated for 2003 (14.9 tpy) and for 2010 (16.3 tpy). Therefore, a complete conformity evaluation is included for NO_x emissions in the general conformity determination. Note that the region is currently designated as a "severe" O_3 nonattainment area. If the severe O_3 nonattainment area de minimis emission rate (25 tpy each for NO_x or VOC) were used, then even the peak

annual NO_x emissions would be less than the de minimis threshold for general conformity applicability.

Table 4-2
Federal Action Emission Rates and Comparison to
De Minimis Emission Rates

	Emission Rates, tons [a.,d.]					
Construction Phase & Activity	**VOC**	**CO**	**NO_x**	**SO_x**	**PM_{10}**	**$PM_{2.5}$**
Phase 1						
Construct 1,000-foot Wharf at Berth 100	2.34	8.22	21.27	0.16	1.08	0.98
Construct 200-foot Wharf at Berth 100	1.24	3.77	14.94	0.13	0.77	0.70
Crane Delivery and Installation	0.07	0.19	1.84	2.32	0.23	0.19
Construct Bridge 1	0.06	0.28	0.52	0.00	0.02	0.02
Phase 1 Total (tons)	**3.71**	**12.47**	**38.58**	**2.62**	**2.10**	**1.89**
Phase 2						
Construct Berth 102	0.62	2.49	6.53	0.01	0.11	0.10
Construct Bridge 2	0.03	0.13	0.29	0.00	0.01	0.00
Crane Delivery and Installation	0.09	0.26	2.75	3.57	0.35	0.28
Phase 2 Total (tons)	**0.75**	**2.88**	**9.56**	**3.58**	**0.47**	**0.38**
Phase 3						
South Extension of Berth 100	0.89	3.26	13.59	0.02	0.60	0.55
Construct 25-acre Backlands (Behind B100)	0.34	1.39	3.16	0.00	0.52	0.15
Crane Delivery and Installation	0.02	0.06	0.67	0.89	0.09	0.07
Phase 3 Total (tons)	**1.26**	**4.70**	**17.42**	**0.91**	**1.21**	**0.78**
PROJECT CUMULATIVE EMISSIONS (tons) [a].	**5.72**	**20.06**	**65.56**	**7.11**	**3.78**	**3.05**
General Conformity de minimis emission rate (tpy) [b.]	**10**	**100**	**10**	**100**	**70**	**100**
Were the de minimis emission rates exceeded?	**No**	**No**	**Yes[c.]**	**No**	**No**	**No**

Source: Camp Dresser & McKee Inc., 2008.

a. Emissions shown are for entire construction duration, not peak annual.

b. The de minimis rates are meant to be compared to peak annual emissions. If total Federal action emissions exceed the de minimis emission rates, then annual emissions will be determined.

c. Federal action NOx emissions exceeded the threshold; peak annual NO_x emissions are calculated (see Table 4-3).

d. Totals may not add due to rounding.

Table 4-3
Federal Action Annual NO_x Emission Rates and Comparison to De Minimis Emission Rates

	NO_x Emission Rates by year, tpy[a.]				
Construction Phase & Activity	**2002**	**2003**	**2009[b.]**	**2010**	**2011**
Phase 1					
Construct 1,000-foot Wharf at Berth 100	21.27	-	-	-	-
Construct 200-foot Wharf at Berth 100	-	14.94	-	-	-
Crane Delivery and Installation	1.84	-	-	-	-
Construct Bridge 1	0.52	-	-	-	-
Phase 1 Total (tpy)	**23.64**	**14.94**	**-**	**-**	**-**
Phase 2					
Construct Berth 102	-	-	6.53	-	-
Construct Bridge 2	-	-	0.29	-	-
Crane Delivery and Installation	-	-	-	2.75	-
Phase 2 Total (tpy)	**-**	**-**	**6.82**	**2.75**	**-**
B136-139					
South Extension of Berth 100	-	-	-	13.59	-
Construct 25-acre Backlands (Behind B100)	-	-	-	-	3.16
Crane Delivery and Installation	-	-	-	-	0.77
Phase 3 Total (tpy)	**-**	**-**	**-**	**13.59**	**3.83**
ANNUAL NOx EMISSIONS (tpy)	**23.64**	**14.94**	**6.82**	**16.34**	**3.83**
General Conformity de minimis emission rate (tpy)	**10**	**10**	**10**	**10**	**10**
Was the de minimis emission rate exceeded?	**Yes**	**Yes**	**No**	**Yes**	**No**

Source: Camp Dresser & McKee Inc., 2008.

a. Totals may not add due to rounding.

b. No construction emissions are estimated to occur in 2004 through 2008.

4.5.3 Regional Significance

The totals of direct and indirect emissions of VOC, CO, SO_x, PM_{10}, and $PM_{2.5}$ for the Federal action are compared to the regional emissions inventories of these pollutants prepared by SCAQMD for the SCAB. Two comparisons are presented, using data taken from the 1997 Air Quality Management Plan (AQMP) (SCAQMD 1996), which contains the currently approved SIP budgets, and from the 2007 AQMP (SCAQMD 2007). The lowest annual emissions from each of these documents between 2002 and 2011 are used for this calculation. The results of this comparison are summarized in **Table 4-4**. As one can see, the project totals are much less than ten percent of the SCAB emissions inventories; therefore, the Federal action is not regionally significant for VOC, CO, SO_x, PM_{10}, or $PM_{2.5}$.

Table 4-4
Comparison of Federal Action Emissions for Regional Significance

Pollutant	Total Federal Action Emissions (tons)[a.]	Approved SIP Emissions (tpy)[b.]	Percent of Approved SIP	2007 AQMP Emissions (tpy)[c.]	Percent of 2007 AQMP
VOC	5.7	150,955	0.0038%	153,300	0.0037%
CO	20.1	885,301	0.0023%	744,235	0.0027%
SO_x	7.1	25,769	0.028%	6,935	0.10%
PM_{10}	3.8	120,687	0.0031%	[d.]	[d.]
$PM_{2.5}$	3.1	[d.]	[d.]	31,755	0.0098%

Source: Camp Dresser & McKee Inc., 2008.

a. Total emissions caused by the Federal action include all construction emissions regardless of the year or years over which these emissions occurred. Therefore, the Federal action emissions are the most conservative (high) that could be used for this comparison.

b. Based on data in 1997 AQMP Appendix V.(controlled inventories in 2010).

c. Based on data in 2007 AQMP Appendix V (carrying capacities in 2015 for $PM_{2.5}$ and SO_x, and in 2023 for VOC and CO).

d. No budgets were developed in the currently approved SIP for $PM_{2.5}$ or in the 2007 AQMP for controlled PM_{10}.

4.5.4 Applicability Determination

The total of direct and indirect emissions of VOC, CO, SO_x, PM_{10}, and $PM_{2.5}$ are less than the general conformity de minimis threshold emission rates and the Federal action is not regionally significant for any of these pollutants. Therefore, the general conformity requirements do not apply to these pollutants, and there will be no further evaluation of these pollutants herein.

Because the total of direct and indirect emissions of NO_x exceeds the "extreme" O_3 non-attainment area general conformity de minimis emission rate identified in Section 4.3, the general conformity requirements do apply to NO_x. Subsequent sections of this document will address the general conformity evaluation of NO_x as applicable to the Federal action.

Section 5
General Conformity Evaluation

For Federal actions subject to a general conformity evaluation, the regulations delineate several criteria that can be used to demonstrate conformity (40 C.F.R. § 93.158). In fact, a combination of these criteria may be used to support a positive general conformity determination (EPA 1994). The approach to be taken to evaluate the Federal action relies on a combination of these available criteria, and the remainder of this section summarizes the findings to make the draft determination.

5.1 Designation of Applicable SIP

Section 110(a) of the Clean Air Act (42 U.S.C. § 7410(a)) requires each state to adopt and submit to EPA a plan which provides for the implementation, maintenance, and enforcement of each NAAQS. This plan is known as the SIP. Over time, states have made and continue to make many such submittals to EPA to address issues as they arise related to the various NAAQS. As EPA reviews these submittals, it can either approve or disapprove them in whole or in part. The compilation of a state's approved submittals constitutes that state's applicable SIP. In California, the state agency responsible for preparing and maintaining the SIP is CARB.

5.1.1 SIP Process in the South Coast Air Basin

CARB designates both air quality management districts and air pollution control districts within California for the purpose of implementing and enforcing ambient air quality standards on a regional or airshed basis. These district agencies must prepare regional plans (Air Quality Management Plans [AQMPs]) to support the broader SIP, as well as to meet the goals of the California Clean Air Act.

Every three years, SCAQMD must prepare and submit to CARB an AQMP to demonstrate how the SCAB will attain and maintain the NAAQS and the California ambient air quality standards. The AQMP contains extensive emissions inventories of all emission sources in the SCAB as well as various control measures applicable to most of these sources. Once CARB approves the AQMP, it is submitted to EPA for approval into the SIP. The approved SIP for the SCAB is based on the AQMP which SCAQMD submitted to CARB in 1997 (SCAQMD 1996) and supplemental information as discussed in Section 5.1.2. In August 2003, SCAQMD submitted to CARB the final 2003 AQMP (SCAQMD 2003), and this formed the basis of a proposed SIP revision submitted by CARB to EPA on January 9, 2004; EPA has not yet acted on that proposed SIP revision. In June 2007, SCAQMD submitted to CARB the final 2007 AQMP (SCAQMD 2007), and this formed the basis of a proposed SIP revision submitted by CARB to EPA on November 16, 2007; EPA has not yet acted on that proposed SIP revision.

5.1.2 Status of Applicable SIP and Emissions Budgets by Pollutant

The Clean Air Act requires attainment of the NAAQS as expeditiously as practicable, but no later than the statutory dates for those criteria pollutants for which the SCAB is designated nonattainment and for which a finding of general conformity must be determined for the Federal action. Upon redesignation of an area from nonattainment to attainment for each standard, the area will be considered to be a maintenance area for that standard (pursuant to Section 175A of the Clean Air Act), and as such, must meet all applicable requirements to maintain the standard.

To support the general conformity determination, the USACE demonstrates herein that the emissions of NO_x (as an O_3 precursor) caused by the Federal action either will result in a level of emissions which, together with all other emissions in the nonattainment area, will not exceed the emissions budgets specified in the approved SIP (criterion at 40 C.F.R. § 93.158(a)(5)(i)(A)) or, in the alternative, will not exceed the emissions budgets specified in the 2007 AQMP, see Section 5.2 below. The currently approved SIPs for the SCAB are summarized below.

- O_3: SIP approved by EPA on April 10, 2000 (65 FR 18903), based on the 1997 AQMP and a 1999 amendment to the 1997 AQMP.

- CO: SIP approved by EPA on May 11, 2007 (72 FR 26718), based on 2005 redesignation request and maintenance plan. In this SIP approval, EPA also redesignated the SCAB from nonattainment to attainment/maintenance for CO

- PM_{10}: SIP approved by EPA on April 18, 2003 (68 FR 19315), based on the 1997 AQMP, amendments to the 1997 AQMP submitted in 1998 and 1999, and further modifications to the 1997 AQMP submitted in a status report to EPA in 2002.

- $PM_{2.5}$: No EPA-approved SIP.

- NO_2: SIP approved by EPA on July 24, 1998 (63 FR 39747), based on the 1997 AQMP. In this SIP approval, EPA also redesignated the SCAB from nonattainment to attainment/maintenance for NO_2.

SCAQMD released the Final 2007 AQMP on June 1, 2007, and as noted above that AQMP formed the basis of a proposed SIP revision submitted to EPA. This evaluation will make comparisons both to applicable emissions inventories in the current EPA-approved SIP and to applicable emissions inventories contained in the 2007 AQMP. For purposes of the general conformity determination, the applicable SIP will be the most recent EPA-approved SIP at the time of the release of the final general conformity determination.

5.2 Comparison to SIP Emissions Inventories

As noted in the preceding section, the most recent EPA-approved SIP at the time of the release of the final general conformity determination must be used for emission budget analyses. The 1997 AQMP together with supplemental information form the basis for the current, EPA-approved O_3 SIP. However, the EPA may approve all or part of the 2007 AQMP for O_3 (or other pollutants) before the final general conformity determination is published. Therefore, to avoid revisions to and/or recirculation of the draft and final general conformity determination, emissions for the Federal action presented in this section are compared to both the currently approved SIP emissions budgets and to the 2007 AQMP emissions budgets.

The emissions inventories developed by SCAQMD and fully documented in the AQMPs are delineated by source types. **Table 5-1** provides a concordance between the emission source categories that characterize the Federal action and the emission source types in the AQMPs. In the following discussion, the term "NO_x" should be understood to represent both NO_x and NO_2 (see discussion in Section 4.3).

Table 5-1
Relationship of Federal Action Source Categories and AQMP Source Types

Federal Action Source Category	1997 AQMP Source Type	2007 AQMP Source Type
Construction	Heavy Duty Diesel Trucks	Heavy-Heavy Duty Diesel Truck
	Mobile Equipment	Off-Road Equipment
	Commercial Boats/Ships	Ships and Commercial Boats

Source: Camp Dresser & McKee Inc., 2008.

The source type "Commercial Boats/Ships" in the 1997 AQMP represents two separate subcategories of off-road equipment in the inventory, whereas the source type "Ships and Commercial Boats" in the 2007 AQMP represents a single combined subcategory of off-road equipment in the inventory. “Ships” are considered ocean-going marine vessels (e.g., container ships), and “commercial boats” are considered commercial harbor craft (e.g., tugboats).

5.2.1 NO_x Emissions from Construction Sources Under the Federal Action

At the time that SCAQMD prepared the 1997 AQMP, LAHD had not yet announced its intention to undertake the Project. For this reason, it is evident that the 1997 AQMP does not contain specific estimates of emissions for construction activities under any of the build alternatives, including the Federal action. The USACE had issued a Notice of Intent to prepare the EIS in July 2003. The Draft EIS/EIR was released in August 2006 prior to approval of the final 2007 AQMP, so SCAQMD would have been aware of the Federal action when preparing the 2007 AQMP. For those reasons, as well as the rapid growth in goods movement -particularly at the ports—in the SCAB, it would be reasonable to assume that SCAQMD allowed for an accommodation for such a major construction program within the 2007 AQMP.

The general conformity regulations require evaluating the total of direct and indirect emissions for the Federal Action for the mandated attainment year (2021), the year of maximum emissions (2002), and any years for which the SIP identifies an emissions budget (40 C.F.R. § 93.159(d)). Because the construction will be complete well before 2021, there is no analysis of emissions for that year in this evaluation. For the years of construction planned under the Federal action, the approved SIP includes emissions budgets for 2002, 2003, and 2010, while the 2007 AQMP includes emissions budgets for 2002, 2010, and 2011. For those years requiring a quantitative evaluation but for which an emissions budget does not exist in either the approved SIP or the 2007 AQMP, a budget was estimated by performing a linear interpolation using the two years of emissions budget data most closely bracketing the year of interest.

Tables 5-2 and **Table 5-3** summarize a comparison of estimated NO_x emissions from construction activities under the Federal action to the applicable source types under both the approved SIP and the 2007 AQMP, respectively, for the years noted in Tables 3-1 and 3-2 above. It should be noted that the emissions for those source types taken from the approved SIP and the 2007 AQMP may represent more than construction-related emissions since these source types are not exclusive to construction equipment and activities. Because the SIP for the SCAB has to accommodate many planned and some unplanned construction projects, the construction-related emissions inventories included in the AQMPs are very substantial. Despite the fact that the Federal action would require a substantial program of construction, one can note that the construction emissions from the Federal action would be very small compared to the emissions inventories in the AQMPs (i.e., less than 0.1% relative contributions). For that reason, it is reasonable to assume that the emissions from construction activities under the Federal action can be accommodated in future emissions growth from the construction sector within the approved SIP or alternatively within the 2007 AQMP. Therefore, it can be inferred that the construction NO_x emissions for the Federal action, taken together with NO_x emissions for all other construction sources in the SCAB, would not exceed the NO_x emissions budgets for construction-related source types specified in the approved SIP, or alternatively in the 2007 AQMP (SCAQMD 2007, included in Appendix III).

Table 5-2
Comparison of the Federal Action NO_x Emissions for Construction to Approved SIP Emission Budgets for Construction-Related Source Types

Year and Source Type	Federal Action NOx Emission (tpy)	Approved SIP NOx Emissions (tpy)	Relative Contribution to NOx SIP Budgets
2002			
Heavy-Duty Diesel Trucks	3.68	55,433	0.007%
Mobile Equipment	14.11	50,012	0.03%
Commercial Boats/Ships	5.85	16,582	0.03%
2003			
Heavy-Duty Diesel Trucks	1.06	54,830	0.002%
Mobile Equipment	5.99	50,480	0.01%
Commercial Boats/Ships	7.89	16,881	0.05%
2010			
Heavy-Duty Diesel Trucks	1.08	55,874	0.002%
Mobile Equipment	4.12	43,493	0.009%
Commercial Boats/Ships	11.14	19,002	0.06%

Sources: Camp Dresser & McKee Inc., 2008, SCAQMD 1996.

Table 5-3
Comparison of the Federal Action NO_x Emissions for Construction to 2007 AQMP Emission Budgets for Construction-Related Source Types

Year and Source Type	Federal Action Emission (tpy)	2007 AQMP Emissions (tpy)	Relative Contribution to 2007 AQMP Budgets
2002			
Heavy-Heavy Duty Diesel Trucks	3.68	53,962	0.007%
Off-Road Equipment	14.11	90,414	0.02%
Ships and Commercial Boats	5.85	23,466	0.02%
2010			
Heavy-Heavy Duty Diesel Trucks	1.08	49,381	0.002%
Off-Road Equipment	4.12	62,736	0.007%
Ships and Commercial Boats	11.14	29,536	0.04%
2011			
Heavy-Heavy Duty Diesel Trucks	0.38	46,381	0.0009%
Off-Road Equipment	2.79	59,641	0.005%
Ships and Commercial Boats	0.67	30,029	0.002%

Source: Camp Dresser & McKee Inc., 2008; SCAQMD 2007.

5.2.2 NO_x Emissions from Other Sources at POLA

Notwithstanding the emissions attributable to the Federal action, NO_x emissions (whether operations- or other construction-related) at POLA following completion of the construction of the Federal action may be similar to those that would have occurred in the absence of the Project, due to ongoing operations at the existing container terminal in the project area. However, it is the determination of the USACE that any change in future emissions at POLA following the implementation of the Federal action are not subject to the continuing program responsibility of the USACE and therefore are not required to be addressed in this evaluation. Once construction activities in and over the water are completed, the USACE will retain little or no authority over the project's other construction and operational activities, particularly those occurring in the upland portions of the project area. However, these future emissions will remain subject to the continuing program responsibility of LAHD, as the local agency with lease and development control over projects in the Port of Los Angeles, and numerous CEQA-related mitigation measures, including many focused on limiting air emissions, will have to be implemented, maintained, and monitored pursuant to the MMRP included in a certified Final EIR for the Project.

5.3 Consistency with Requirements and Milestones in Applicable SIP

The general conformity regulations state that notwithstanding the other requirements of the rule, a Federal action may not be determined to conform unless the total of direct and indirect emissions from the Federal action is in compliance or consistent with all relevant requirements and milestones in the applicable SIP (40 C.F.R. § 93.158(c)). This includes but is not limited to such issues as reasonable further progress schedules, assumptions specified in the attainment or maintenance demonstration, prohibitions, numerical emission limits, and work practice standards. This section briefly addresses how the Federal action was assessed for SIP consistency for this evaluation.

5.3.1 Applicable Requirements from EPA

EPA has already promulgated, and will continue to promulgate, numerous requirements to support the goals of the Clean Air Act with respect to the NAAQS. Typically, these requirements take the form of rules regulating emissions from significant new sources, including emission standards for major stationary point sources and classes of mobile sources as well as permitting requirements for new major stationary point sources. Since states have the primary responsibility for implementation and enforcement of requirements under the Clean Air Act and can impose stricter limitations than EPA, the EPA requirements often serve as guidance to the states in formulating their air quality management strategies.

5.3.2 Applicable Requirements from CARB

In California, to support the attainment and maintenance of the NAAQS, CARB is primarily responsible for regulating emissions from mobile sources. In fact, EPA has delegated authority to CARB to establish emission standards for on-road and some non-road vehicles separate from the EPA vehicle emission standards, although CARB is preempted by the Clean Air Act from regulating emissions from many non-road mobile sources, including marine craft. Emission standards for preempted equipment can only be set by EPA.

5.3.3 Applicable Requirements from SCAQMD

To support the attainment and maintenance of the NAAQS in the SCAB, SCAQMD is primarily responsible for regulating emissions from stationary sources. As noted above, SCAQMD develops and updates its AQMP regularly to support the California SIP. While the AQMP contains rules and regulations geared to attain and maintain the NAAQS, these rules and regulations also have the much more difficult goal of attaining and maintaining the California ambient air quality standards.

5.3.4 Consistency with Applicable Requirements

In operating POLA, LAHD already complies with, and will continue to comply with, a myriad of rules and regulations implemented and enforced by Federal, state, regional, and local agencies to protect and enhance ambient air quality in the SCAB. In particular, due to the long persistence of challenges to attain the ambient air quality standards in the SCAB, the rules and regulations promulgated by CARB and SCAQMD are among the most stringent in the U.S. LAHD will continue to comply with all existing applicable air quality regulatory requirements for activities over which it has direct control and will meet in a timely manner all regulatory requirements that become applicable in the future. Likewise, LAHD actively encourages all tenants and users of its facilities to comply with applicable air quality requirements.

The nature and extent of the requirements with which LAHD complies and will continue to comply include, but are not limited to, the following.

- EPA Rule 40 C.F.R. Part 89, Control of Emissions from New and In-Use Non-road Compression-Ignition Engines: requires stringent emission standards for mobile non-road diesel engines of almost all types using a tiered phase in of standards.

- CARB Rule 13 C.C.R. § 1956.8, California Exhaust Emission Standards and Test Procedures for 1985 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles: requires significant reductions in emissions of NO_x, particulate matter, and non-methane organic compounds using exhaust treatment on heavy-duty diesel engines manufactured in model year 2007 and later years.

- SCAQMD Rule 403, Fugitive Dust: identifies the minimum particulate controls for construction-related fugitive dust. For example, Rule 403 requires twice daily watering of all active grading or construction sites. Haul trucks leaving the facility

must be covered and maintain at least two feet of freeboard (C.V.C. § 23114). Low emission street sweepers must be used at the end of each construction day if visible soil is carried onto adjacent public paved roads, as required by SCAQMD Rule 1186.1, Less-Polluting-Sweepers. Wheel washers must be used to clean off the trucks, particularly the tires, prior to them entering the public roadways.

- SCAQMD Rule 431.2, Sulfur Content of Liquid Fuels: requires that, after January 1, 2005, only low sulfur diesel fuel (containing 15 parts per million by weight sulfur) will be permitted for sale in the SCAB for any stationary- or mobile-source application.

- SCAQMD Rule 2202, On-Road Motor Vehicle Mitigation Options: requires employers in the SCAB with more than 250 employees to implement an approved rideshare program and attain an average vehicle ridership of at least 1.5.

- City Council directive on diesel engine particulate traps, approved by the Mayor on December 2, 2002: requires that all existing City-owned and City-contracted diesel-fueled vehicles be retrofitted with particulate traps, which engines would henceforth be required to use ultra low sulfur diesel fuel (15 parts per million by weight or less); some exceptions include emergency vehicles and off-road vehicles.

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Section 6
Mitigation

As part of a conformity evaluation, it may be necessary for the Federal agency to identify mitigation measures and mechanisms for their implementation and enforcement. For example, if a Federal action does not initially conform to the applicable SIP, mitigation measures could be pursued. If mitigation measures are used to support a positive conformity determination, the Federal agency must obtain a written commitment from the entity required to implement these measures and the Federal agency must include the mitigation measures as conditions in any permit or license granted for the Federal action (40 C.F.R. § 93.160). Mitigation measures may be used in combination with other criteria to demonstrate conformity. The Federal action as evaluated herein assumes various air quality mitigation measures as described in the Recirculated Draft EIS/EIR (USACE/LAHD 2008) to meet CEQA requirements are part of the Project. Based on CEQA provisions that mitigation measures be required in, or incorporated into, the project (14 C.C.R. § 15091(a)(1)), the City will implement, maintain, monitor, and enforce these CEQA-related air quality mitigation measures pursuant to the MMRP which will be included in a certified Final EIR for the Project; see Section 2.1 for more information on the CEQA-related mitigation measures. The USACE recognizes the LAHD, as the local responsible agency, will implement, maintain, monitor, and enforce numerous mitigation measures, including many focused on limiting air emissions, as required by a certified Final EIR; however, the USACE lacks continuing program responsibility, control, and enforcement capability over mitigation measures not related to project construction activities in or over water as well as those continuing after construction activities in and over water are completed. As such, no mitigation, as defined under the general conformity regulations (40 C.F.R. § 93.160) or guidance (EPA 1994), are required to support a positive general conformity determination.

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Section 7
Reporting

To support a decision concerning the Federal action, the USACE is issuing this draft general conformity determination for public review and comment. The USACE will also make public its final general conformity determination for this action.

7.1 Draft General Conformity Determination

At a minimum, the USACE is providing copies of this draft general conformity determination to the appropriate regional offices of EPA, any affected Federal land manager, as well as to CARB, SCAQMD, and SCAG, providing opportunity for a 30-day review. The USACE is also placing a notice in a daily newspaper of general circulation in the SCAB announcing the availability of this draft general conformity determination and requesting written public comments for a 30-day period. For any member of the public requesting a copy of this draft general conformity determination, the USACE will provide such party a copy.

7.2 Final General Conformity Determination

At a minimum, the USACE will provide copies of its final general conformity determination to the appropriate regional offices of EPA, any affected Federal land manager, as well as to CARB, SCAQMD, and SCAG, within 30 days of its promulgation. The USACE will also place a notice in a daily newspaper of general circulation in the SCAB announcing the availability of its final general conformity determination within 30 days of its promulgation. As part of the general conformity evaluation, the USACE will document its responses to all comments received on the draft general conformity determination and will make both the comments and responses available upon request by any person within 30 days of the promulgation of the final general conformity determination.

7.3 Frequency of General Conformity Determinations

The general conformity regulations state that the status of a specific conformity determination lapses five years after the date of public notification for the final general conformity determination, unless the action has been completed or a continuous program has been commenced to implement the action (40 C.F.R. § 93.157(a)). Because the Federal action envisions a development program extending beyond five years, it is important to note that the final general conformity determination will remain active only under this "continuous program to implement."

As part of a phased program, the implementation of each element of the development of the Federal action does not require separate conformity determinations, even if they are begun more than five years after the final determination, as long as those elements are consistent with the original program which was determined to conform (EPA 2002). However, if this original conforming program is changed such that there is an increase in the total of direct and indirect emissions above the de minimis threshold levels, the USACE will conduct a new general conformity evaluation.

Section 8
Findings and Conclusions

As part of the environmental review of the Federal action, the USACE conducted a general conformity evaluation pursuant to 40 C.F.R. Part 93 Subpart B. The general conformity regulations apply at this time to any actions at POLA requiring USACE approval because the SCAB where POLA is situated is a nonattainment area for O_3, PM_{10}, and $PM_{2.5}$; and a maintenance area for NO_2 and CO. The USACE conducted the general conformity evaluation following all regulatory criteria and procedures and in coordination with EPA. The USACE proposes that the Federal action as designed will conform to the approved SIP, based on the findings below:

- The Federal action is not subject to a general conformity determination for CO, VOC (as an O_3 and $PM_{2.5}$ precursor), PM_{10}, $PM_{2.5}$, or SO_x (as a $PM_{2.5}$ precursor) because the net emissions associated with the Federal action are less than the general conformity de minimis thresholds and they are not regionally significant.

- The Federal action conforms to the SIP for NO_x (as an O_3 precursor) because the net emissions associated with the Federal action, taken together with all other NO_x emissions in the SCAB, would not exceed the emissions budgets in the approved SIP for the years subject to the general conformity evaluation.

Therefore, USACE herewith concludes that the Federal action as designed conforms to the purpose of the approved SIP and is consistent with all applicable requirements.

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Section 9
References

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Attachment A
Port of Los Angeles China Shipping Federal Action General Conformity Calculation Methodology and Results

CDM

Memorandum

To: *John Pehrson*

From: *Katie Travis*

Date: *11/07/08*

Subject: *Port of Los Angeles China Shipping Federal Action General Conformity Calculation Methodology*

The Federal action associated with the Port of Los Angeles (POLA) Berth 97-109 (China Shipping) Container Terminal Improvements Project requires a general conformity determination to comply with the requirements of the Clean Air Act general conformity regulations and to obtain a permit from the U.S. Army Corps of Engineers (USACE). This memo documents the methods and results used to calculate pollutant emissions from the Federal action for use in this general conformity determination. The draft determination will be published with the Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR). The analysis builds upon information presented in the Berth 97-109 (China Shipping) Container Terminal Improvements Project Re-circulated Draft EIS/EIR, dated April 2008.

General Conformity Evaluation

The first step in the general conformity evaluation is to determine if emissions of the pollutants of concern are above the de minimis emission rates defined in the general conformity regulations (40 CFR 93.153(b)). This step is referred to as the applicability analysis. The pollutants of concern in the South Coast Air Basin (SCAB) are ozone (O_3) and its precursors, nitrogen dioxide (NO_2) and its precursor, carbon monoxide (CO), particulate matter with an equivalent aerodynamic diameter of 10 micrometers (PM_{10}), and particulate matter with an equivalent aerodynamic diameter of 2.5 micrometers ($PM_{2.5}$) and its precursors. The precursors of O_3 include oxides of nitrogen (NOx) and volatile organic compounds (VOC); the precursor of NO_2 is NOx; and the precursors of $PM_{2.5}$ include NOx, oxides of sulfur (SOx), VOC, and ammonia. Due to the severity of the O_3 nonattainment designation, the de minimis emission rates for NOx and VOC as O_3precursors (10 tons per year, tpy) are much more stringent than the de minimis emission rates for NOx and VOC as $PM_{2.5}$ precursors (100 tpy) or for NOx as a NO_2 precursor (100 tpy). Therefore, the de minimis emission rates for NOx and VOC will be set at10 tpy of each as O_3 precursors for this evaluation.

Calculation Method

Analysis began with information presented in the Berth 97-109 (China Shipping) Container Terminal Improvements Project Re-circulated Draft EIS/EIR. Appendix E1 of the Re-circulated Draft EIS/EIR includes detailed equipment lists for each construction phase and activity included in the Federal action. In addition, Appendix E1 includes daily emissions for each piece of equipment used during construction. The total of direct and indirect emissions for the Federal action were calculated using the total work days per piece of equipment in the equipment lists in Appendix E1 (see **Exhibit A**) to determine for which pollutants the de minimis emission rates for general conformity were exceeded. It was found that NOx was the only pollutant that exceeded this threshold when considering total emissions for the entire Federal action. Therefore, using the construction start years listed for each piece of equipment, NOx emissions were calculated for each year of the Federal action. Daily Federal action pollutant emissions from Appendix E1 are shown in **Exhibit B**. Total Federal action pollutant emissions and yearly NOx emissions are shown in **Exhibit C** and **Exhibit D,** respectively. Emissions of ammonia from the types of construction equipment considered are expected to be negligible and were not quantified for this evaluation.

Resulting Total and Yearly Emissions Caused by the Federal Action

The total of direct and indirect emissions caused by the Federal action are summarized in **Table 1** below. The step-by-step calculation spreadsheet tables are presented in **Exhibits A - D**. Total emissions for each pollutant caused by the Federal action are compared to the general conformity de minimis emission rates to determine if total Federal action emissions are significant. The total Federal action emissions for NOx alone exceeded this threshold. Because the de minimis emission rates are in tons of pollutant per year (tpy), annual NOx emissions were calculated for each year of the Federal action. Emissions for each year were then compared to the de minimis emission rates. **Table 2** shows that the de minimis emission rates for NOx are exceeded in 2002, 2003 and 2010, with the peak year of construction emissions occurring in 2002. Finally, **Table 3** presents the emissions sorted by the emission budget equipment categories found in the USEPA-approved SIP and the CARB-approved 2007 Air Quality Management Plan.

Exhibits

Exhibit A: Federal Action Construction Equipment Detail
Exhibit B: Federal Action Daily Construction Emissions (Based on CEQA Mitigation)
Exhibit C: Federal Action Cumulative Total Construction Emissions (Based on CEQA Mitigation)
Exhibit D: Federal Action Yearly NOx Construction Emissions (Based on CEQA Mitigation)

CDM

Table 1: Federal Action Construction Total Criteria Pollutant Emissions (tons)

Construction Phase & Activity	VOC	CO	NOx	SOx	PM10	PM2.5
PHASE 1						
Construct 1,000-foot Wharf at Berth 100						
Piledriving - Pinpiles/Indicators	0.40	1.66	3.27	0.02	0.15	0.13
Rip-Rap Placement (1,000)	0.69	1.77	9.09	0.09	0.49	0.45
Piledriving - Production Pile	0.62	2.66	5.38	0.03	0.24	0.22
Wharf Construction	0.62	2.14	3.52	0.02	0.20	0.18
Construct 200-foot Wharf at Berth 100						
Piledriving - Pinpiles/Indicators	0.08	0.31	0.66	0.00	0.03	0.03
Piledriving - Production Pile	0.12	0.50	1.08	0.01	0.05	0.04
Dredge 200' and Disposal	0.29	0.97	2.82	0.02	0.13	0.12
Rip-Rap Placement - 200' (north extension)	0.58	1.40	9.28	0.09	0.51	0.46
Dike Filling	0.05	0.18	0.41	0.00	0.02	0.02
Wharf Construction	0.12	0.40	0.69	0.00	0.04	0.04
Crane Delivery and Installation	0.07	0.19	1.84	2.32	0.23	0.19
Construct Bridge 1						
Piledriving – Abutments	0.01	0.05	0.10	0.00	0.00	0.00
Cast-in-Place Abutments	0.04	0.17	0.31	0.00	0.01	0.01
Pre-Cast Bridge Girders	0.01	0.04	0.07	0.00	0.00	0.00
Cast-in-Place Deck	0.00	0.01	0.02	0.00	0.00	0.00
Side Abutments	0.00	0.01	0.03	0.00	0.00	0.00
Total Phase 1	**3.71**	**12.47**	**38.57**	**2.62**	**2.10**	**1.89**
PHASE 2						
Construct Berth 102						
Piledriving - Pinpiles – Indicators	0.17	0.60	1.74	0.00	0.03	0.03
Piledriving - Production Pile	0.27	0.96	2.83	0.00	0.04	0.04
Wharf Construction	0.19	0.94	1.96	0.00	0.04	0.03
Construct Bridge 2						
Piledriving – Abutments	0.01	0.02	0.06	0.00	0.00	0.00
Cast-in-Place Abutments	0.02	0.08	0.16	0.00	0.00	0.00
Pre-Cast Bridge Girders	0.00	0.02	0.04	0.00	0.00	0.00

Table 1: Federal Action Construction Total Criteria Pollutant Emissions (tons)

Construction Phase & Activity	VOC	CO	NOx	SOx	PM10	PM2.5
Cast-in-Place Deck	0.00	0.00	0.01	0.00	0.00	0.00
Side Abutments	0.00	0.01	0.01	0.00	0.00	0.00
Crane Delivery and Installation	0.09	0.26	2.75	3.57	0.35	0.28
Total Phase 2	**0.75**	**2.88**	**9.56**	**3.58**	**0.47**	**0.38**
PHASE 3						
South Extension of Berth 100						
Piledriving - Pinpiles/Indicators	0.07	0.23	0.71	0.00	0.01	0.01
Rip-Rap Placement	0.61	2.19	10.59	0.01	0.55	0.51
Piledriving - Production Pile	0.11	0.37	1.17	0.00	0.02	0.02
Delta Filling	0.03	0.10	0.36	0.00	0.00	0.00
Wharf Construction	0.07	0.36	0.76	0.00	0.01	0.01
Construct 25-Acre Backlands (Behind B100)	0.34	1.39	3.16	0.00	0.52	0.15
Crane Delivery and Installation	0.02	0.06	0.67	0.89	0.09	0.07
Total Phase 3	**1.26**	**4.70**	**17.42**	**0.91**	**1.21**	**0.78**
TOTAL FEDERAL ACTION POLLUTANT EMISSIONS (tons)[a]	**5.7**	**20.1**	**65.6**	**7.1**	**3.8**	**3.1**
General Conformity de minimis Threshold (tpy)[b]	**10**	**100**	**10**	**100** (as PM2.5)	**70**	**100**
Were the General Conformity de minimis thresholds exceeded?[c]	**No**	**No**	**Yes**	**No**	**No**	**No**

a. Emissions shown are for entire construction duration, not peak annual.
b. The de minimis rates are meant to be compared to peak annual emissions. If total project emissions exceed the de minimis emission rates, then annual emissions will be determined.
c. Federal action NOx emissions exceeded the threshold; peak annual NOx emissions are calculated (see Table 2)

Table 2: Federal Action Construction NOx Emissions (tons/year)

Construction Phase & Activity	Year of Construction				
	2002	2003	2009	2010	2011
PHASE 1					
Construct 1,000-foot Wharf at Berth 100	21.3	-	-	-	-
Construct 200-foot Wharf at Berth 100	-	14.9	-	-	-
Crane Delivery and Installation	1.8	-	-	-	-
Construct Bridge 1	0.5	-	-	-	-
PHASE 2					
Construct Berth 102	-	-	6.5	-	-
Construct Bridge 2	-	-	0.3	-	-
Crane Delivery and Installation	-	-	-	2.7	-
PHASE 3					
South Extension of Berth 100	-	-	-	13.6	-
Construct 25-Acre Backlands (Behind B100)	-	-	-	-	3.2
Crane Delivery and Installation	-	-	-	-	0.7
ANNUAL FEDERAL ACTION POLLUTANT EMISSIONS (tpy)	**23.6**	**14.9**	**6.8**	**16.3**	**3.8**
Was the General Conformity de minimis emission rate (10 tpy) exceeded?	**Yes**	**Yes**	**No**	**Yes**	**No**

Table 3: Federal Action Construction NOx Emissions by Source Category in SIP or 2007 AQMP (tons/year)

Source Category	2002	2003	2009	2010	2011
Heavy-Duty Diesel Trucks (SIP) or Heavy-Heavy Duty Diesel Trucks (2007 AQMP)	3.7	1.1	2.2	1.1	0.4
Mobile Equipment (SIP) or Off-Road Equipment (2007 AQMP)	14.1	6.0	4.6	4.1	2.8
Commercial Boats (SIP) or Ships and Commercial Boats (2007 AQMP)	5.8	7.9	-	11.1	0.7
ANNUAL NOx EMISSIONS (tpy)	**23.6**	**14.9**	**6.8**	**16.3**	**3.8**

Exhibit A: Federal Action Construction Equipment Detail													
Construction Activity/Equipment Type	**EF ID**	**HP**	**Load Factor**	**Construct. Start Year**	**Number Active**	**Equip-Hrs/Day**	**Daily hp-hr**	**Total Work Days**	**Miles per RT**	**Daily RT**	**Idling Time (min) Per RT**	**Miles/ Day**	**Acres Disturbed**
Phase 1: Construct 1,000-foot Wharf at Berth 100													
Piledriving - Pinpiles/Indicators													
Derrick Barge Crane Hoist 1	Offroad	564	0.25	2002	1	4	564	48					
Deck Winch 2	Offroad	238	0.5	2002	2	2	476	48					
Generator 4	Offroad	432	0.6	2002	1	8	2,074	48					
Generator 2	Offroad	135	0.6	2002	1	2	162	48					
Pile Hammer	Offroad	190	0.6	2002	1	8	912	48					
Jet Pump	Offroad	290	0.6	2002	1	8	1,392	48					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2002				24	130	12	10	1560	
Rip-Rap Placement (1,000)													
Main Hoist 1	Offroad	335	0.5	2002	1	10	1,675	60					
Generator 1	Offroad	90	0.6	2002	1	10	540	60					
Generator 3	Offroad	229	0.6	2002	1	10	1,374	60					
Deck Winch 1	Offroad	120	0.5	2002	1	10	600	60					
Tracked Loader - Cat 973	Offroad	210	0.5	2002	1	10	1,050	60					
Tugboat 1	tug	2,420	0.43	2002	1	8	8,325	30					
Genset 2	Offroad	89	0.6	2002	1	9	481	30					
Tugboat 2	tug	2,420	0.43	2002	1	8	8,325	30					
Genset 1	Offroad	66	0.6	2002	1	9	356	30					
Piledriving - Production Pile													
Main Hoist 2	Offroad	700	0.25	2002	1	4	700	53					
Main Generator	Offroad	485	0.6	2002	1	8	2,328	53					
Boom Hoist	Offroad	700	0.25	2002	1	8	1,400	53					
Anchor Winch	Offroad	305	0.5	2002	1	2	305	53					
Breasting Winch	Offroad	210	0.6	2002	1	2	252	53					
Emergency Generator	Offroad	210	0.6	2002	1	2	252	53					
Pile Hammer	Offroad	190	0.6	2002	1	8	912	53					
Jet Pump	Offroad	290	0.6	2002	1	8	1,392	53					
Pile Handler	Offroad	456	0.5	2002	1	2	456	53					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2002	1			53	130	10	10	1300	
Wharf Construction													
Crane - 888	Offroad	330	0.3	2002	1	8	792	100					
Crane - 4000	Offroad	350	0.5	2002	1	8	1,400	100					
Air Compressor - 100 CFM	Offroad	49	0.6	2002	2	4	235	100					
Air Compressor - 185 CFM	Offroad	62	0.6	2002	1	4	149	100					
Air Compressor - 185 CFM	Offroad	62	0.6	2002	1	4	149	100					
Welder - 300 Amp	Offroad	33	0.6	2002	1	4	79	100					
Welder - 400 Amp	Offroad	35	0.6	2002	1	4	84	100					
Haul Trucks	truckother	NA	NA	2002				34	40	5	10	200	
Concrete Trucks	truckother	NA	NA	2002				68	15	25	20	375	
Phase 1: Construct 200-foot Wharf at Berth 100													
Piledriving - Pinpiles/Indicators													
Derrick Barge Crane Hoist 1	Offroad	564	0.25	2003	1	4	564	10					
Deck Winch 1	Offroad	238	0.5	2003	2	2	476	10					
Generator 4	Offroad	432	0.6	2003	1	8	2,074	10					
Generator 2	Offroad	135	0.6	2003	1	2	162	10					
Pile Hammer	Offroad	190	0.6	2003	1	8	912	10					
Jet Pump	Offroad	290	0.6	2003	1	8	1,392	10					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2003				5	130	12	10	1,560	

Exhibit A: Federal Action Construction Equipment Detail													
Construction Activity/Equipment Type	**EF ID**	**HP**	**Load Factor**	**Construct. Start Year**	**Number Active**	**Equip-Hrs/Day**	**Daily hp-hr**	**Total Work Days**	**Miles per RT**	**Daily RT**	**Idling Time (min) Per RT**	**Miles/ Day**	**Acres Disturbed**
Piledriving - Production Pile													
Main Hoist 2	Offroad	700	0.25	2003	1	4	700	11					
Main Generator	Oflroad	485	0.6	2003	1	8	2,328	11					
Boom Hoist	Offroad	700	0.25	2003	1	8	1,400	11					
Anchor Winch	Offroad	305	0.5	2003	1	2	305	11					
Breasting Winch	Offroad	210	0.6	2003	1	2	252	11					
Emergency Generator	Offroad	210	0.6	2003	1	2	252	11					
Pile Hammer	Offroad	190	0.6	2003	1	8	912	11					
Jet Pump	Offroad	290	0.6	2003	1	8	1,392	11					
Pile Handler	Offroad	456	0.5	2003	1	2	456	11					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2003				11	130	10	10	1,300	
Dredge 200' and Disposal													
Derrick Barge Crane Hoist 2	Offroad	564	0.5	2003	1	24	6.768	14					
Deck Winch 2	Offroad	238	0.5	2003	2	6	1,428	14					
Generator 4	Offroad	432	0.6	2003	1	24	6,221	14					
Generator 2	Offroad	135	0.6	2003	1	6	486	14					
Tug Boat - Transport Barge to Berth 205	tug	2,420	0.43	2003	1	4	4,162	14					
Loader - 962G - Anchorage Rd	Offroad	200	0.5	2003	1	16	1.6	14					
Haul Trucks - Berth 205 to Anch Rd.	truckdredge	NA	NA	2003				14	1	180	10	180	
Rip-Rap Placement - 200' (north extension)													
Main Hoist 1	Offroad	335	0.5	2003	1	10	1,675	37					
Generator 1	Offroad	90	0.5	2003	1	10	540	37					
Generator 3	Offroad	229	0.6	2003	1	10	1,374	37					
Deck Winch 1	Offroad	120	0.5	2003	1	10	600	37					
Tracked Loader - Cat 973	Offroad	210	0.5	2003	1	10	1,050	37					
Tugboat1	tug	2,420	0.43	2003	1	8	8,325	37					
Genset 2	Offroad	89	0.6	2003	1	9	481	37					
Tugboat2	tug	2,420	0.43	2003	1	8	8,325	37					
Genset 1	Offroad	66	0.6	2003	1	9	356	37					
Dike Filling													
Loader - 950G	Offroad	180	0.5	2003	2	8	1,440	15					
HaulTrucks-Fill	truckother	NA	NA	2003				15	12	47	10	560	
Wharf Construction													
Crane - 888	Offroad	330	0.3	2003	1	8	792	20					
Crane - 4000	Offroad	350	0.5	2003	1	8	1,400	20					
Air Compressor - 100 CFM	Offroad	49	0.6	2003	2	4	235	20					
Air Compressor - 185 CFM	Offroad	62	0.6	2003	1	4	149	20					
Air Compressor - 185 CFM	Offroad	62	0.6	2003	1	4	149	20					
Welder - 300 Amp	Offroad	33	0.6	2003	1	4	79	20					
Welder - 400 Amp	Offroad	35	0.6	2003	1	4	84	20					
Haul Trucks	truckother	NA	NA	2003				7	40	5	10	200	
Concrete Trucks	truckother	NA	NA	2003				14	15	25	20	375	
Phase1: Crane Delivery and Installation													
Crane - 50 ton	Offroad	330	0.3	2002	2	8	1,584	5					
Winch	Offroad	305	0.5	2002	1	4	610	4					
General Cargo Ship - Transit	Offroad	NA	NA	2002	1			2					
General Cargo Ship - Hoteling	Offroad	NA	NA	2002	1			5					
Phase 1: Develop 72-Acre Backlands at Berth 100		***Not Part of Federal Action***											

Exhibit A: Federal Action Construction Equipment Detail													
Construction Activity/Equipment Type	**EF ID**	**HP**	**Load Factor**	**Construct. Start Year**	**Number Active**	**Equip-Hrs/Day**	**Daily hp-hr**	**Total Work Days**	**Miles per RT**	**Daily RT**	**Idling Time (min) Per RT**	**Miles/ Day**	**Acres Disturbed**
Phase 1: Construct Bridge 1													
Piledriving - Abutments													
Crane - 100 ton	Offroad	350	0.25	2002	1	4	350	10					
Pile Hammer	Offroad	190	0.6	2002	1	4	456	10					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2002				10	130	1	10	130	
Cast-in-Place Abutments													
Crane - 100 ton	Offroad	350	0.25	2002	1	6	525	60					
Concrete Trucks	truckother	NA	NA	2002				2	15	19	20	284	
Pre-Cast Bridge Girders													
Crane - 300 ton	Offroad	564	0.25	2002	2	8	2,256	2					
Haul Trucks - Girder Deliveries	truckother	NA	NA	2002				2	130	4	10	520	
Cast-in-Place Deck													
Supply Trucks	truckother	NA	NA	2002				1	40	3	10	120	
Concrete Trucks	truckother	NA	NA	2002				1	15	32	20	480	
Side Abutments													
Boom Truck	Offroad	325	0.5	2002	1	8	1,300	2					
Concrete Trucks	truckother	NA	NA	2002				2	15	3	20	45	
Phase 1: Construct Berth 121 Gate Modifications		***Not Part of Federal Action***											
Phase 2: Construct Berth 102													
Piledriving - Pinpiles - Indicators													
Derrick Barge Crane Hoist 2	Offroad	564	0.25	2009	1	4	564	44					
Deck Winch 2	Offroad	238	0.5	2009	2	2	476	44					
Generator 4	Offroad	432	0.6	2009	1	8	2,074	44					
Generator 2	Offroad	135	0.6	2009	1	2	162	44					
Pile Hammer	Offroad	190	0.6	2009	1	8	912	44					
Jet Pump	Offroad	290	0.6	2009	1	8	1,392	44					
Haul Trucks - Pile Deliveries	trucksother	NA	NA	2009				22	130	12	10	1,560	
Piledriving - Production Pile													
Main Hoist 2	Offroad	700	0.25	2009	1	4	700	49					
Main Generator	Offroad	485	0.8	2009	1	8	2,328	49					
Boom Hoist	Offroad	700	0.25	2009	1	8	1,400	49					
Anchor Winch	Offroad	305	0.5	2009	1	2	305	49					
Breasting Winch	Offroad	210	0.6	2009	1	2	252	49					
Emergency Generator	Offroad	210	0.6	2009	1	2	252	49					
Pile Hammer	Offroad	190	0.6	2009	1	8	912	49					
Jet Pump	Offroad	290	0.6	2009	1	8	1,392	49					
Pile Handler	Offroad	456	0.5	2009	1	2	456	49					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2009				49	130	10	10	1,300	
Wharf Construction													
Crane - 888	Offroad	330	0.3	2009	1	8	792	92					
Crane - 4000	Offroad	350	0.5	2009	1	8	1,400	92					
Air Compressor - 100 CFM	Offroad	49	0.6	2009	2	4	235	92					
Air Compressor - 185 CFM	Offroad	62	0.6	2009	2	4	298	92					
Welder - 300 Amp	Offroad	33	0.6	2009	1	4	79	92					
Welder - 400 Amp	Offroad	35	0.6	2009	1	4	84	92					
Haul Trucks	truckother	NA	NA	2009				31	40	5	10	200	
Concrete Trucks	truckother	NA	NA	2009				82	15	25	20	375	
Phase 2: Construct Berth 100-109 Buildings		***Not Part of Federal Action***											
Phase 2: Construct 18 of 45 Acre Backlands		***Not Part of Federal Action***											

Exhibit A: Federal Action Construction Equipment Detail													
Construction Activity/Equipment Type	**EF ID**	**HP**	**Load Factor**	**Construct. Start Year**	**Number Active**	**Equip-Hrs/Day**	**Daily hp-hr**	**Total Work Days**	**Miles per RT**	**Daily RT**	**Idling Time (min) Per RT**	**Miles/ Day**	**Acres Disturbed**
Phase 2: Construct Bridge 2													
Piledriving - Abutments													
Crane - 100 ton	Offroad	350	0.25	2009	1	4	350	10					
Pile Hammer	Offroad	190	0.6	2009	1	4	456	10					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2009				10	130	1	10	130	
Cast-in-Place Abutments													
Crane - 100 ton	Offroad	350	0.25	2009	1	6	525	60					
Concrete Trucks	truckother	NA	NA	2009				2	15	19	20	284	
Pre-Cast Bridge Girders													
Crane - 300 ton	Offroad	564	0.25	2009	2	8	2,256	2					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2009				2	130	4	10	520	
Cast-in-Place Deck													
Supply Trucks	truckother	NA	NA	2009				1	40	3	10	120	
Concrete Trucks	truckother	NA	NA	2009				1	15	32	20	480	
Side Abutments													
Boom Truck	Offroad	325	0.5	2009	1	8	1,300	2					
Concrete Trucks	truckother	NA	NA	2009				2	15	3	20	45	
Phase 2: Construct 17 of 45-Acre Backland		***Not Part of Federal Action***											
Phase 2: Crane Delivery and Installation													
Crane - 50 ton	Offroad	330	0.3	2010	2	8	1,564	8					
Winch	Offroad	305	0.5	2010	1	4	610	6					
General Cargo Ship - Transit	transit	NA	NA	2010	1			4					
General Cargo Ship - Hoteling	hotel	NA	NA	2010	1			8					
Phase 3: South Extension of Berth 100													
Piledriving - Pinpiles/Indicators													
Derrick Barge Crane Hoist 1	Offroad	564	0.25	2010	1	4	564	18					
Deck Winch 2	Offroad	238	0.5	2010	2	2	476	18					
Generator 4	Offroad	432	0.6	2010	1	8	2,074	18					
Generator 2	Offroad	135	0.6	2010	1	2	162	18					
Pile Hammer	Offroad	190	0.6	2010	1	8	912	18					
Jet Pump	Offroad	290	0.6	2010	1	8	1,392	18					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2010				9	130	12	10	1,560	
Rip-Rap Placement													
Main Hoist 1	Offroad	335	0.5	2010	1	10	1,675	70					
Generator 1	Offroad	90	0.6	2010	1	10	540	70					
Generator 3	Offroad	229	0.6	2010	1	10	1,374	70					
Deck Winch 1	Offroad	120	0.5	2010	1	10	600	70					
Tracked Loader - Cat 973	Offroad	210	0.5	2010	1	10	1,050	70					
Tugboat 1	tug	2,420	0.43	2010	1	8	8,325	70					
Genset 2	Offroad	89	0.6	2010	1	9	481	70					
Tugboat 2	tug	2,420	0.43	2010	1	8	8	70					
Genset 1	Offroad	66	0.6	2010	1	9	356	70					
Piledriving - Production Pile													
Main Hoist 2	Offroad	700	0.25	2010	1	4	700	20					
Main Generator	Offroad	485	0.6	2010	1	8	2,328	20					
Boom Hoist	Offroad	700	0.25	2010	1	8	1,400	20					
Anchor Winch	Offroad	305	0.5	2010	1	2	305	20					
Breasting Winch	Offroad	210	0.6	2010	1	2	252	20					
Emergency Generator	Offroad	210	0.6	2010	1	2	252	20					
Pile Hammer	Offroad	190	0.6	2010	1	8	912	20					
Jet Pump	Offroad	290	0.6	2010	1	8	1,392	20					
Pile Handler	Offroad	456	0.5	2010	1	2	456	20					
Haul Trucks - Pile Deliveries	truckother	NA	NA	2010				20	130	10	10	1,300	

Exhibit A: Federal Action Construction Equipment Detail													
Construction Activity/Equipment Type	**EF ID**	**HP**	**Load Factor**	**Construct. Start Year**	**Number Active**	**Equip-Hrs/Day**	**Daily hp-hr**	**Total Work Days**	**Miles per RT**	**Daily RT**	**Idling Time (min) Per RT**	**Miles/ Day**	**Acres Disturbed**
Delta Filling													
Loader - 950G	Offroad	180	0.5	2010	2	8	1,440	16					
Haul Trucks - Fill	truckother	NA	NA	2010				16	12	75	10	900	
Wharf Construction													
Crane - 888	Offroad	330	0.3	2010	1	8	792	38					
Crane 4000	Offroad	350	0.5	2010	1	8	1,400	38					
Air Compressor - 100 CFM	Offroad	49	0.6	2010	2	4	235	38					
Air Compressor - 185 CFM	Offroad	62	0.6	2010	2	4	298	38					
Welder - 300 Amp	Offroad	33	0.6	2010	1	4	79	38					
Welder - 400 Amp	Offroad	35	0.6	2010	1	4	84	38					
Haul Trucks	truckother	NA	NA	2010				13	40	5	10	200	
Concrete Trucks	truckother	NA	NA	2010				26	15	25	20	375	
Phase 3: Construct 25-Acre Backlands (Behind B100)													
Paving Machine	Offroad	200	0.5	2011	1	8	800	9					
Water Truck	Offroad	325	0.5	2011	1	8	1,300	188					
Compactive Roller	Offroad	165	0.5	2011	1	8	680	77					
Scraper	Offroad	195	0.5	2011	1	8	780	77					
Grader	Offroad	180	0.5	2011	1	8	720	89					
Loader	Offroad	215	0.5	2011	1	8	860	89					
Backhoe	Offroad	160	0.5	2011	1	8	640	61					
Bulldozer - D6	Offroad	165	0.5	2011	1	8	660	61					
Haul Truck - Paving	truckother	NA	NA	2011				16	15	33	10	495	
Haul Truck - Base	truckother	NA	NA	2011				16	15	16	10	240	
Semi Truck	truckother	NA	NA	2011				16	40	16	10	640	
Fugitive Dust	dust	NA	NA	2011				34					5
Phase 3: Crane Delivery and Installation													
Crane - 50 ton	Offroad	330	0.3	2011	2	8	1,564	2					
Winch	Offroad	305	0.5	2011	1	4	610	1					
General Cargo Ship - Transit	transit	NA	NA	2011	1			2					
General Cargo Ship - Hoteling	hotel	NA	NA	2011	1			2					

Exhibit B: Federal Action Daily Construction Emissions (Based on CEQA Mitigation)									
Construction Activity/Equipment Type	**Hours/Day**	**Year**	**HP**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	lbs/day								
Phase 1: Construct 1,000-foot Wharf at Berth 100									
Piledriving - Pinpiles/Indicators									
Derrick Barge Crane Hoist 1	4	2002	564	1.6	5.6	8.8	0.1	0.3	0.3
Deck Winch 2	2	2002	238	1.2	2.9	9.2	0.1	0.4	0.4
Generator 4	8	2002	432	4.8	18.9	37.8	0.2	1.6	1.5
Generator 2	2	2002	135	0.4	1.0	3.2	0.0	0.1	0.1
Pile Hammer	8	2002	190	1.7	5.7	14.7	0.1	0.6	0.5
Jet Pump	8	2002	290	2.6	9.7	23.0	0.1	0.8	0.8
Haul Trucks - Pile Deliveries	0	2002	NA	8.6	50.2	79.5	0.5	4.7	4.1
Rip-Rap Placement (1,000)									
Main Hoist 1	10	2002	335	3.8	15.2	30.3	0.2	1.3	1.2
Generator 1	10	2002	90	2.5	5.4	11.9	0.1	1.0	1.0
Generator 3	10	2002	229	3.6	8.5	26.9	0.2	1.2	1.1
Deck Winch 1	10	2002	120	1.9	4.7	12.1	0.1	0.7	0.6
Tracked Loader - Cat 973	10	2002	210	2.3	5.2	18.9	0.1	0.8	0.7
Tugboat 1	8	2002	2420	7.4	16.3	194.9	2.2	10.7	9.7
Genset 2	9	2002	89	1.9	4.3	9.4	0.1	0.7	0.7
Tugboat 2	8	2002	2420	7.4	16.3	194.9	2.2	10.7	9.7
Genset 1	9	2002	66	1.4	3.2	6.9	0.0	0.5	0.5
Piledriving - Production Pile									
Main Hoist 2	4	2002	700	1.6	6.4	12.8	0.1	0.5	0.5
Main Generator	8	2002	485	4.3	15.3	38.0	0.2	1.3	1.2
Boom Hoist	8	2002	700	3.2	12.7	25.6	0.1	1.1	1.0
Anchor Winch	2	2002	305	0.7	2.8	5.5	0.0	0.2	0.2
Breasting Winch	2	2002	210	0.6	1.5	4.9	0.0	0.2	0.2
Emergency Generator	2	2002	210	0.7	1.6	4.9	0.0	0.2	0.2
Pile Hammer	8	2002	190	1.7	5.7	14.7	0.1	0.6	0.5
Jet Pump	8	2002	290	2.6	9.7	23.0	0.1	0.8	0.8
Pile Handler	2	2002	456	0.8	2.9	7.4	0.0	0.3	0.3
Haul Trucks - Pile Deliveries	0	2002	NA	7.1	41.8	66.3	0.4	3.9	3.5
Wharf Construction									
Crane - 888	8	2002	330	1.9	7.9	14.7	0.1	0.6	0.6
Crane - 4000	8	2002	350	3.3	14.0	26.1	0.1	1.1	1.0
Air Compressor - 100 CFM	4	2002	49	2.4	4.2	3.5	0.0	0.4	0.4
Air Compressor - 185 CFM	4	2002	62	0.7	1.4	3.1	0.0	0.3	0.2
Air Compressor - 185 CFM	4	2002	62	0.7	1.4	3.1	0.0	0.3	0.2
Welder - 300 Amp	4	2002	33	0.7	1.3	1.2	0.0	0.1	0.1
Welder - 400 Amp	4	2002	35	0.8	1.4	1.2	0.0	0.1	0.1
Haul Trucks	0	2002	NA	1.1	6.5	10.3	0.1	0.6	0.5
Concrete Trucks	0	2002	NA	2.4	13.0	20.6	0.1	1.2	1.0
Phase 1: Construct 200-foot Wharf at Berth 100									
Piledriving - Pinpiles/Indicators									
Derrick Barge Crane Hoist 1	4	2003	564	1.5	4.9	8.4	0.1	0.3	0.3
Deck Winch 1	2	2003	238	1.4	3.7	9.2	0.1	0.5	0.5
Generator 4	8	2003	432	4.5	16.4	36.1	0.2	1.5	1.4
Generator 2	2	2003	135	0.4	0.9	3.0	0.0	0.1	0.1
Pile Hammer	8	2003	190	1.6	5.0	14.0	0.1	0.5	0.5
Jet Pump	8	2003	290	2.4	8.6	21.9	0.1	0.8	0.7
Haul Trucks - Pile Deliveries	0	2003	NA	8.4	47.4	78.4	0.5	4.4	4.0
Piledriving - Production Pile									
Main Hoist 2	4	2003	700	1.5	5.5	12.3	0.1	0.5	0.5
Main Generator	8	2003	485	3.9	13.6	36.2	0.2	1.2	1.1
Boom Hoist	8	2003	700	3.0	11.0	24.6	0.1	1.0	0.9
Anchor Winch	2	2003	305	0.7	2.4	5.3	0.0	0.2	0.2
Breasting Winch	2	2003	210	0.6	1.4	4.7	0.0	0.2	0.2
Emergency Generator	2	2003	210	0.6	1.4	4.7	0.0	0.2	0.2
Pile Hammer	8	2003	190	1.6	5.0	14.0	0.1	0.5	0.5
Jet Pump	8	2003	290	2.4	8.6	21.9	0.1	0.8	0.7
Pile Handler	2	2003	456	0.8	2.5	7.0	0.0	0.3	0.2
Haul Trucks - Pile Deliveries	0	2003	NA	7.0	39.6	65.4	0.4	3.7	3.3
Dredge 200' and Disposal									
Derrick Barge Crane Hoist 2	24	2003	564	14.7	53.3	118.7	0.7	4.9	4.5
Deck Winch 2	6	2003	238	3.4	8.1	26.6	0.2	1.2	1.1
Generator 4	24	2003	432	13.5	49.3	108.4	0.7	4.5	4.2
Generator 2	6	2003	135	1.2	2.8	9.1	0.1	0.4	0.4
Tug Boat - Transport Barge to Berth 205	4	2003	2420	3.7	8.1	97.4	1.1	5.3	4.9
Loader - 962G - Anchorage Rd	16	2003	200	3.3	7.3	27.7	0.2	1.1	1.0
Haul Trucks - Berth 205 to Anch Rd.	0	2003	NA	2.2	9.9	14.8	0.1	0.8	0.7

Exhibit B: Federal Action Daily Construction Emissions (Based on CEQA Mitigation)									
Construction Activity/Equipment Type	**Hours/Day**	**Year**	**HP**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	lbs/day								
Rip-Rap Placement - 200' (north extension)									
Main Hoist 1	10	2003	335	3.6	13.2	28.9	0.2	1.2	1.1
Generator 1	10	2003	90	2.5	5.3	11.5	0.1	1.0	1.0
Generator 3	10	2003	229	3.4	7.9	25.9	0.2	1.1	1.0
Deck Winch 1	10	2003	120	1.8	4.6	11.6	0.1	0.6	0.6
Tracked Loader - Cat 973	10	2003	210	2.1	4.8	18.2	0.1	0.7	0.6
Tugboat1	8	2003	2420	7.4	16.3	194.9	2.2	10.7	9.7
Genset 2	9	2003	89	1.8	4.2	9.1	0.1	0.7	0.7
Tugboat2	8	2003	2420	7.4	16.3	194.9	2.2	10.7	9.7
Genset 1	9	2003	66	1.4	3.1	6.7	0.0	0.5	0.5
Dike Filling									
Loader - 950G	8	2003	180	2.9	6.5	24.9	0.2	1.0	0.9
HaulTrucks-Fill	0	2003	NA	3.3	17.8	29.5	0.2	1.6	1.5
Wharf Construction									
Crane - 888	8	2003	330	1.8	7.1	14.2	0.1	0.6	0.6
Crane - 4000	8	2003	350	3.1	12.6	25.0	0.1	1.1	1.0
Air Compressor - 100 CFM	4	2003	49	2.4	4.1	3.5	0.0	0.4	0.4
Air Compressor - 185 CFM	4	2003	62	0.6	1.4	3.0	0.0	0.3	0.2
Air Compressor - 185 CFM	4	2003	62	0.6	1.4	3.0	0.0	0.3	0.2
Welder - 300 Amp	4	2003	33	0.7	1.3	1.1	0.0	0.1	0.1
Welder - 400 Amp	4	2003	35	0.8	1.4	1.2	0.0	0.1	0.1
Haul Trucks	0	2003	NA	1.1	6.1	10.2	0.1	0.6	0.5
Concrete Trucks	0	2003	NA	2.3	12.3	20.4	0.1	1.1	1.0
Phase1: Crane Delivery and Installation									
Crane - 50 ton	8	2002	330	3.8	15.8	29.5	0.2	1.3	1.2
Winch	4	2002	305	1.4	5.5	11.0	0.1	0.5	0.4
General Cargo Ship - Transit	0	2002	NA	33.9	83.2	959.5	876.2	103.6	83.3
General Cargo Ship - Hoteling	0	2002	NA	8.8	23.9	315.7	576.3	49.0	39.2
Phase 1: Develop 72-Acre Backlands at Berth 100	***Not Part of Federal Action***								
Phase 1: Construct Bridge 1									
Piledriving - Abutments									
Crane - 100 ton	4	2002	350	0.8	3.5	6.5	0.0	0.3	0.3
Pile Hammer	4	2002	190	0.8	2.9	7.4	0.0	0.3	0.3
Haul Trucks - Pile Deliveries	0	2002	NA	0.7	4.2	6.6	0.0	0.4	0.3
Cast-in-Place Abutments									
Crane - 100 ton	6	2002	350	1.2	5.2	9.8	0.1	0.4	0.4
Concrete Trucks	0	2002	NA	1.8	9.8	15.6	0.1	0.9	0.8
Pre-Cast Bridge Girders									
Crane - 300 ton	8	2002	564	5.4	22.4	42.5	0.2	1.8	1.7
Haul Trucks - Girder Deliveries	0	2002	NA	2.9	16.7	26.5	0.2	1.6	1.4
Cast-in-Place Deck									
Supply Trucks	0	2002	NA	0.7	3.9	6.2	0.0	0.4	0.3
Concrete Trucks	0	2002	NA	3.0	16.6	26.3	0.2	1.5	1.3
Side Abutments									
Boom Truck	8	2002	325	2.8	9.4	22.7	0.1	0.9	0.9
Concrete Trucks	0	2002	NA	0.3	1.6	2.5	0.0	0.1	0.1
Phase 1: Construct Berth 121 Gate Modifications	***Not Part of Federal Action***								
Phase 2: Construct Berth 102									
Piledriving - Pinpiles - Indicators									
Derrick Barge Crane Hoist	4	2009	564	0.8	2.4	7.3	0.0	0.3	0.2
Deck Winch 2	2	2009	238	0.5	1.8	4.6	0.0	0.1	0.1
Generator 4	8	2009	432	2.2	9.0	19.7	0.0	0.3	0.3
Generator 2	2	2009	135	0.2	0.6	1.6	0.0	0.0	0.0
Pile Hammer	8	2009	190	1.0	2.9	8.9	0.0	0.2	0.1
Jet Pump	8	2009	290	1.5	5.2	13.5	0.0	0.2	0.2
Haul Trucks - Pile Deliveries	0	2009	NA	3.0	10.6	46.7	0.1	0.6	0.4
Piledriving - Production Pile									
Main Hoist 2	4	2009	700	0.7	3.0	6.7	0.0	0.1	0.1
Main Generator	8	2009	485	2.5	8.3	22.2	0.0	0.4	0.4
Boom Hoist	8	2009	700	1.5	6.1	13.3	0.0	0.2	0.2
Anchor Winch	2	2009	305	0.3	1.3	2.9	0.0	0.1	0.0
Breasting Winch	2	2009	210	0.3	0.9	2.5	0.0	0.0	0.0
Emergency Generator	2	2009	210	0.3	0.9	2.5	0.0	0.0	0.0
Pile Hammer	8	2009	190	1.0	2.9	8.9	0.0	0.2	0.1
Jet Pump	8	2009	290	1.5	5.2	13.5	0.0	0.2	0.2
Pile Handler	2	2009	456	0.5	1.5	4.3	0.0	0.1	0.1
Haul Trucks - Pile Deliveries	0	2009	NA	2.5	8.9	38.9	0.1	0.5	0.3

Exhibit B: Federal Action Daily Construction Emissions (Based on CEQA Mitigation)									
Construction Activity/Equipment Type	**Hours/Day**	**Year**	**HP**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	lbs/day								
Wharf Construction									
Crane - 888	8	2009	330	0.8	3.9	7.5	0.0	0.1	0.1
Crane - 4000	8	2009	350	1.5	7.0	13.3	0.0	0.2	0.2
Air Compressor - 100 CFM	4	2009	49	0.3	2.1	2.6	0.0	0.1	0.1
Air Compressor - 185 CFM	4	2009	62	0.4	2.4	3.3	0.0	0.1	0.1
Welder - 300 Amp	4	2009	33	0.1	0.7	0.9	0.0	0.0	0.0
Welder - 400 Amp	4	2009	35	0.1	0.8	0.9	0.0	0.0	0.0
Haul Trucks	0	2009	NA	0.4	1.4	6.1	0.0	0.1	0.0
Concrete Trucks	0	2009	NA	0.8	3.3	13.4	0.0	0.1	0.1
Phase 2: Construct Berth 100-109 Buildings	***Not Part of Federal Action***								
Phase 2: Construct 18 of 45 Acre Backlands	***Not Part of Federal Action***								
Phase 2: Construct Bridge 2									
Piledriving - Abutments									
Crane - 100 ton	4	2009	350	0.4	1.7	3.3	0.0	0.1	0.1
Pile Hammer	4	2009	190	0.5	1.5	4.4	0.0	0.1	0.1
Haul Trucks - Pile Deliveries	0	2009	NA	0.2	0.9	3.9	0.0	0.0	0.0
Cast-in-Place Abutments									
Crane - 100 ton	6	2009	350	0.6	2.6	5.0	0.0	0.1	0.1
Concrete Trucks	0	2009	NA	0.6	2.5	10.1	0.0	0.1	0.1
Pre-Cast Bridge Girders									
Crane - 300 ton	8	2009	564	2.4	11.2	21.5	0.0	0.4	0.3
Haul Trucks - Pile Deliveries	0	2009	NA	2.2	10.5	21.2	0.0	1.0	0.9
Cast-in-Place Deck									
Supply Trucks	0	2009	NA	0.5	2.5	5.0	0.0	0.2	0.2
Concrete Trucks	0	2009	NA	1.1	4.2	17.1	0.0	0.2	0.1
Side Abutments									
Boom Truck	8	2009	325	1.4	4.8	12.4	0.0	0.2	0.2
Concrete Trucks	0	2009	NA	0.1	0.4	1.6	0.0	0.0	0.0
Phase 2: Construct 17 of 45-Acre Backland	***Not Part of Federal Action***								
Phase 2: Crane Delivery and Installation									
Crane - 50 ton	8	2010	330	1.7	7.3	15.1	0.0	0.3	0.2
Winch	4	2010	305	0.6	2.4	5.8	0.0	0.1	0.1
General Cargo Ship - Transit	0	2010	NA	25.3	63.6	702.6	631.9	75.7	60.9
General Cargo Ship - Hoteling	0	2010	NA	8.8	23.7	315.7	576.3	49.0	39.2
Phase 3: South Extension of Berth 100									
Piledriving - Pinpiles/Indicators									
Derrick Barge Crane Hoist 1	4	2010	564	0.7	2.2	6.9	0.0	0.2	0.2
Deck Winch 2	2	2010	238	0.5	1.6	4.6	0.0	0.1	0.1
Generator 4	8	2010	432	2.2	8.2	19.7	0.0	0.3	0.3
Generator 2	2	2010	135	0.2	0.6	1.6	0.0	0.0	0.0
Pile Hammer	8	2010	190	0.9	2.7	8.9	0.0	0.2	0.1
Jet Pump	8	2010	290	1.5	4.8	13.5	0.0	0.2	0.2
Haul Trucks - Pile Deliveries	0	2010	NA	3.2	11.7	48.0	0.1	0.6	0.4
Rip-Rap Placement									
Main Hoist 1	10	2010	335	1.8	6.6	16.0	0.0	0.3	0.3
Generator 1	10	2010	90	0.7	4.4	6.0	0.0	0.2	0.2
Generator 3	10	2010	229	1.5	4.8	13.4	0.0	0.2	0.2
Deck Winch 1	10	2010	120	0.6	4.4	5.8	0.0	0.1	0.1
Tracked Loader - Cat 973	10	2010	210	1.1	3.1	10.2	0.0	0.2	0.2
Tugboat 1	8	2010	2420	5.3	16.3	121.0	0.1	7.3	6.7
Genset 2	9	2010	89	0.6	3.9	5.3	0.0	0.2	0.1
Tugboat 2	8	2010	2420	5.3	16.3	121.0	0.1	7.3	6.7
Genset 1	9	2010	66	0.4	2.9	4.0	0.0	0.1	0.1
Piledriving - Production Pile									
Main Hoist 2	4	2010	700	0.7	2.7	6.7	0.0	0.1	0.1
Main Generator	8	2010	485	2.4	7.7	22.2	0.0	0.4	0.4
Boom Hoist	8	2010	700	1.5	5.5	13.3	0.0	0.2	0.2
Anchor Winch	2	2010	305	0.3	1.2	2.9	0.0	0.1	0.0
Breasting Winch	2	2010	210	0.3	0.9	2.5	0.0	0.0	0.0
Emergency Generator	2	2010	210	0.3	0.9	2.5	0.0	0.0	0.0
Pile Hammer	8	2010	190	0.9	2.7	8.9	0.0	0.2	0.1
Jet Pump	8	2010	290	1.5	4.8	13.5	0.0	0.2	0.2
Pile Handler	2	2010	456	0.5	1.4	4.3	0.0	0.1	0.1
Haul Trucks - Pile Deliveries	0	2010	NA	2.7	9.8	40.0	0.1	0.5	0.3
Delta Filling									
Loader - 950G	8	2010	180	1.6	4.2	14.0	0.0	0.2	0.2
Haul Trucks - Fill	0	2010	NA	2.1	7.8	30.8	0.0	0.3	0.2

Exhibit B: Federal Action Daily Construction Emissions (Based on CEQA Mitigation)									
Construction Activity/Equipment Type	**Hours/Day**	**Year**	**HP**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	lbs/day								
Wharf Construction									
Crane - 888	8	2010	330	0.8	3.6	7.5	0.0	0.1	0.1
Crane 4000	8	2010	350	1.5	6.5	13.3	0.0	0.2	0.2
Air Compressor - 100 CFM	4	2010	49	0.3	2.1	2.6	0.0	0.1	0.1
Air Compressor - 185 CFM	4	2010	62	0.4	2.4	3.3	0.0	0.1	0.1
Welder - 300 Amp	4	2010	33	0.1	0.7	0.9	0.0	0.0	0.0
Welder - 400 Amp	4	2010	35	0.1	0.8	0.9	0.0	0.0	0.0
Haul Trucks	0	2010	NA	0.4	1.6	6.3	0.0	0.1	0.0
Concrete Trucks	0	2010	NA	0.9	3.5	13.7	0.0	0.1	0.1
Phase 3: Construct 25-Acre Backlands (Behind B100)									
Paving Machine	8	2011	200	0.9	3.4	7.8	0.0	0.1	0.1
Water Truck	8	2011	325	1.4	4.2	12.4	0.0	0.2	0.2
Compactive Roller	8	2011	165	0.7	4.8	6.4	0.0	0.2	0.1
Scraper	8	2011	195	0.8	3.3	7.6	0.0	0.1	0.1
Grader	8	2011	180	0.8	2.5	7.0	0.0	0.1	0.1
Loader	8	2011	215	0.9	2.5	7.8	0.0	0.1	0.1
Backhoe	8	2011	160	0.7	4.6	6.2	0.0	0.2	0.1
Bulldozer - D6	8	2011	165	0.7	5.4	6.4	0.0	0.2	0.1
Haul Truck - Paving	0	2011	NA	1.2	4.5	17.0	0.0	0.2	0.1
Haul Truck - Base	0	2011	NA	0.6	2.2	8.2	0.0	0.1	0.1
Semi Truck	0	2011	NA	2.4	10.9	22.1	0.0	1.0	0.9
Fugitive Dust	0	2011	NA	0.0	0.0	0.0	0.0	26.9	5.6
Phase 3: Crane Delivery and Installation									
Crane - 50 ton	8	2011	330	1.7	6.8	15.1	0.0	0.3	0.2
Winch	4	2011	305	0.6	2.2	5.8	0.0	0.1	0.1
General Cargo Ship - Transit	0	2011	NA	25.3	63.6	702.6	631.9	75.7	60.9
General Cargo Ship - Hoteling	0	2011	NA	8.8	23.9	315.7	576.3	49.0	39.2

Exhibit C: Federal Action Cumulative Total Construction Emissions (Based on CEQA Mitigation)							
Construction Activity/Equipment Type	**Work Days**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
				tons			
Phase 1: Construct 1,000-foot Wharf at Berth 100							
Piledriving - Pinpiles/Indicators							
Derrick Barge Crane Hoist 1	48	0.039	0.135	0.211	0.001	0.007	0.007
Deck Winch 2	48	0.029	0.070	0.221	0.001	0.010	0.009
Generator 4	48	0.115	0.455	0.907	0.005	0.039	0.036
Generator 2	48	0.010	0.024	0.076	0.000	0.003	0.003
Pile Hammer	48	0.041	0.137	0.354	0.002	0.013	0.012
Jet Pump	48	0.063	0.234	0.551	0.004	0.020	0.018
Haul Trucks - Pile Deliveries	24	0.103	0.602	0.954	0.006	0.056	0.050
Rip-Rap Placement (1,000)							
Main Hoist 1	60	0.115	0.457	0.908	0.005	0.038	0.035
Generator 1	60	0.076	0.162	0.357	0.002	0.031	0.029
Generator 3	60	0.107	0.255	0.806	0.005	0.037	0.034
Deck Winch 1	60	0.056	0.142	0.362	0.002	0.020	0.018
Tracked Loader - Cat 973	60	0.069	0.155	0.567	0.004	0.023	0.021
Tugboat 1	30	0.111	0.244	2.923	0.033	0.160	0.146
Genset 2	30	0.028	0.064	0.141	0.001	0.011	0.010
Tugboat 2	30	0.111	0.244	2.923	0.033	0.160	0.146
Genset 1	30	0.021	0.047	0.104	0.001	0.008	0.007
Piledriving - Production Pile							
Main Hoist 2	53	0.043	0.169	0.340	0.002	0.014	0.013
Main Generator	53	0.113	0.406	1.007	0.007	0.036	0.033
Boom Hoist	53	0.086	0.337	0.679	0.004	0.028	0.026
Anchor Winch	53	0.018	0.073	0.146	0.001	0.006	0.006
Breasting Winch	53	0.017	0.041	0.129	0.001	0.006	0.005
Emergency Generator	53	0.017	0.041	0.131	0.001	0.006	0.005
Pile Hammer	53	0.045	0.151	0.391	0.003	0.015	0.014
Jet Pump	53	0.069	0.258	0.609	0.004	0.022	0.020
Pile Handler	53	0.023	0.076	0.195	0.001	0.007	0.007
Haul Trucks - Pile Deliveries	53	0.189	1.108	1.756	0.011	0.103	0.091
Wharf Construction							
Crane - 888	100	0.094	0.396	0.737	0.004	0.032	0.029
Crane - 4000	100	0.166	0.700	1.304	0.007	0.056	0.052
Air Compressor - 100 CFM	100	0.120	0.210	0.175	0.002	0.022	0.020
Air Compressor - 185 CFM	100	0.033	0.072	0.157	0.001	0.013	0.012
Air Compressor - 185 CFM	100	0.033	0.072	0.157	0.001	0.013	0.012
Welder - 300 Amp	100	0.037	0.066	0.058	0.001	0.007	0.006
Welder - 400 Amp	100	0.040	0.070	0.061	0.001	0.007	0.007
Haul Trucks	34	0.019	0.110	0.175	0.001	0.010	0.009
Concrete Trucks	68	0.080	0.440	0.699	0.005	0.040	0.036
Phase 1: Construct 200-foot Wharf at Berth 100							
Piledriving - Pinpiles/Indicators							
Derrick Barge Crane Hoist 1	10	0.008	0.024	0.042	0.000	0.001	0.001
Deck Winch 1	10	0.007	0.018	0.046	0.000	0.003	0.002
Generator 4	10	0.022	0.082	0.181	0.001	0.008	0.007
Generator 2	10	0.002	0.005	0.015	0.000	0.001	0.001
Pile Hammer	10	0.008	0.025	0.070	0.000	0.003	0.002
Jet Pump	10	0.012	0.043	0.109	0.001	0.004	0.004
Haul Trucks - Pile Deliveries	5	0.021	0.119	0.196	0.001	0.011	0.010
Piledriving - Production Pile							
Main Hoist 2	11	0.008	0.030	0.068	0.000	0.003	0.003
Main Generator	11	0.022	0.075	0.199	0.001	0.007	0.006
Boom Hoist	11	0.017	0.061	0.135	0.001	0.006	0.005
Anchor Winch	11	0.004	0.013	0.029	0.000	0.001	0.001
Breasting Winch	11	0.003	0.008	0.026	0.000	0.001	0.001
Emergency Generator	11	0.003	0.008	0.026	0.000	0.001	0.001
Pile Hammer	11	0.009	0.028	0.077	0.001	0.003	0.003
Jet Pump	11	0.013	0.047	0.120	0.001	0.004	0.004
Pile Handler	11	0.004	0.014	0.039	0.000	0.001	0.001
Haul Trucks - Pile Deliveries	11	0.039	0.218	0.360	0.002	0.020	0.018

Exhibit C: Federal Action Cumulative Total Construction Emissions (Based on CEQA Mitigation)							
Construction Activity/Equipment Type	**Work Days**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	tons						
Dredge 200' and Disposal							
Derrick Barge Crane Hoist 2	14	0.103	0.373	0.831	0.005	0.034	0.031
Deck Winch 2	14	0.024	0.057	0.186	0.001	0.008	0.007
Generator 4	14	0.094	0.345	0.759	0.005	0.032	0.029
Generator 2	14	0.008	0.020	0.064	0.000	0.003	0.003
Tug Boat - Transport Barge to Berth 205	14	0.026	0.057	0.682	0.008	0.037	0.034
Loader - 962G - Anchorage Rd	14	0.023	0.051	0.194	0.001	0.007	0.007
Haul Trucks - Berth 205 to Anch Rd.	14	0.015	0.069	0.103	0.001	0.005	0.005
Rip-Rap Placement - 200' (north extension)							
Main Hoist 1	37	0.066	0.244	0.535	0.003	0.022	0.020
Generator 1	37	0.046	0.098	0.214	0.001	0.019	0.018
Generator 3	37	0.062	0.146	0.478	0.003	0.021	0.019
Deck Winch 1	37	0.033	0.086	0.216	0.001	0.012	0.011
Tracked Loader - Cat 973	37	0.040	0.088	0.336	0.002	0.013	0.012
Tugboat1	37	0.137	0.301	3.605	0.041	0.197	0.180
Genset 2	37	0.034	0.078	0.168	0.001	0.013	0.012
Tugboat2	37	0.137	0.301	3.605	0.041	0.197	0.180
Genset 1	37	0.025	0.058	0.124	0.001	0.010	0.009
Dike Filling							
Loader - 950G	15	0.022	0.049	0.187	0.001	0.007	0.007
HaulTrucks-Fill	15	0.025	0.134	0.221	0.001	0.012	0.011
Wharf Construction							
Crane - 888	20	0.018	0.071	0.142	0.001	0.006	0.006
Crane - 4000	20	0.031	0.126	0.250	0.001	0.011	0.010
Air Compressor - 100 CFM	20	0.024	0.041	0.035	0.000	0.004	0.004
Air Compressor - 185 CFM	20	0.006	0.014	0.030	0.000	0.003	0.002
Air Compressor - 185 CFM	20	0.006	0.014	0.030	0.000	0.003	0.002
Welder - 300 Amp	20	0.007	0.013	0.011	0.000	0.001	0.001
Welder - 400 Amp	20	0.008	0.014	0.012	0.000	0.001	0.001
Haul Trucks	7	0.004	0.022	0.036	0.000	0.002	0.002
Concrete Trucks	14	0.016	0.086	0.143	0.001	0.008	0.007
Phase1: Crane Delivery and Installation							
Crane - 50 ton	5	0.009	0.040	0.074	0.000	0.003	0.003
Winch	4	0.003	0.011	0.022	0.000	0.001	0.001
General Cargo Ship - Transit	2	0.034	0.083	0.960	0.876	0.104	0.083
General Cargo Ship - Hoteling	5	0.022	0.060	0.789	1.441	0.123	0.098
Phase 1: Develop 72-Acre Backlands at Berth 100	***Not Part of Federal Action***						
Phase 1: Construct Bridge 1							
Piledriving - Abutments							
Crane - 100 ton	10	0.004	0.017	0.033	0.000	0.001	0.001
Pile Hammer	10	0.004	0.014	0.037	0.000	0.001	0.001
Haul Trucks - Pile Deliveries	10	0.004	0.021	0.033	0.000	0.002	0.002
Cast-in-Place Abutments							
Crane - 100 ton	60	0.037	0.157	0.293	0.002	0.013	0.012
Concrete Trucks	2	0.002	0.010	0.016	0.000	0.001	0.001
Pre-Cast Bridge Girders							
Crane - 300 ton	2	0.005	0.022	0.043	0.000	0.002	0.002
Haul Trucks - Girder Deliveries	2	0.003	0.017	0.026	0.000	0.002	0.001
Cast-in-Place Deck							
Supply Trucks	1	0.000	0.002	0.003	0.000	0.000	0.000
Concrete Trucks	1	0.002	0.008	0.013	0.000	0.001	0.001
Side Abutments							
Boom Truck	2	0.003	0.009	0.023	0.000	0.001	0.001
Concrete Trucks	2	0.000	0.002	0.002	0.000	0.000	0.000
Phase 1: Construct Berth 121 Gate Modifications	***Not Part of Federal Action***						
Phase 2: Construct Berth 102							
Piledriving - Pinpiles - Indicators							
Derrick Barge Crane Hoist	44	0.018	0.054	0.161	0.000	0.006	0.005
Deck Winch 2	44	0.011	0.039	0.102	0.000	0.002	0.002
Generator 4	44	0.048	0.199	0.434	0.001	0.008	0.007
Generator 2	44	0.004	0.013	0.035	0.000	0.001	0.001
Pile Hammer	44	0.021	0.065	0.195	0.000	0.003	0.003
Jet Pump	44	0.033	0.114	0.298	0.000	0.005	0.005
Haul Trucks - Pile Deliveries	22	0.033	0.117	0.513	0.001	0.006	0.004

Exhibit C: Federal Action Cumulative Total Construction Emissions (Based on CEQA Mitigation)							
Construction Activity/Equipment Type	**Work Days**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	tons						
Piledriving - Production Pile							
Main Hoist 2	49	0.018	0.074	0.163	0.000	0.003	0.003
Main Generator	49	0.060	0.204	0.543	0.001	0.009	0.009
Boom Hoist	49	0.036	0.149	0.327	0.000	0.006	0.005
Anchor Winch	49	0.008	0.032	0.071	0.000	0.001	0.001
Breasting Winch	49	0.007	0.023	0.060	0.000	0.001	0.001
Emergency Generator	49	0.007	0.023	0.060	0.000	0.001	0.001
Pile Hammer	49	0.024	0.072	0.217	0.000	0.004	0.003
Jet Pump	49	0.037	0.127	0.332	0.000	0.006	0.005
Pile Handler	49	0.012	0.036	0.106	0.000	0.002	0.002
Haul Trucks - Pile Deliveries	49	0.060	0.217	0.953	0.001	0.011	0.008
Wharf Construction							
Crane - 888	92	0.039	0.181	0.347	0.000	0.006	0.006
Crane - 4000	92	0.068	0.321	0.613	0.001	0.011	0.010
Air Compressor - 100 CFM	92	0.013	0.098	0.120	0.000	0.005	0.005
Air Compressor - 185 CFM	92	0.017	0.112	0.152	0.000	0.005	0.004
Welder - 300 Amp	92	0.004	0.033	0.040	0.000	0.002	0.002
Welder - 400 Amp	92	0.005	0.035	0.043	0.000	0.002	0.002
Haul Trucks	31	0.006	0.022	0.095	0.000	0.001	0.001
Concrete Trucks	82	0.035	0.134	0.548	0.001	0.006	0.004
Phase 2: Construct Berth 100-109 Buildings	***Not Part of Federal Action***						
Phase 2: Construct 18 of 45 Acre Backlands	***Not Part of Federal Action***						
Phase 2: Construct Bridge 2							
Piledriving - Abutments							
Crane - 100 ton	10	0.002	0.009	0.017	0.000	0.000	0.000
Pile Hammer	10	0.002	0.007	0.022	0.000	0.000	0.000
Haul Trucks - Pile Deliveries	10	0.001	0.004	0.019	0.000	0.000	0.000
Cast-in-Place Abutments							
Crane - 100 ton	60	0.017	0.078	0.150	0.000	0.003	0.002
Concrete Trucks	2	0.001	0.002	0.010	0.000	0.000	0.000
Pre-Cast Bridge Girders							
Crane - 300 ton	2	0.002	0.011	0.021	0.000	0.000	0.000
Haul Trucks - Pile Deliveries	2	0.002	0.011	0.021	0.000	0.001	0.001
Cast-in-Place Deck							
Supply Trucks	1	0.000	0.001	0.002	0.000	0.000	0.000
Concrete Trucks	1	0.001	0.002	0.009	0.000	0.000	0.000
Side Abutments							
Boom Truck	2	0.001	0.005	0.012	0.000	0.000	0.000
Concrete Trucks	2	0.000	0.000	0.002	0.000	0.000	0.000
Phase 2: Construct 17 of 45-Acre Backland	***Not Part of Federal Action***						
Phase 2: Crane Delivery and Installation							
Crane - 50 ton	8	0.007	0.029	0.060	0.000	0.001	0.001
Winch	6	0.002	0.007	0.017	0.000	0.000	0.000
General Cargo Ship - Transit	4	0.051	0.127	1.405	1.264	0.151	0.122
General Cargo Ship - Hoteling	8	0.035	0.095	1.263	2.305	0.196	0.157
Phase 3: South Extension of Berth 100							
Piledriving - Pinpiles/Indicators							
Derrick Barge Crane Hoist 1	18	0.007	0.020	0.062	0.000	0.002	0.002
Deck Winch 2	18	0.005	0.015	0.042	0.000	0.001	0.001
Generator 4	18	0.020	0.073	0.178	0.000	0.003	0.003
Generator 2	18	0.002	0.005	0.014	0.000	0.000	0.000
Pile Hammer	18	0.008	0.025	0.080	0.000	0.001	0.001
Jet Pump	18	0.013	0.043	0.122	0.000	0.002	0.002
Haul Trucks - Pile Deliveries	9	0.015	0.053	0.216	0.000	0.003	0.002
Rip-Rap Placement							
Main Hoist 1	70	0.062	0.229	0.558	0.001	0.010	0.009
Generator 1	70	0.023	0.154	0.210	0.000	0.006	0.006
Generator 3	70	0.052	0.168	0.468	0.001	0.008	0.007
Deck Winch 1	70	0.023	0.153	0.204	0.000	0.005	0.005
Tracked Loader - Cat 973	70	0.040	0.108	0.357	0.000	0.006	0.006
Tugboat 1	70	0.187	0.570	4.234	0.005	0.254	0.235
Genset 2	70	0.021	0.137	0.187	0.000	0.006	0.005
Tugboat 2	70	0.187	0.570	4.234	0.005	0.254	0.235
Genset 1	70	0.015	0.101	0.139	0.000	0.004	0.004

Exhibit C: Federal Action Cumulative Total Construction Emissions (Based on CEQA Mitigation)							
Construction Activity/Equipment Type	**Work Days**	**VOC**	**CO**	**NOx**	**SOx**	**PM10**	**PM2.5**
	tons						
Piledriving - Production Pile							
Main Hoist 2	20	0.007	0.027	0.067	0.000	0.001	0.001
Main Generator	20	0.024	0.077	0.222	0.000	0.004	0.004
Boom Hoist	20	0.015	0.055	0.133	0.000	0.002	0.002
Anchor Winch	20	0.003	0.012	0.029	0.000	0.001	0.000
Breasting Winch	20	0.003	0.009	0.025	0.000	0.000	0.000
Emergency Generator	20	0.003	0.009	0.025	0.000	0.000	0.000
Pile Hammer	20	0.009	0.027	0.089	0.000	0.002	0.001
Jet Pump	20	0.015	0.048	0.135	0.000	0.002	0.002
Pile Handler	20	0.005	0.014	0.043	0.000	0.001	0.001
Haul Trucks - Pile Deliveries	20	0.027	0.098	0.400	0.001	0.005	0.003
Delta Filling							
Loader - 950G	16	0.012	0.034	0.112	0.000	0.002	0.002
Haul Trucks - Fill	16	0.016	0.062	0.246	0.000	0.003	0.002
Wharf Construction							
Crane - 888	38	0.016	0.069	0.143	0.000	0.002	0.002
Crane 4000	38	0.028	0.123	0.253	0.000	0.004	0.004
Air Compressor - 100 CFM	38	0.006	0.040	0.050	0.000	0.002	0.002
Air Compressor - 185 CFM	38	0.007	0.046	0.063	0.000	0.002	0.002
Welder - 300 Amp	38	0.002	0.014	0.017	0.000	0.001	0.001
Welder - 400 Amp	38	0.002	0.014	0.018	0.000	0.001	0.001
Haul Trucks	13	0.003	0.010	0.041	0.000	0.000	0.000
Concrete Trucks	26	0.012	0.046	0.178	0.000	0.002	0.001
Phase 3: Construct 25-Acre Backlands (Behind B100)							
Paving Machine	9	0.004	0.015	0.035	0.000	0.001	0.001
Water Truck	188	0.129	0.397	1.164	0.002	0.020	0.019
Compactive Roller	77	0.027	0.184	0.247	0.000	0.006	0.006
Scraper	77	0.032	0.126	0.292	0.000	0.005	0.005
Grader	89	0.035	0.110	0.312	0.000	0.005	0.005
Loader	89	0.041	0.112	0.345	0.001	0.006	0.006
Backhoe	61	0.021	0.142	0.190	0.000	0.005	0.004
Bulldozer - D6	61	0.022	0.164	0.196	0.000	0.005	0.004
Haul Truck - Paving	16	0.010	0.036	0.136	0.000	0.001	0.001
Haul Truck - Base	16	0.005	0.017	0.066	0.000	0.001	0.001
Semi Truck	16	0.019	0.087	0.177	0.000	0.008	0.007
Fugitive Dust	34	0.000	0.000	0.000	0.000	0.457	0.095
Phase 3: Crane Delivery and Installation							
Crane - 50 ton	0	0.000	0.000	0.000	0.000	0.000	0.000
Winch	2	0.001	0.002	0.006	0.000	0.000	0.000
General Cargo Ship - Transit	1	0.013	0.032	0.351	0.316	0.038	0.030
General Cargo Ship - Hoteling	2	0.009	0.024	0.316	0.576	0.049	0.039
Total Construction Emissions		**5.72**	**20.06**	**65.56**	**7.11**	**3.78**	**3.05**

Exhibit D: Mitigated Yearly NOx Construction Emissions (Based on CEQA Mitigation)					
Construction Activity/Equipment Type	**2002**	**2003**	**2009**	**2010**	**2011**
	tons/year				
Phase 1: Construct 1,000-foot Wharf at Berth 100					
Piledriving - Pinpiles/Indicators					
Derrick Barge Crane Hoist 1	0.21	-	-	-	-
Deck Winch 2	0.22	-	-	-	-
Generator 4	0.91	-	-	-	-
Generator 2	0.08	-	-	-	-
Pile Hammer	0.35	-	-	-	-
Jet Pump	0.55	-	-	-	-
Haul Trucks - Pile Deliveries	0.95	-	-	-	-
Rip-Rap Placement (1,000)					
Main Hoist 1	0.91	-	-	-	-
Generator 1	0.36	-	-	-	-
Generator 3	0.81	-	-	-	-
Deck Winch 1	0.36	-	-	-	-
Tracked Loader - Cat 973	0.57	-	-	-	-
Tugboat 1	2.92	-	-	-	-
Genset 2	0.14	-	-	-	-
Tugboat 2	2.92	-	-	-	-
Genset 1	0.10	-	-	-	-
Piledriving - Production Pile					
Main Hoist 2	0.34	-	-	-	-
Main Generator	1.01	-	-	-	-
Boom Hoist	0.68	-	-	-	-
Anchor Winch	0.15	-	-	-	-
Breasting Winch	0.13	-	-	-	-
Emergency Generator	0.13	-	-	-	-
Pile Hammer	0.39	-	-	-	-
Jet Pump	0.61	-	-	-	-
Pile Handler	0.20	-	-	-	-
Haul Trucks - Pile Deliveries	1.76	-	-	-	-
Wharf Construction					
Crane - 888	0.74	-	-	-	-
Crane - 4000	1.30	-	-	-	-
Air Compressor - 100 CFM	0.17	-	-	-	-
Air Compressor - 185 CFM	0.16	-	-	-	-
Air Compressor - 185 CFM	0.16	-	-	-	-
Welder - 300 Amp	0.06	-	-	-	-
Welder - 400 Amp	0.06	-	-	-	-
Haul Trucks	0.18	-	-	-	-
Concrete Trucks	0.70	-	-	-	-
Phase 1: Construct 200-foot Wharf at Berth 100					
Piledriving - Pinpiles/Indicators					
Derrick Barge Crane Hoist 1	-	0.042	-	-	-
Deck Winch 1	-	0.046	-	-	-
Generator 4	-	0.181	-	-	-
Generator 2	-	0.015	-	-	-
Pile Hammer	-	0.070	-	-	-
Jet Pump	-	0.109	-	-	-
Haul Trucks - Pile Deliveries	-	0.196	-	-	-
Piledriving - Production Pile					
Main Hoist 2	-	0.068	-	-	-
Main Generator	-	0.199	-	-	-
Boom Hoist	-	0.135	-	-	-
Anchor Winch	-	0.029	-	-	-
Breasting Winch	-	0.026	-	-	-
Emergency Generator	-	0.026	-	-	-
Pile Hammer	-	0.077	-	-	-
Jet Pump	-	0.120	-	-	-
Pile Handler	-	0.039	-	-	-
Haul Trucks - Pile Deliveries	-	0.360	-	-	-

Exhibit D: Mitigated Yearly NOx Construction Emissions (Based on CEQA Mitigation)					
Construction Activity/Equipment Type	**2002**	**2003**	**2009**	**2010**	**2011**
	tons/year				
Dredge 200' and Disposal					
Derrick Barge Crane Hoist 2	-	0.831	-	-	-
Deck Winch 2	-	0.186	-	-	-
Generator 4	-	0.759	-	-	-
Generator 2	-	0.064	-	-	-
Tug Boat - Transport Barge to Berth 205	-	0.682	-	-	-
Loader - 962G - Anchorage Rd	-	0.194	-	-	-
Haul Trucks - Berth 205 to Anch Rd.	-	0.103	-	-	-
Rip-Rap Placement - 200' (north extension)					
Main Hoist 1	-	0.535	-	-	-
Generator 1	-	0.214	-	-	-
Generator 3	-	0.478	-	-	-
Deck Winch 1	-	0.216	-	-	-
Tracked Loader - Cat 973	-	0.336	-	-	-
Tugboat1	-	3.605	-	-	-
Genset 2	-	0.168	-	-	-
Tugboat2	-	3.605	-	-	-
Genset 1	-	0.124	-	-	-
Dike Filling					
Loader - 950G	-	0.187	-	-	-
HaulTrucks-Fill	-	0.221	-	-	-
Wharf Construction					
Crane - 888	-	0.142	-	-	-
Crane - 4000	-	0.250	-	-	-
Air Compressor - 100 CFM	-	0.035	-	-	-
Air Compressor - 185 CFM	-	0.030	-	-	-
Air Compressor - 185 CFM	-	0.030	-	-	-
Welder - 300 Amp	-	0.011	-	-	-
Welder - 400 Amp	-	0.012	-	-	-
Haul Trucks	-	0.036	-	-	-
Concrete Trucks	-	0.143	-	-	-
Phase1: Crane Delivery and Installation					
Crane - 50 ton	0.074	-	-	-	-
Winch	0.022	-	-	-	-
General Cargo Ship - Transit	0.960	-	-	-	-
General Cargo Ship - Hoteling	0.789	-	-	-	-
Phase 1: Develop 72-Acre Backlands at Berth 100	***Not Part of Federal Action***				
Phase 1: Construct Bridge 1					
Piledriving - Abutments					
Crane - 100 ton	0.033	-	-	-	-
Pile Hammer	0.037	-	-	-	-
Haul Trucks - Pile Deliveries	0.033	-	-	-	-
Cast-in-Place Abutments	0.000	-	-	-	-
Crane - 100 ton	0.293	-	-	-	-
Concrete Trucks	0.016	-	-	-	-
Pre-Cast Bridge Girders	0.000	-	-	-	-
Crane - 300 ton	0.043	-	-	-	-
Haul Trucks - Girder Deliveries	0.026	-	-	-	-
Cast-in-Place Deck	0.000	-	-	-	-
Supply Trucks	0.003	-	-	-	-
Concrete Trucks	0.013	-	-	-	-
Side Abutments	0.000	-	-	-	-
Boom Truck	0.023	-	-	-	-
Concrete Trucks	0.002	-	-	-	-
Phase 1: Construct Berth 121 Gate Modifications	***Not Part of Federal Action***				
Phase 2: Construct Berth 102					
Piledriving - Pinpiles - Indicators					
Derrick Barge Crane Hoist	-	-	0.161	-	-
Deck Winch 2	-	-	0.102	-	-
Generator 4	-	-	0.434	-	-
Generator 2	-	-	0.035	-	-
Pile Hammer	-	-	0.195	-	-
Jet Pump	-	-	0.298	-	-
Haul Trucks - Pile Deliveries	-	-	0.513	-	-

Exhibit D: Mitigated Yearly NOx Construction Emissions (Based on CEQA Mitigation)					
Construction Activity/Equipment Type	**2002**	**2003**	**2009**	**2010**	**2011**
	tons/year				
Piledriving - Production Pile					
Main Hoist 2	-	-	0.163	-	-
Main Generator	-	-	0.543	-	-
Boom Hoist	-	-	0.327	-	-
Anchor Winch	-	-	0.071	-	-
Breasting Winch	-	-	0.060	-	-
Emergency Generator	-	-	0.060	-	-
Pile Hammer	-	-	0.217	-	-
Jet Pump	-	-	0.332	-	-
Pile Handler	-	-	0.106	-	-
Haul Trucks - Pile Deliveries	-	-	0.953	-	-
Wharf Construction					
Crane - 888	-	-	0.347	-	-
Crane - 4000	-	-	0.613	-	-
Air Compressor - 100 CFM	-	-	0.120	-	-
Air Compressor - 185 CFM	-	-	0.152	-	-
Welder - 300 Amp	-	-	0.040	-	-
Welder - 400 Amp	-	-	0.043	-	-
Haul Trucks	-	-	0.095	-	-
Concrete Trucks	-	-	0.548	-	-
Phase 2: Construct Berth 100-109 Buildings	***Not Part of Federal Action***				
Phase 2: Construct 18 of 45 Acre Backlands	***Not Part of Federal Action***				
Phase 2: Construct Bridge 2					
Piledriving - Abutments					
Crane - 100 ton	-	-	0.017	-	-
Pile Hammer	-	-	0.022	-	-
Haul Trucks - Pile Deliveries	-	-	0.019	-	-
Cast-in-Place Abutments					
Crane - 100 ton	-	-	0.150	-	-
Concrete Trucks	-	-	0.010	-	-
Pre-Cast Bridge Girders					
Crane - 300 ton	-	-	0.021	-	-
Haul Trucks - Pile Deliveries	-	-	0.021	-	-
Cast-in-Place Deck					
Supply Trucks	-	-	0.002	-	-
Concrete Trucks	-	-	0.009	-	-
Side Abutments					
Boom Truck	-	-	0.012	-	-
Concrete Trucks	-	-	0.002	-	-
Phase 2: Construct 17 of 45-Acre Backland	***Not Part of Federal Action***				
Phase 2: Crane Delivery and Installation					
Crane - 50 ton	-	-		0.060	-
Winch	-	-		0.017	-
General Cargo Ship - Transit	-	-		1.405	-
General Cargo Ship - Hoteling	-	-		1.263	-
Phase 3: South Extension of Berth 100					
Piledriving - Pinpiles/Indicators					
Derrick Barge Crane Hoist 1	-	-		0.062	-
Deck Winch 2	-	-		0.042	-
Generator 4	-	-		0.178	-
Generator 2	-	-		0.014	-
Pile Hammer	-	-		0.080	-
Jet Pump	-	-		0.122	-
Haul Trucks - Pile Deliveries	-	-		0.216	-
Rip-Rap Placement					
Main Hoist 1	-	-		0.558	-
Generator 1	-	-		0.210	-
Generator 3	-	-		0.468	-
Deck Winch 1	-	-		0.204	-
Tracked Loader - Cat 973	-	-		0.357	-
Tugboat 1	-	-		4.234	-
Genset 2	-	-		0.187	-
Tugboat 2	-	-		4.234	-
Genset 1	-	-		0.139	-

Exhibit D: Mitigated Yearly NOx Construction Emissions (Based on CEQA Mitigation)					
Construction Activity/Equipment Type	**2002**	**2003**	**2009**	**2010**	**2011**
	tons/year				
Piledriving - Production Pile					
Main Hoist 2	-	-		0.067	-
Main Generator	-	-		0.222	-
Boom Hoist	-	-		0.133	-
Anchor Winch	-	-		0.029	-
Breasting Winch	-	-		0.025	-
Emergency Generator	-	-		0.025	-
Pile Hammer	-	-		0.089	-
Jet Pump	-	-		0.135	-
Pile Handler	-	-		0.043	-
Haul Trucks - Pile Deliveries	-	-		0.400	-
Delta Filling					
Loader - 950G	-	-		0.112	-
Haul Trucks - Fill	-	-		0.246	-
Wharf Construction					
Crane - 888	-	-		0.143	-
Crane 4000	-	-		0.253	-
Air Compressor - 100 CFM	-	-		0.050	-
Air Compressor - 185 CFM	-	-		0.063	-
Welder - 300 Amp	-	-		0.017	-
Welder - 400 Amp	-	-		0.018	-
Haul Trucks	-	-		0.041	-
Concrete Trucks	-	-		0.178	-
Phase 3: Construct 25-Acre Backlands (Behind B100)					
Paving Machine	-	-		-	0.035
Water Truck	-	-		-	1.164
Compactive Roller	-	-		-	0.247
Scraper	-	-		-	0.292
Grader	-	-		-	0.312
Loader	-	-		-	0.345
Backhoe	-	-		-	0.190
Bulldozer - D6	-	-		-	0.196
Haul Truck - Paving	-	-		-	0.136
Haul Truck - Base	-	-		-	0.066
Semi Truck	-	-		-	0.177
Fugitive Dust	-	-		-	0.000
Phase 3: Crane Delivery and Installation					
Crane - 50 ton	-	-		-	0.000
Winch	-	-		-	0.006
General Cargo Ship - Transit	-	-		-	0.351
General Cargo Ship - Hoteling	-	-		-	0.316
Total Construction Emissions	**23.64**	**14.94**	**6.82**	**16.34**	**3.83**

Attachment B
Southern California Association of Governments Correspondence

SOUTHERN CALIFORNIA

ASSOCIATION of GOVERNMENTS

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

May 16, 2008

Dr. Ralph Appy
Director Environmental Management Division
425 S. Palos Verdes Street
San Pedro, CA 90731

RE: SCAG Clearinghouse No. I 20080261 Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)

Dear Dr. Appy:

Thank you for submitting the **Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Berth 97-109 Container Terminal Project (Recirculated EIS/EIR)**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **April 1-30, 2008** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1857. Thank you.

Sincerely,

Laverne Jones

LAVERNE JONES, Planning Technician
Environmental Planning Division

SOUTHERN CALIFORNIA

ASSOCIATION of GOVERNMENTS

Main Office

818 West Seventh Street

12th Floor

Los Angeles, California

90017-3435

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

November 5, 2007

Dr. Spencer D. MacNeil, Senior Project Manager
U.S. Army Corps of Engineers, Los Angeles District
P.O. Box 532711
Los Angeles, CA 90053-2325

EIS for Berths 136-147 [TraPac] Container Terminal Project

Dear Dr. MacNeil,

The following is intended to confirm the use of port transportation data in regional transportation and air quality management plans.

The Ports of Los Angeles/Long Beach (POLA/POLB) submit transportation data to the Southern California Association of Governments (SCAG) to account for current and projected port activity. In particular, the POLA/POLB cargo growth is accounted for in the Regional Transportation Plan (RTP) via traffic (truck and auto) volumes provided to SCAG.

The port activity data have been provided to the South Coast Air Quality Management District and incorporated into the recently approved 2007 South Coast Air Quality Management Plan (AQMP), and will also be included in the upcoming 2008 RTP. The Ports' data have been previously incorporated into the 1994, 1998, 2001, and 2004 RTPs and into the corresponding AQMPs.

If you have any questions in regard to this information, please feel free to contact me at (213) 236-1884.

Sincerely,

Jonathan Nadler
Program Manager, Air Quality & Conformity

c: Deng Bang Lee, SCAG
Janna Sidley, POLA
Kerry Cartwright, POLA

Attachment C

USACE Guidance Concerning Implementation of EPA's Clean Air Act General Conformity Rule

DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

20 APR 1994

CECC-E

MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMANDERS, AND DISTRICT COMMANDERS

SUBJECT: EPA's Clean Air Act (CAA) General Conformity Rule

1. In the Federal Register of November 30, 1993, the U.S. Environmental Protection Agency (EPA) published its final General Conformity Rule to implement Section 176(c) of the Clean Air Act (CAA) for geographic areas designated as "nonattainment" and "maintenance" areas under the CAA. EPA's final rule addresses how Federal agencies are to demonstrate that activities in which they engage conform with applicable, Federally-approved CAA state implementation plans. Because these agency conformity determinations can sometimes take considerable time and cost thousands of dollars to produce, and because failure to produce and sign an adequate conformity determination where one is required can create a serious legal vulnerability for a Corps project or permit, the Corps must ensure full and careful compliance with the new EPA Final Rule.

2. The enclosed guidance document has been prepared to assist Corps Divisions and Districts in understanding and complying with the subject rule. This guidance document is introductory in nature, and cannot be considered a substitute for careful reading of and compliance with the rule itself. (See 58 Fed.Reg. 63214 et seq.)

3. One of the primary subjects discussed in the enclosed guidance document is how the General Conformity Rule relates to the Corps regulatory program under Sections 9 and 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Ocean Dumping Act. As soon as practicable I intend to promulgate another guidance document providing more detailed instructions on how Corps personnel should deal with CAA conformity considerations regarding Corps Civil Works projects during the planning process, including preparation of CAA conformity determinations where that is necessary.

4. Although the attached document is rather "legalistic" in nature, it should be broadly distributed within the Corps family (e.g., counsel, regulatory, planning, operations, etc.). This guidance also contains important policy considerations, and thus has been fully coordinated with the Office of the Assistant Secretary of the Army (Civil Works) and with the Director of Civil Works.

5. My points of contact for this guidance are Lance Wood and Bill Sapp, CECC-E; their telephone number is (202) 272-0035.

FOR THE COMMANDER:

Lester Edelman

Encl

LESTER EDELMAN
Chief Counsel

CECC-E

EPA'S FINAL CLEAN AIR ACT GENERAL CONFORMITY RULE

I. INTRODUCTION.

In the Federal Register of November 30, 1993, the U.S. Environmental Protection Agency (EPA) published its final General Conformity Rule[1] to implement section 176(c) of the Clean Air Act (CAA)[2] for geographic areas designated as "nonattainment" and "maintenance" areas under the CAA. EPA's final rule addresses how Federal agencies are to demonstrate that activities in which they engage conform with applicable, Federally approved CAA state implementation plans.[3] Because these agency conformity determinations can sometimes take considerable time and cost thousands of dollars to produce[4], and because failure to produce and sign an adequate conformity determination where one is required can create a serious legal vulnerability for a Corps project or permit, the Corps must ensure full and careful compliance with the new EPA final rule.

EPA's final rule was promulgated to implement CAA section 176(c), which was added to the Clean Air Act in 1977[5] to require that Federal agencies assure that activities they engage in are in conformance with Federally-approved CAA state implementation plans.[6] This requirement is clearly triggered whenever a Federal

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[1] 58 Fed. Reg. 63214 (November 30, 1993).

[2] Clean Air Act § 176(c), 42 U.S.C. § 7506 (1993).

[3] 58 Fed. Reg. 63214 (November 30, 1993). Section 110 of the Clean Air Act requires that all states and the District of Columbia develop state implementation plans for EPA approval that provide detailed accounts of how the state will attain the National Ambient Air Quality Standards throughout the state. 42 U.S.C. § 7410 (1993).

[4] The EPA estimated in its proposed rule that a conformity determination would cost approximately $5,000, whereas an extensive conformity determination would cost $50,000. 58 Fed. Reg. 13848 (March 15, 1993). Department of Defense estimates double the figures supplied by the EPA.

[5] Pub. L. 95-95, § 176(c) (1977).

[6] Section 176(c)(1) provides in relevant part that:

> No department, agency, or instrumentality of the Federal Government shall engage in, support in any way or provide financial assistance for, license or permit, or approve,

(continued...)

agency engages in a Federal project, but it is also triggered whenever a Federal agency permits, licenses, funds, or approves a non-Federal undertaking. The Corps' Clean Water Act (CWA) section 404 permits, Rivers and Harbors Act of 1899 Section 10 permits, and Ocean Dumping Act Section 103 permits fall under this latter category.

II. APPLICABILITY.

A. EXEMPTIONS AND PRESUMPTIONS. As you study the final rule and its preamble, the first general subject to consider is the "applicability" of the rule. The new rule applies generally to Federal actions except for those covered by EPA's transportation conformity rule[7], actions with associated emissions below the de minimis levels specified at 40 CFR 91.853, certain classes of actions designated at 40 CFR 91.853 as exempted or presumed to conform, and actions that the new rule "grandfathers" at 40 CFR 91.850. A number of Corps activities may fit within the long list of "exempted" or "presumed to conform" activities. For example, note the specific exemption provided for maintenance dredging and debris disposal actions.

B. GRANDFATHER CLAUSE. As you consider the "grandfather provision", remember that it describes the specific circumstances where a Federal action need not comply with the new general conformity rule, but the Corps might nevertheless have to create and sign a CAA conformity determination to show compliance with the statutory mandate of CAA Section 176(c). However, that conformity determination would not have to comply with the specific procedural requirements of the new EPA regulation. Also note that the second basis provided in the rule for grandfathering, i.e., the three-part requirement of 40 CFR 93.150(c)(2), requires that an environmental analysis had to be commenced prior to January 31, 1994, or that a contract to develop a specific environmental analysis was awarded prior to January 31, 1994. The reference in that section to the date of December 30, 1993, was an error. The EPA has since corrected that date to January 31, 1994, by publishing the correction in the Federal Register, i.e., January 31, 1994. Moreover, that same section requires that a CAA conformity

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[6](...continued)
any activity which does not conform to an implementation plan after it has been approved or promulgated under section 110. . . . The assurance of conformity to such an implementation plan shall be an affirmative responsibility of the head of such department, agency or instrumentality.

C.A.A. § 176(c)(1), 42 U.S.C. § 7506 (1993).

[7]See 40 CFR Part 51, subpart T.

determination demonstrating compliance with the statutory mandate of CAA Section 176(c) be signed by March 15, 1994.

C. ATTAINMENT VERSUS NON-ATTAINMENT AREAS. Also regarding applicability, note that the new CAA General Conformity Rule applies only to Federal actions in CAA non-attainment areas and in those attainment areas subject to maintenance plans required by CAA Section 175A (i.e., "maintenance areas"; see 58 Fed. Reg. 13841) . EPA has announced its intentions to do another rulemaking at a later date describing how CAA Section 176(c) will be applied to CAA attainment areas, in general.

III. REQUIREMENTS OF THE NEW RULE.

To fully understand the requirements of the rule, you must carefully study both the rule itself and the explanatory guidance provided in the preamble. In the near future, the Office of the Chief Counsel expects to provide additional guidance that will assist Corps personnel who must prepare CAA conformity determinations, especially for Corps planning studies, feasibility reports, and the like. In this guidance, I only wish to emphasize a few important aspects of the rule, to ensure understanding of those matters throughout the Corps, for both our projects and our regulatory responsibilities.

A. CONFORMITY DETERMINATIONS. The basic requirement of the General Conformity Rule is stated at 40 CFR 93.150(b): "A Federal agency must make a determination that a Federal action conforms to the applicable implementation plan in accordance with the requirements of this subpart before the action is taken." (emphasis added). Obviously, to implement that mandate we must turn to the definition of "Federal action" provided at 40 CFR 93.152:

> **Federal action** means any activity engaged in by a[n] ... agency ... of the Federal Government, or any activity that a[n] ... agency ... supports in any way, provides financial assistance for, licenses, permits, or approves.... Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of the non-Federal undertaking that requires the Federal permit, license, or approval."

B. DIRECT EMISSIONS. Regarding what air emissions must be considered in a CAA conformity determination, the rule defines two classes: direct emissions, and indirect emissions. The definition of "direct emissions" is straightforward: "Direct emissions" means those emissions of a criteria pollutant or its precursors that are caused or initiated by the Federal action and occur at the same time and place as the action." (40 CFR 93.152)

C. INDIRECT EMISSIONS. In contrast, the definition of "indirect emissions" needs careful study: "indirect emissions"

means those emissions of a criteria pollutant or its precursors that: (1) Are caused by the Federal action but may occur later in time and/or may be further removed in distance from the action itself but are still reasonably foreseeable; and (2) The Federal agency can practicably control and will maintain control over due to a continuing program responsibility of the Federal agency." (40 CFR 93.152; emphasis added.) Note that the second, limiting part of that definition is crucial, since the underlined words provide essential restrictions on how far the Corps' responsibilities extend regarding documenting and controlling indirect emissions. Those restrictions from the rule's definition of "indirect emissions" are especially important, given the General Conformity Rule's broad, "but for" definition of the term "caused by": "Caused by, as used in the terms 'direct emissions' and 'indirect emissions,' means emissions that would not otherwise occur in the absence of the Federal action."[8] This definition of the term "caused by" can be characterized as a "but for" approach to the concept of causation, because, standing alone, it would require the Corps to take responsibility for all indirect emissions that would not occur without (i.e., "but for") the Corps permit or project. If the General Conformity Rule did not contain the various limiting provisions discussed herein, that "but for" approach to defining "caused by" would have made the Corps responsible for dealing with potential emissions that might not occur "but for" the Corps project or permit, but which might be substantially removed in time and/or distance from the Corps action; those emissions would be almost impossible for the Corps to predict, document, or control through mitigation measures.

Consequently, it is of considerable importance to the Corps Civil Works program that everyone understand and make proper use of the restrictions noted above in the definition of "indirect emissions" when deciding whether or how we need to prepare a CAA conformity determination. Of course, the Corps must consider the "direct emissions" caused by our proposed project or activity, or by the specific activity requiring a Corps permit. However, the final General Conformity Rule does not require the Corps to document or analyze any "indirect emissions" unless we determine that it would be practicable for the Corps to control them, and that the Corps would maintain control over them due to a continuing Corps program responsibility. As we shall discuss later, we expect that the Corps will not be legally required under the General Conformity Rule to analyze, document, and seek mitigation measures for indirect emissions for many Corps project-related actions, and for the vast majority of actions requiring Corps permit authorization, since often it will not be practicable for the Corps to control such emissions, and frequently the Corps will not have a continuing program responsibility to maintain control over them.

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[8] 40 CFR 913.152 (1994).

The logic behind the limitation on what "indirect emissions" the Corps must analyze, document, and seek mitigation measures to reduce, is explained in the preamble to EPA's rule, as follows:

> The EPA does not believe that it is reasonable to conclude that a Federal agency "supports" an activity by third persons over whom the agency has no practicable control--or "supports" emissions over which the agency has no practicable control, based on the mere fact that, if one inspects the "causal" chain of events, the activity or emissions can be described as being a "reasonably foreseeable" result of the agency's actions.
>
> In fact, achievement of the clean air goals is not primarily the responsibility of the Federal government. Instead, Congress assigned that responsibility to the State and local agencies.... Where the Federal control over the resultant emissions is relatively minor, the problem is likely caused by multiple pollution sources and a solution may be impossible unless it is directed at all the contributing sources. This role is given to the State and local agencies by Congress and should not be interpreted as the Federal agencies' role under section 176(c).[9]

IV. CORPS IMPLEMENTATION OF THE EPA GENERAL CONFORMITY RULE.

A. CORPS PROJECTS VERSUS NON-FEDERAL ACTIVITIES NEEDING CORPS PERMIT AUTHORIZATION.

From a legal point of view, many of the limitations on Corps responsibilities for documenting and mitigating for indirect emissions (as discussed above) apply to both Corps Civil Works projects and to Corps regulatory program actions regulating non-Federal activities. Nevertheless, there are some significant distinctions that must be made, as a practical matter, regarding how often and in what circumstances the Corps will voluntarily choose to go beyond our strict legal obligations under the General Conformity Rule regarding CAA analyses of indirect emissions. As we explain at some length hereinafter, for practical reasons, policy reasons, and legal reasons, we are not required to, and thus we will not, prepare CAA conformity determinations for the vast majority of the approximately 100,000 activities that we must authorize yearly through the Corps regulatory program. We intend to assert and make full use of the various exemptions and limitations written into the General Conformity Rule that apply to our regulatory program, which exemptions and limitations will usually lead us to conclude that the emissions we are responsible for fall below the de mimimis exemption level. Among the many reasons why this approach is necessary and appropriate is the fact

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[9] 58 Fed. Reg. 63220 (November 30, 1993)

that we must provide relatively expeditious decisions for non-Federal activities that require Corps permit authorization, and because all of the non-Federal activities that require Corps permits are fully subject to the CAA authorities of the U.S. EPA and of the state and local governments.

In contrast, some Corps water resource development projects go through lengthy planning processes, with full-scale NEPA Environmental Impact Statements, coordination with numerous state and Federal agencies, etc. Moreover, many of our water resource development projects are subject to litigation brought by project opponents. Consequently, wherever it is practicable and appropriate, the Corps will go beyond our strict legal obligations under the General Conformity Rule, and we will prepare CAA conformity determinations that consider indirect emissions that would follow from our project, even where it is debatable whether we could "practicably" control those indirect emissions, and even where it is debatable whether the Corps has a continuing program responsibility to control those indirect emissions. In other words, we should err on the side of caution in writing CAA conformity determinations for large-scale Corps projects, and in coordinating those determinations with the U.S. EPA and with state and local clean air agencies. However, whenever the Corps does voluntarily choose to go beyond our obligations under the General Conformity Rule while preparing a CAA conformity determination, the fact that we are voluntarily going beyond our understanding of our legal obligations must be clearly stated in our public documentation.

When the Corps prepares a CAA conformity determination for a Corps project in the planning stage, and in that conformity determination we voluntatily address all indirect emissions that would be "caused by" our project, that will provide us the valuable opportunity to demonstrate that any short-term increase in emissions from project construction will be entirely or partially offset by decreases in long-term, "without project condition" emissions, due to increased efficiencies (for example, through more efficient port operations from a port improvement project). Also, when we prepare a CAA conformity determination that deals with all indirect emissions that can reasonably be said to be "caused by" our project, our project can be presented to the state CAA authority and specifically approved as part of the state implementation plan, along with any necessary state revisions to that SIP necessary to accommodate the Federal project and all associated indirect emissions. Development and coordination of our CAA conformity determination should be undertaken as early as possible in the planning stage for a large-scale or litigation-prone Corps project. The resulting documentation will be extremely useful to help defend our project from potential litigation challenging compliance with the CAA. On the other hand, for small-scale Corps projects, covered only by environmental assessments and findings of no significant impact, and where no CAA-related litigation can be anticipated, we can probably rely only on the

exemptions found in the General Conformity Rule, and need not necessarily prepare a full-blown CAA conformity determination voluntarily addressing various indirect emissions. Please feel free to consult the points of contact provided in this guidance if you are in doubt about whether a particular Civil Works activity should be covered by a CAA conformity determination voluntarily covering indirect emissions.

B. THE CORPS REGULATORY PROGRAM.

One crucial aspect of this guidance involves how we expect all Corps offices to implement the CAA General Conformity Rule regarding non-Federal activities requiring authorization under the Corps regulatory program. Of course, if another Federal agency requires a Corps permit for one of its activities or projects, that Federal agency is fully responsible for ensuring compliance with CAA Section 176(c), and the Corps can adopt and rely upon that agency's conformity determination, or upon whatever waiver or presumption under the CAA General Conformity Rule that agency believes will satisfy CAA Section 176(c). However, for non-Federal activities, the Corps must take responsibility for whatever CAA conformity determination may be necessary. Nevertheless, for the reasons explained hereinafter, the new rule and its preamble clearly indicate that the vast majority of activities needing Corps permit authorization will not require a CAA conformity determination, because practically all of those activities will fall below the de minimis threshold levels for emissions specified at 40 CFR 93.153.

C. SCOPE OF ANALYSIS. One feature of EPA's final General Conformity Rule that clearly demonstrates that the Corps will not have to perform many conformity determinations is the rule's definition of the term "Federal action". The final rule's definition clearly distinguishes between large Federal projects, such as a Federally funded and Federally controlled military base, versus non-Federal undertakings that simply require a Federal permit. Oftentimes in the latter case, the Federal agency only has to permit a minor part, portion, or phase of a much larger non-Federal undertaking. To reflect the limited Federal responsibility under the CAA derived from such Federal permits, the EPA definition of "Federal action" indicates that, in complying with section 176(c), Federal regulatory agencies are only responsible for analyzing the emissions resulting from the "part, portion, or phase" of the non-Federal undertaking that they permit. To deal with this important point, the EPA added the following sentence to the final rule's definition of "Federal action":

> Where the Federal action is a permit, license, or other approval for some aspect of a non-Federal undertaking, the relevant activity is the part, portion, or phase of

the non-Federal undertaking that requires the Federal permit, license, or approval.[10]

As you can see, the legal principle behind the quoted sentence is the same principle that supports the "narrow scope of analysis" approach for our NEPA documents reflected at Appendix B of 33 CFR Part 325, paragraph 7.b. and the "permit area" approach used to limit Corps responsibilities in Appendix C, implementing the National Historic Preservation Act.[11] The rule of administrative law and practice created by the sentence just quoted from EPA's definition of "Federal action" is that, for the limited and particular purposes of the CAA Conformity Rule and for every Corps CAA conformity determination for a Corps regulatory action under this rule, the Corps will always use a narrow "scope of analysis" for purposes of CAA Section 176(c), even if we choose to use a broader scope of analysis for purposes of NEPA, the public interest review, or the 404(b)(1) analysis for that same permit case.

This narrow scope of analysis for purposes of the CAA conformity analysis is always appropriate, for several reasons. For example, the Corps regulators have no expertise or authority allowing them to evaluate or control air emissions from the larger, overall projects, such as a shopping center, that may require a Corps permit for one phase or portion of that larger project (e.g., placement of fill material on which part of the shopping center will later be constructed and operated). In contrast, the state and EPA clean air authorities have broad, general authority, expertise, and responsibility to evaluate and control air emissions from the larger, overall projects, such as shopping centers, regardless of whether part of all of such a shopping center happens to be constructed on fill material permitted by the Corps of Engineers.

D. CONFORMITY DETERMINATIONS FOR CORPS PERMITS CASES WILL BE NECESSARY VERY RARELY. The sentence quoted above from EPA's definition of "Federal action" may well be the most important provision of the General Conformity Rule relating to the Corps regulatory program, because this provision, in conjunction with the restrictive language discussed above from the definition of "indirect emissions", means that very rarely will the Corps have to prepare a CAA conformity determination document for a Corps regulatory action. The reasons for this conclusion are reflected in the following case example, provided by EPA in the preamble of the final General Conformity Rule. In this example, the EPA shows the close relationship between the sentence quoted above from the definition of "Federal action" and the restrictive language from the definition of "indirect emissions", as follows:

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[10] 58 Fed. Reg. 63248 (November 30, 1993).

[11]. 55 Fed. Reg. 27000 (June 29, 1990)

> [In the final rule] the definition of "Federal action" is revised by adding the following sentence to the end of the definition in the [proposed rule]: Where the Federal action is a permit, license, or other approval for some aspect of a nonfederal undertaking, the relevant activity is the part, portion, or phase of the nonfederal undertaking that requires the Federal permit, license or approval. The following examples illustrate the meaning of the revised definition.
>
> Assume, for example, that the [Corps] issues a permit and that permitted fill activity represents one phase of a larger nonfederal undertaking; i.e., the construction of an office building by a nonfederal entity. Under the conformity rule, the [Corps] would be responsible for addressing all emissions from that one phase of the overall office development undertaking that the [Corps] permits; i.e., the fill activity at the wetland site. However, the [Corps] is not responsible for evaluating all emissions from later phases of the overall office development (the construction, operation, and use of the office building itself), because later phases generally are not within the [Corps'] continuing program responsibility and generally cannot be practicably controlled by the [Corps].[12]

The conclusion to be drawn regarding the preamble's case example is that the Corps almost certainly would not have to prepare a CAA conformity determination for that permit action described in the preamble, because the direct emissions from the fill activity would be relatively minor, and thus in all probability they would fall below the de minimis levels exempted by 40 CFR 93.153. Moreover, in this example one cannot identify any indirect emissions for which the Corps would be responsible.

E. "PART, PORTION, OR PHASE" OF A LARGER UNDERTAKING. The preamble for the final rule provides several other important explanatory passages that accurately describe the limited nature of the responsibilities the Corps must fulfill as we operate our regulatory program in compliance with EPA's General Conformity Rule. As the EPA states in the preamble, the "inclusive definition" that EPA had published for public comment in the proposed rule to define the term "indirect emissions" would have been overly burdensome and inappropriate for regulatory programs that might have to "document the air quality affects from tens of thousands of public and private business activities each year, even where the associated Federal action in extremely minor."[13] The EPA

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[12] 58 Fed. Reg. 63227 (November 30, 1993).

[13] 58 Fed. Reg. 63219 (November 30, 1993).

goes on to use the Corps in an illustration of this point by explaining that:

> [T]he Army Corps of Engineers estimates that 65,000 of their regulatory actions would have required a conformity review in 1992 under the inclusive definition. The [Corps] permits are often limited to a small portion of a much larger project and, thus, may not be the best mechanism to review the larger project: e.g., one river crossing for a 500 mile gas pipeline or a half-acre wetland fill for a twenty acre shopping mall.[14]

As the EPA explains here, it would be impractical to force a Federal regulatory agency like the Corps to do potentially time-consuming and costly air quality analyses when the activity that agency permits may be a very minor aspect of a much larger non-Federal undertaking, and when that specific activity needing a Corps permit may have little or no effect on air quality.

F. CONTINUING PROGRAM RESPONSIBILITY. The EPA also used the Corps in an illustration to explain the phrase "continuing program responsibility" in the definition of the term "indirect emissions". In their example the EPA explains that only if the Corps were to impose conditions on a permit as part of its responsibilities under its regulatory program and these permit conditions, in and of themselves, would lead to an increase in the air emissions caused by the activity, would the Corps be required to include the air emissions caused by its permit conditions in our CAA conformity analysis.[15] However, the preamble to EPA's rule makes clear that normally the Corps is not responsible for indirect emissions related to activities needing Corps permits:

> j. Exclusive definition [for the term "indirect emissions"]--types of Federal actions not covered. The following types of Federal actions, among others, are not covered by the conformity rule under the exclusive definition approach [i.e., the approach adopted in the final rule]....(3) Certain indirect emissions related to a [Corps of Engineers] permit for the discharge of dredged or fill material. The indirect emissions from development activities related to [Corps] permit actions are not subject to the continuing program responsibility of the [Corps], or cannot be practicably controlled by the [Corps].[16]

The EPA preamble also recognizes that the Corps has an explicit exemption from the conformity rule where:

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[14] 58 Fed. Reg. 63219 (November 30, 1993).

[15] 58 Fed. Reg. 63220 (November 30, 1993).

[16] 58 Fed. Reg. 63224 (November 30, 1993).

> The indirect emissions from development activities related to [Corps] permit actions are not covered where such emissions are not subject to the continuing program responsibility of the [Corps], or cannot be practicably controlled by the [Corps].[17]

The EPA then goes on in the preamble to explain the changes in the definition for the term "indirect emissions" that EPA adopted in its final General Conformity Rule (i.e., the "exclusive" definition). Again it uses the Corps in an illustration. The EPA points out that conformity analyses are not required when Federal actions are incidental to later development by private parties. As the EPA states:

> ...this approach would not require a conformity analysis for certain Federal actions that are necessary for, but incidental to, subsequent development by private parties. For example, the exclusive definition does not generally require that a [Corps] fill permit needed for a relatively minor part, portion, or phase of a twenty acre development on private land would somehow require the [Corps] to evaluate all emissions from the construction, operation, and use of that larger development.[18] (emphasis added)

Here the EPA explains that the "activity" contemplated under section 176(c) in many cases is properly limited to the particular "part, portion, or phase" of a non-Federal action that is actually permitted by the regulatory agency (i.e., the Corps). As the EPA goes on to explain:

> The person's [i.e., permit applicant's] activities that fall outside the Federal agency's continuing program responsibility to control are subject to control by state and local agencies.[19]

As indicated above, generally speaking the Corps does not have a continuing program responsibility to measure, monitor, control, or mitigate for air emissions that may result from the construction or operation of a non-Corps facility (such as a shopping center, factory, or non-Federal port), even though some part, portion, or phase of that facility requires a permit from the Corps. Under the CAA, the state and local clean air authorities have full responsibility and authority to deal with those emissions, and to prevent or condition the construction of the non-Federal facility as necessary to deal with those air emissions. Under the General

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[17] 58 Fed. Reg. 63224 (November 30, 1993).

[18] 58 Fed. Reg. 63222 (November 30, 1993).

[19] 58 Fed. Reg. 63222 (November 30, 1993)

Conformity Rule the Corps (1) must consider direct emissions from only the particular part, portion, or phase of the larger, non-Federal facility that we permit; and (2) we must consider indirect emissions from that same part, portion, or phase, and then only to the extent that we can practicably control them, and have a continuing program responsibility to control them.

G. CORPS DOCUMENTATION OF COMPLIANCE WITH CAA SECTION 176(C)

For any permit case where the Corps reasonably determines that the emissions from the particular "part, portion, or phase" of a larger, non-Federal undertaking, needing a Corps permit, would fall below the de minimis threshold levels of 40 CFR 93.153, the Corps will not have to conduct a technical analysis to document that the emissions from the proposed undertaking would not exceed the de minimis thresholds. This conclusion is supported by the following example taken from EPA's preamble to the General Conformity Rule:

> Example 4: Where a [Corps of Engineers] permit is needed to fill a wetland so that a shopping center can be built on the fill, generally speaking, the [Corps] could not practicably maintain control over and would not have a continuing program responsibility to control indirect emissions from subsequent construction, operation, or use of that shopping center. Therefore, only those emissions from the equipment and motor vehicles used in the filling operation, support equipment, and emissions from movement of the fill material itself would be included in the analysis. If such emissions are below the de minimis levels described below for applicability purposes (section 51.858), no conformity determination ... would be required for the issuance of the ... permit.[20]

The same point is made elsewhere in the preamble to the General Conformity Rule, as follows:

> Most Federal actions result in little or no direct or indirect air emissions. The EPA intends such actions to be exempted under the de minimis levels specified in the rule and, thus, no further analysis by the Federal agency is required to demonstrate that such actions conform.... Further, the EPA believes that Federal actions which are de minimis should not be required by this rule to make an applicability analysis. A different interpretation could result in an extremely wasteful process which generates vast numbers of useless conformity statements. Paragraphs (c)(1) and (2) of Section 51.853 are added to the final rule to provide that de minimis actions are exempt from the requirements of this rule. Therefore, it is

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[20] 58 Fed. Reg. 63223 (November 30, 1993).

not necessary for a Federal agency to document emissions levels for a de minimis action.[21]

Although we expect that the vast majority of activities needing Corps permits will not need CAA conformity determinations for the reasons explained above, nevertheless, for any permit case where litigation can be anticipated if the Corps issues the permit, the permit administrative record should explain our limited CAA responsibilities under the CAA General Conformity Rule, and the basis for our conclusion that the relevant emissions would be de minimis. That explanation often may need to include a discussion of why it would not be "practicable" for the Corps to control certain specified indirect emissions, and why the Corps does not have a continuing program responsibility to control such indirect emissions, and why our CAA responsibilities are limited to the particular "part, portion, or phase" of a larger undertaking requiring Corps permit authorization.

V. CONCLUSION.

Because of the various provisions discussed above, we expect that very few Corps permit actions will require CAA conformity analyses, and that our CAA conformity determinations will normally conclude that the air emissions relevant to our permit action are safely below the final rule's de minimis levels. It seems that the only time that the Corps will have to do a full-scale CAA conformity determination in a permit case is when the emissions associated with the particular activity needing the Corps permit, or the particular activity required by Corps permit conditions (e.g., the placement of the fill, or the construction of the structure in the water, or the actual dredging and disposal operation, or implementation of the required mitigation plan) are so substantial that those emissions would exceed the de minimis thresholds by themselves. This conclusion flows logically from the provisions discussed above from EPA's final rule and preamble, based in part on the principle of limited Corps responsibilities under the CAA.

Nevertheless, the practical necessity that the Corps will use a "narrow scope of analysis" to limit our requirements under the CAA conformity rule must not lead the Corps necessarily to use such a narrow scope of analysis for purposes of the Corps' other responsibilities under other aspects of the public interest review or the 404(b)(1) Guidelines. Because the Corps has ample discretion to adopt and use a broader scope of analysis for purposes of NEPA, the Endangered Species Act, etc., we will not use the CAA conformity determination as an excuse or occasion to reduce our more wide-ranging reviews and responsibilities under those other statutes and regulations.

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[21] 58 Fed. Reg. 63228-63229 (November 30, 1993).

The Corps' very limited expertise, authority, and continuing program responsibilities regarding air emissions fully justifies our using a narrow scope of analysis for purposes of compliance with CAA Section 176(c). In contrast, our broader, traditional responsibility, authority, and expertise to regulate activities affecting aquatic resources will often justify our using a broader scope of analysis to consider effects of a proposed undertaking on aquatic resources, endangered species, etc. Thus, for any particular permit case, the Corps will implement the CAA General Conformity Rule by focusing on only the specific part, portion, or phase of the larger undertaking that requires our permit authorization. Nevertheless, we often will consider all direct and indirect effects of the larger undertaking when evaluating effects on the aquatic environment.

Corps Headquarters points of contact for this guidance are Lance Wood and Bill Sapp of the Office of the Chief Counsel (CECC-E); their telephone number is (202) 272-0035. However, non-counsel Corps employees should only contact them in conjunction with district/division counsel to ensure proper coordination.

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