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DRAFT GENERAL CONFORMITY DETERMINATION

San Pedro Waterfront Project Draft General Conformity Determination

The Port of Los Angeles, California

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Contents

Section 1	Introduction.....	1-1
1.1	General Conformity Requirements.....	1-1
Section 2	Description of the Federal Action.....	2-1
2.1	San Pedro Waterfront Project	2-1
2.2	Relationship to Other Environmental Analyses	2-4
Section 3	Regulatory Procedures	3-1
3.1	Use of Latest Planning Assumptions	3-1
3.2	Use of Latest Emission Estimation Techniques.....	3-1
3.3	Emission Scenarios.....	3-2
Section 4	Applicability Analysis.....	4-1
4.1	Attainment Status of South Coast Air Basin	4-1
4.2	Exemptions from General Conformity Requirements	4-2
4.3	De Minimis Emission Rates	4-2
4.4	Regional Significance.....	4-3
4.5	Applicability for Federal Action	4-4
4.5.1	Methodology.....	4-4
4.5.2	Estimated Emissions and Comparison to De Minimis	4-4
4.5.3	Regional Significance.....	4-5
4.5.4	Applicability Determination.....	4-6
Section 5	General Conformity Evaluation.....	5-1
5.1	Designation of Applicable SIP.....	5-1
5.1.1	SIP Process in the South Coast Air Basin.....	5-1
5.1.2	Status of Applicable SIP and Emissions Budgets by Pollutant	5-2
5.2	Comparison to SIP Emissions Inventories.....	5-3
5.2.1	Federal Action NOx Emissions from Construction Sources	5-4
5.2.1.1	Comparison of Project Emissions with Approved SIP Budgets	5-4
5.2.1.2	Comparison of Project Emissions with 2007 AQMP Budgets	5-5
5.2.1.3	Port Growth Included in Regional Transportation Plans.....	5-6
5.2.1.4	Recession-Induced Emission Reductions at the Ports	5-7
5.2.2	NOx Emissions from Other Sources at POLA	5-8
5.3	Consistency with Requirements and Milestones in Applicable SIP	5-8
5.3.1	Applicable Requirements from EPA	5-8
5.3.2	Applicable Requirements from CARB	5-9
5.3.3	Applicable Requirements from SCAQMD	5-9
5.3.4	Consistency with Applicable Requirements	5-9
Section 6	Mitigation.....	6-1
Section 7	Reporting.....	7-1
7.1	Draft General Conformity Determination	7-1
7.2	Final General Conformity Determination.....	7-1
7.3	Frequency of General Conformity Determinations.....	7-1

Section 8	Findings and Conclusions	8-1
Section 9	References	9-1

Attachments

Attachment A	Port of Los Angeles San Pedro Waterfront Federal Action General Conformity Calculation Methodology and Results
Attachment B	Southern California Association of Governments Correspondence
Attachment C	USACE Guidance Concerning Implementation of EPA's Clean Air Act General Conformity Rule

List of Tables

Table 2-1	Disposal Sites/Volumes - San Pedro Waterfront Project (mcy)	2-2
Table 3-1	Emission Scenario Years for General Conformity Evaluation based on 1997/99 SIP	3-2
Table 3-2	Emission Scenario Years for General Conformity Evaluation based on 2007 AQMP	3-2
Table 4-1	De Minimis Emission Rates for Determining Applicability of General Conformity Requirements to the Federal Action.....	4-3
Table 4-2	Federal Action Emission Rates and Comparison to De Minimis Emission Rates	4-5
Table 4-3	Comparison of Federal Action Emissions for Regional Significance..	4-6
Table 5-1	Relationship of Federal Action Source Categories and AQMP Source Types	5-3
Table 5-2	Comparison of Federal Action NO _x Emissions for Construction to Approved SIP Emission Budgets for Construction-Related Source Types	5-5
Table 5-3	Comparison of Federal Action NO _x Emissions for Construction to 2007 AQMP Emission Budgets for Construction-Related Source Types	5-6

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 San Pedro Waterfront Project (hereinafter the Project) is the issuance of a USACE permit, pursuant to Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act. This action includes the construction of in-water and over-water structures and the disposal of up to 608,330 cubic yards (cy) of dredge and excavated material associated with the Project; beneficial reuse (e.g., beach nourishment along Outer Cabrillo Beach, Port fill) or disposal of clean dredge material is planned for ocean disposal sites LA-2 and/or LA-3, with upland disposal of contaminated sediments should they be present. 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 includes correspondence from the Southern California Association of Governments related to the Project. Attachment C presents the USACE general conformity guidance document.

1.1 General Conformity Requirements

On November 30, 1993, the U.S. Environmental Protection Agency (EPA) promulgated final general conformity guidance to the states at 40 C.F.R. Part 51 Subpart W to develop

general conformity regulations for all Federal activities except those covered under transportation conformity. On September 14, 1994, South Coast Air Quality Management District (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 practically 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. § 51.853(b) to the Federal action and/or determine the regional significance of the Federal action pursuant to 40 C.F.R. § 51.853(j) 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.

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 final general conformity determination is related only to those activities included in the USACE's Federal action pertaining to the Project, which 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 redesignated 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 San Pedro Waterfront Project

To complete the Project, LAHD will require a permit from USACE authorizing work and structures in navigable waters of the U.S., the discharge of dredge and fill material into waters of the U.S., and the transport and disposal of qualifying dredged material at an ocean disposal site (LA-2/3). The EIS/EIR (USACE/LAHD 2008 and 2009) addresses impacts related to the Project activities requiring USACE approval (proposed action or Federal action).

The purpose of the proposed action is to provide in-water and water-side facilities to accommodate growth in the cruise industry, to provide additional space for water-dependent marine facilities, and to increase public access to and use of the water (see details in Chapter 2 [Project Description] of the EIS/EIR).

The Federal action consists of all harbor cuts and dredging activities; removal of existing, and construction of new, bulkheads, wharves, pilings, piers, rock slope protection, floating docks, and promenades that cover waters of the U.S.; and the transport and ocean disposal of dredged material. Landside construction activities within 100 feet of the shoreline necessary to complete the in-water and over-water activities, as well as the Outer Harbor Cruise Terminals and associated parking, which directly depend on authorization of in-water and over-water activities at the Outer Harbor, would be within the USACE's regulatory purview. The Federal scope of analysis does not include most elements of the Project associated with the demolition and construction of buildings and parking facilities related to new development,

redevelopment, cultural attractions, and modifications to existing tenants or to transportation improvements; nor does it include lease renewals. The Federal action is expected to spread into several phases over a six-year period (2009 to 2014).

The Federal action includes construction of in-water and over-water structures and the transport and disposal of dredged material at various disposal sites in the open ocean. As part of the environmental review of the proposed action, the USACE, in coordination with the LAHD, 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 LAHD has prepared an extensive list of mitigation measures that it proposes to implement as part of the proposed action 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 and extensions of ongoing LAHD environmental policies (including implementation of the Sustainable Construction Guidelines (POLA 2007)). The mitigation measures related to construction include the following general approaches to reduce air quality impacts:

MM AQ-1: Harbor Craft Used During Construction.

With limited exceptions, all harbor craft used during the construction phase of the Project shall, at a minimum, be repowered to meet the cleanest existing marine diesel engine emission standards or EPA Tier 2. Additionally, where available, harbor craft shall meet the EPA Tier 3 (which phase in beginning 2009) or cleaner marine diesel engine emission standards.

MM AQ-2: Dredging Equipment Electrification.

All dredging equipment shall be electric.

MM AQ-3: Fleet Modernization for On-road Trucks.

With limited exceptions, the following shall apply for the construction phase of the Project.

Prior to and including December 31, 2011: All on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with EPA 2004 on-road emission standards and be the cleanest available for PM₁₀ (0.10 g PM₁₀/bhp-hr) and NO_x (2.0 g NO_x/bhp-hr). In addition, all on-road trucks shall be outfitted with the BACT devices certified by CARB.

From January 1, 2012 on: All on-road heavy-duty diesel trucks with a gross vehicle weight rating (GVWR) of 19,500 pounds or greater used on site or to transport materials to and from the site shall comply with EPA 2010 on-road

emission standards, where available. In addition, all on-road trucks shall be outfitted with the BACT devices certified by CARB.

All years: Trucks hauling materials such as debris or fill shall be fully covered while in operation off Port property. **Idling shall be restricted to a maximum of 5 minutes when not in use.**

MM AQ-4: Fleet Modernization for Construction Equipment.

With limited exceptions, the following shall apply for the construction phase of the Project.

Prior to and including December 31, 2011: All off-road diesel-powered construction equipment greater than 50 hp, except derrick barges and marine vessels, shall meet the Tier 2 emission standards as defined in the EPA Nonroad Diesel Engine Rule. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB.

From January 1, 2012 through December 31, 2014: All off-road diesel-powered construction equipment greater than 50 hp shall meet Tier 3 emission nonroad emission standards as defined in the EPA Nonroad Diesel Engine Rule. In addition, all construction equipment shall be outfitted with the BACT devices certified by CARB.

In addition, idling shall be restricted to a maximum of five minutes when not in use.

MM AQ-5: 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-6: Best Management Practices (BMPs).

The following types of measures are required on construction equipment (including on-road trucks):

- Use of diesel oxidation catalysts and catalyzed diesel particulate traps.
- Maintain equipment according to manufacturers' specifications.
- Restrict idling of construction equipment to a maximum of five minutes when not in use.
- Install high-pressure fuel injectors on construction equipment vehicles.

LAHD shall coordinate with USACE to implement a process by which to select additional BMPs to further reduce air emissions during construction. The LAHD, in coordination with USACE, shall determine the BMPs once the contractor identifies and secures a final equipment list.

MM AQ-7: General Mitigation Measure.

For any of the above mitigation measures (MM-AQ-1 through MM-AQ-6), if a CARB-certified technology becomes available and is shown to be as good as or better in terms of emissions performance than the existing measure, the technology could replace the existing measure pending approval by the LAHD.

Because the effectiveness of the above measure has not been established, it is not quantified in this evaluation.

MM AQ-8: Special Precautions near Sensitive Sites.

When construction activities are planned within 1,000 feet of sensitive receptors (defined as schools, playgrounds, day care centers, and hospitals), the construction contractor shall notify each of these sites in writing at least 30 days before construction activities begin.

Because the effectiveness of the above measure has not been established, it is not quantified in this evaluation.

The reader should refer to the EIS/EIR (USACE/LAHD 2008 and 2009) for additional details on these mitigation measures. All of the mitigation measures that the USACE has relied upon in this draft general conformity determination will become construction specifications via modifications to the Plan and Specifications. These provisions ensure that the measures will be properly implemented through incorporating mitigation measures into all construction specifications for the Project.

2.2 Relationship to Other Environmental Analyses

A joint Draft EIS/EIR was published for public review and comment in September 2008 (USACE/LAHD 2008) providing a co-equal analysis of the Project and six alternatives; with the Final EIS/EIR being published currently (USACE/LAHD 2009). The USACE is the lead agency for the NEPA analysis documented in the Environmental Impact Statement (EIS). The City is the lead agency for the CEQA analysis documented in the Environmental Impact Report (EIR).

Both NEPA and CEQA require that the air quality impacts of the proposed action 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 Project and the 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 Project and the alternatives were also compared to the NEPA Baseline (equivalent to the No Federal Action Alternative) for NEPA purposes. This draft general conformity determination is being published analyzing only the Federal action, being that part of the Project that requires USACE approval.

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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. § 51.859(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 Regional Transportation Plan (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. § 51.859(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 EIS/EIR (USACE/LAHD 2008 and 2009).

3.3 Emission Scenarios

The general conformity regulations require that the evaluation must reflect certain emission scenarios (40 C.F.R. §51.859(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 (the 2007 AQMP).

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

Pollutant	Attainment/ Maintenance	Greatest Emission Year	Years Analyzed for General Conformity ^{a,b}
Ozone (VOC or NO _x)	2010	2009	2009 ^c , 2010

Source: Camp Dresser & McKee Inc., 2009.

- a. No project construction occurred in 2002, 2003, 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.
- c. The 2009 SIP inventories will be estimated by interpolating between the 2008 and 2010 inventories presented in Appendix III.

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

Pollutant	Attainment/ Maintenance	Greatest Emission Year	Years Analyzed for General Conformity ^{a,b}
Ozone (VOC or NO _x)	2020 ^c	2009	2009 ^d , 2010, 2011, 2014

Source: Camp Dresser & McKee Inc., 2009.

- a. Federal action construction does not extend beyond 2014; therefore, no comparisons to budgets for milestone years beyond 2014 (2017, 2020, 2023, and 2030) are included.
- b. No project construction occurred in 2002, 2005 or 2008; therefore, no comparisons to budgets for these years are necessary.
- c. The current classification of the region is Severe-17, which indicates an attainment year of June 2021. Since the ozone season extends into the Autumn, attainment must be demonstrated by the end of the ozone season in 2020.
- d. The 2009 AQMP inventories will be estimated by interpolating between the 2008 and 2010 inventories presented in Appendix III.

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 ($\text{PM}_{2.5}$), 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 $\text{PM}_{2.5}$. 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 not otherwise classified for $\text{PM}_{2.5}$. On July 24, 1998, this area was re-designated from nonattainment to attainment/maintenance status for NO_2 by EPA (63 FR 39747). More recently, the area was re-designated 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 $\text{PM}_{2.5}$. On August 18, 2009, the Acting Administrator for EPA Region 9 signed a proposed rule to grant a request from the state of California to reclassify the SCAB as "extreme" for O_3 . Since such a reclassification would lower the general conformity de minimis threshold for O_3 and extend the mandatory attainment date, if this rule is promulgated as a final rule before the final general conformity determination (GCD) for San Pedro Waterfront is published, these changes will be incorporated into the final GCD.

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 C.F.R. 51.853(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. § 51.853(c)(2)). Examples include administrative actions and routine maintenance and repair.
- Actions where the emissions are not reasonably foreseeable (40 C.F.R. § 51.853(c)(3)).
- Actions which implement a decision to conduct or carry out a conforming program (40 C.F.R. § 51.853 (c)(4)).
- Actions which include major new or modified sources requiring a permit under the New Source Review (NSR) program (40 C.F.R. § 51.853(d)(1)).
- Actions in response to emergencies or natural disasters (40 C.F.R. § 51.853(d)(2)).
- Actions which include air quality research not harming the environment (40 C.F.R. § 51.853(d)(3)).
- Actions which include modifications to existing sources to enable compliance with applicable environmental requirements (40 C.F.R. § 51.853(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. § 51.853(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. § 51.853(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 a 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 O₃ 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 O₃ (EPA 1994), then the Federal action is subject to a general conformity evaluation for O₃.

**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 tons per year (tpy)
Nitrogen Dioxide	Attainment/Maintenance	100
Ozone (VOC or NO _x)	Nonattainment/Severe-17	25 ^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., 2009.

- a. U.S. EPA has proposed to reclassify the South Coast Air Basin as an "extreme" nonattainment area for the 8-hour ozone NAAQS (74 FR 43654, August 27, 2009). When finalized, this reclassification will lower the general conformity de minimis emission rate for NO_x and VOC to 10 tpy. The Federal action associated with the San Pedro Waterfront project already requires a full general conformity evaluation under the "severe-17" classification; therefore, the anticipated change in classification would not change the requirement for, or analyses included in, the general conformity evaluation provided in this document.
- b. The PM_{2.5} precursors in the region include SO_x, NO_x, VOC, and ammonia. Ammonia emissions are not associated with the sources that are included in the Federal action (CARB 2009), therefore, no further analysis is conducted for ammonia as a PM_{2.5} precursor.

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 there from, 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}.

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 presented 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 presents the calculations used to estimate emissions associated with the proposed Federal action. Equipment parameters and construction activities have been described in the EIS/EIR (USACE/LAHD 2008 and 2009). 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, PM₁₀, and PM_{2.5} (including precursors) for construction activities associated with the Federal action. For purposes of this evaluation, emissions of NO₂ 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, and they are therefore excluded from consideration of general conformity herein (40 C.F.R. § 51.858(a)(5)(ii)).

The emissions associated with the Federal action are summarized in **Table 4-2** for each year of construction. These data show that annual emissions from construction activities would exceed the conformity de minimis emission rates for NO_x in 2009, 2011, 2012, and 2013. Peak annual NO_x emissions of 64.9 tons are predicted to occur in 2009. Therefore, a general conformity determination is required for proposed NO_x emissions.

The Federal action emissions of CO, SO_x, VOC, PM₁₀, or PM_{2.5} are compared to the regional emissions in Section 4.5.3 to verify that these emissions do not represent ten percent or more of the regional budgets.

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

Construction Year	Emission Rates, tons per year (tpy)					
	VOC	CO	NO _x	SO _x	PM ₁₀	PM _{2.5}
2009	5.7	30.0	64.9	0.06	4.9	2.7
2010	1.4	11.5	16.8	0.02	2.2	0.8
2011	4.8	29.2	57.1	0.07	10.1	3.7
2012	2.1	18.3	28.6	0.04	9.5	3.0
2013	4.7	21.7	46.6	0.05	4.0	2.2
2014	0.6	4.9	7.5	0.01	2.2	0.6
General Conformity de minimis emission rate (tpy)	25	100	25	100	70	100
Are de minimis emission rates exceeded?	No	No	Yes	No	No	No

Source: Camp Dresser & McKee Inc., 2009.

4.5.3 Regional Significance

The peak annual direct and indirect emissions of VOC, CO, SO_x, PM₁₀, 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 2009 and 2014 are used for this calculation. The results of this comparison are summarized in **Table 4-3**. As one can see, the peak annual emissions from the Federal action are much less than ten percent of the SCAB annual emissions inventories. Therefore, the Federal action is not regionally significant for emissions of VOC, CO, SO_x, PM₁₀, or PM_{2.5} (or PM_{2.5} precursors).

Table 4-3
Comparison of Federal Actions Emissions for Regional Significance

Pollutant	Peak Annual Federal Action Emissions (tons) ^a	Approved SIP Emissions (tpy) ^b	Percent of Approved SIP	2007 AQMP Emissions (tpy) ^c	Percent of 2007 AQMP
Alternative 1					
VOC	5.7	150,955	0.004%	153,300	0.004%
CO	30.0	885,301	0.003%	744,235	0.004%
SO _x	0.07	24,347	0.0003%	6,935	0.001%
PM ₁₀	10.1	109,879	0.009%	d.	d.
PM _{2.5}	3.7	d.	d.	31,755	0.01%

Source: Camp Dresser & McKee Inc., 2009.

- Peak annual emissions from each Federal action. Therefore, the Federal action emissions are the most conservative (high) that could be used for this comparison.
- Based on data in 1997 AQMP Appendix V: Attachment I, Page V-I-30 for VOC and CO (controlled inventories in 2010), Attachment A, Page V-A-12 for SO_x and PM₁₀ (controlled inventories in 2006).
- 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).
- No budgets were developed in the currently approved SIP for PM_{2.5} or in the 2007 AQMP for controlled PM₁₀.

4.5.4 Applicability Determination

The total of direct and indirect emissions of VOC, CO, SO_x, PM₁₀, and PM_{2.5} from the Federal action 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 from the Federal action exceeds the "severe-17" O₃ nonattainment area conformity de minimis emission rate, the general conformity requirements apply to NO_x emissions from the action. 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. § 51.858). 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 final 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

California law provides for the establishment of air quality management districts and air pollution control districts within California for the purpose of implementing and enforcing ambient air quality standards on a county or regional (airshed) basis. State law also requires the districts in areas with poor air quality to 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. The South Coast Air Quality Management District (SCAQMD) is the local air district for the Port of Los Angeles.

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 ozone SIP for the SCAB is based on the AQMP which SCAQMD submitted to CARB in 1997 (SCAQMD 1996), as amended in 1999, 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. In October 2008, EPA proposed to approve portions and disapprove portions of the proposed revisions to the South Coast SIP included in the 2003 AQMP (73 FR 63408). Among those portions proposed for approval were the base year and baseline emissions inventories for ozone precursors and NO₂. Among those portions proposed for disapproval were the rate-of-progress and attainment demonstrations. The

final partial approval and partial disapproval were published in March 2009 (74 FR 10176). The 2003 AQMP was not required under the Clean Air Act, therefore, the disapprovals do not trigger sanctions clocks nor EPA's obligation to promulgate a Federal implementation plan. Since the 2003 AQMP rate-of-progress and attainment demonstrations were not approved by EPA, the 1997/1999 SIP remains the currently applicable SIP for ozone.

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. On August 18, 2009, the Acting Administrator for EPA Region 9 signed a proposed rule to grant a request from the state of California to reclassify the SCAB to "extreme" nonattainment for O₃, and it has signaled that it will take action on the 2007 AQMP in a separate rulemaking.

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 actions. Upon re-designation 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 O₃ 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. § 51.858(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.

- O₃: 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 re-designation request and maintenance plan. In this SIP approval, EPA also re-designated the SCAB from nonattainment to attainment/maintenance for CO.
- PM₁₀: 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.

- NO₂: SIP approved by EPA on July 24, 1998 (63 FR 39747), based on the 1997 AQMP. In this SIP approval, EPA also re-designated the SCAB from nonattainment to attainment/maintenance for NO₂.

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 O₃ SIP. However, the EPA may approve all or part of the 2007 AQMP for O₃ (or other pollutants) before the final general conformity determination is published. Therefore, to avoid revisions to and/or recirculation of the final general conformity determination, emissions for the Federal actions 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 actions 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 NO₂.

Table 5-1
Relationship of Federal Actions 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 Trucks
	Mobile Equipment	Off-Road Equipment
	Commercial Boats/Ships	Ships and Commercial Boats

Source: Camp Dresser & McKee Inc., 2009.

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 sub-category 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 Federal Action NO_x Emissions from Construction Sources

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 the Project. The USACE had issued a Notice of Intent to prepare the EIS in September 2005 (following substantial project changes, a supplemental NOI was published in December 2006). Therefore, the 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 evaluation and findings will be based on the following:

- Comparison of project emissions with EPA-approved 1997/1999 SIP budgets, indicating project emissions are a small fraction of the budget.
- Comparison of project emissions with CARB-approved 2007 AQMP budgets, indicating project emissions are a small fraction of the budget.
- Activity projections used to develop the 1997/1999 SIP budgets and 2007 AQMP budgets included Port growth.
- Recession-induced emission reductions offset near-term construction emissions from the project.
- The 2007 AQMP represents a SIP revision that includes the Federal action.

5.2.1.1 Comparison of Project Emissions with Approved SIP Budgets

The general conformity regulations require evaluating the total of direct and indirect emissions for the Federal action for the mandated attainment year for a severe-17 nonattainment area (2021), the year of maximum project emissions (2009), and any years for which the SIP identifies an emissions budget (40 C.F.R. § 51.859(d)). Because the construction would finish 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 applicable emissions budgets in the approved SIP only includes 2010.

Table 5-2 summarizes the comparison of estimated NO_x emissions from construction activities under the Federal action to the applicable source types under the approved SIP for the years noted in Table 3-1 above. It should be noted that the emissions for those source types taken from the approved SIP 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 SIP are very substantial. Despite the fact that the Federal action would require a substantial program of construction, one can note that its emissions would be

very small compared to the emissions inventories in the SIP (i.e., less than 0.19% relative contribution). 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. Therefore, it can be inferred that the construction-related 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.

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

Year and Source Type	Federal Action NO _x Emissions (tpy)	Approved SIP NO _x Emissions (tpy)	Relative Contribution to NO _x SIP Inventories
2009^a			
Heavy-Duty Diesel Trucks	2.9	55,095	0.005%
Mobile Equipment	27.3	44,046	0.06%
Commercial Boats/Ships	34.7	18,701	0.19%
2010			
Heavy-Duty Diesel Trucks	0.8	55,874	0.001%
Mobile Equipment	7.0	43,493	0.02%
Commercial Boats/Ships	9.0	19,002	0.05%

Sources: Camp Dresser & McKee Inc., 2009, SCAQMD 1996.

a. The 2009 SIP inventories will be estimated by interpolating between the 2008 and 2010 inventories presented in Appendix III.

5.2.1.2 Comparison of Project Emissions with 2007 AQMP Budgets

If the 2007 AQMP (e.g., reasonable further progress schedules, attainment and maintenance demonstrations, and contingency measures) were to be approved by EPA as the applicable SIP, the general conformity regulations would require evaluating the total of direct and indirect emissions for the Federal action for the mandated attainment year for a severe-17 nonattainment area (2021), the year of maximum project emissions (2009), and any years for which the SIP identifies an emissions budget (40 C.F.R. § 51.859(d)). Because the construction would finish 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 applicable emission budgets in the 2007 AQMP include 2010, 2011, and 2014.

Table 5-3 summarizes the comparison of estimated NO_x emissions from construction activities under the Federal action to the applicable source types under the 2007 AQMP for the years noted in Table 3-2 above. It should be noted that the emissions for those source types taken from the 2007 AQMP may represent more than construction-related emissions since these source types are not exclusive to construction equipment and activities. Because the AQMP for the SCAB has to accommodate many planned and some unplanned construction projects, the construction-related emissions inventories

included in the AQMP are very substantial. Despite the fact that the Federal action would require a substantial program of construction, one can note that its emissions would be very small compared to the emissions inventories in the AQMP (i.e., less than 0.12% relative contribution). 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 2007 AQMP. Therefore, it can be inferred that the construction-related 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 2007 AQMP (SCAQMD 2007).

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

Year and Source Type	Alternative 1 NO _x Emissions (tpy)	2007 AQMP Emissions (tpy)	Relative Contribution to 2007 AQMP Budgets
2009			
Heavy-Heavy Duty Diesel Trucks	2.9	52,571	0.006%
Off-Road Equipment	27.3	66,169	0.04%
Ships and Commercial Boats	34.7	28,811	0.12%
2010			
Heavy-Heavy Duty Diesel Trucks	0.8	49,381	0.002%
Off-Road Equipment	7.0	62,736	0.01%
Ships and Commercial Boats	9.0	29,536	0.03%
2011			
Heavy-Heavy Duty Diesel Trucks	2.6	46,381	0.006%
Off-Road Equipment	24.0	59,641	0.04%
Ships and Commercial Boats	30.5	30,029	0.10%
2014			
Heavy-Heavy Duty Diesel Trucks	0.4	37,226	0.001%
Off-Road Equipment	3.1	50,089	0.006%
Ships and Commercial Boats	4.0	31,919	0.01%

Source: Camp Dresser & McKee Inc., 2009; SCAQMD 2007.

a. The 2009 SIP inventories will be estimated by interpolating between the 2008 and 2010 inventories presented in Appendix III.

5.2.1.3 Port Growth Included in Regional Transportation Plans

As provided by law (California Health and Safety Code sections 40464, 40465), SCAG develops the activity factors (growth rates) that are used to develop the emission inventories used in air quality plans for Los Angeles County and the SCAB. In addition, SCAG's 2004 Interim Regional Transportation Plan (RTP) growth projections used in the development of the 2007 AQMP and the 2008 RTP directly incorporated the projected transportation-related emissions growth from POLA projects into its regional assessment (SCAG 2007). While the temporary construction emissions from the Project were not included in the 2007 AQMP as a line item, SCAG included the emissions as a

component of its County- and Basin-wide construction growth projections that were used in the 2007 AQMP. The projected growth rates developed by SCAG for the 1997 and 2007 AQMPs and associated RTPs are not tied to specific construction categories but to the overall projected change in construction activities for County and Basin levels. SCAG has affirmed that the respective growth rates for POLA construction activity were incorporated in each of the RTPs (SCAG 2007).

5.2.1.4 Recession-Induced Emission Reductions at the Ports

The current economic recession has produced lower cargo handling activities at the Ports of Los Angeles and Long Beach. This economic downturn has provided temporary emission reductions that will “offset” near-term increases in construction emissions from the proposed Federal action. Annual Port of Los Angeles container volume dropped each calendar year since the peak in 2006 of 8,469,853 twenty-foot equivalent units (TEUs) (POLA 2009). By 2008, container volume had dropped by more than 600,000 TEUs/year from 2006, approximately a 7 percent reduction (POLA 2009). The 2009 container volume to date (January through July) is almost 16 percent below the 2008 volume and almost 19 percent below the 2006 volume for the same time period (POLA 2009). These reductions in container volume equate to substantial reduction in emissions and, more importantly, are counter to the growth rates assumed in either the approved SIP or 2007 AQMP.

The most recent emission inventory for the Port of Los Angeles is for the 2007 calendar year (POLA 2008), which indicates that the Port of Los Angeles NO_x emissions averaged 2.2 tons per 1000 TEUs. If the 2009 container volume remains at 19 percent below the 2006 volume, this would represent a reduction of over 1.6 million TEUs and a reduction of 3,540 tons NO_x per year. The container volumes at the Ports are not expected to grow again until after 2010. This substantial reduction in container volumes would more than compensate for the entire Federal action emissions of roughly 220 tons over the six years of construction.

5.2.1.5 State SIP Revision

In the general conformity regulations, at 40 C.F.R. 51.858(a)(5)(i)(B), the State can incorporate a specific project’s emissions into the SIP via a SIP revision. Such a SIP revision would include:

- (1) a specific schedule for adoption and submittal of a revision to the SIP which would achieve the needed emission reductions prior to the time emissions from the Federal action would occur;
- (2) identification of specific measures for incorporation into the SIP which would result in a level of emissions which, together with all other emissions in the nonattainment or maintenance area, would not exceed any emissions budget specified in the applicable SIP;
- (3) a demonstration that all existing applicable SIP requirements are being implemented in the area for the pollutants affected by the Federal action, and that local authority to implement additional requirements has been fully pursued;
- (4) a determination that the responsible Federal agencies have required all reasonable mitigation measures associated with their action; and
- (5) written

documentation including all air quality analyses supporting the conformity determination.

Short of a written document from the State, the 2007 AQMP meets all of the requirements laid out above. The Federal action, through growth projections for Port of Los Angeles projects, were included in the 2007 AQMP, which represents a SIP revision incorporating the project. The 2007 AQMP includes all of the necessary elements for the requested redesignation to “extreme” nonattainment classification for the 8-hour ozone NAAQS (74 FR 43654). Therefore, the Federal action conforms to the approved SIP through the 2007 AQMP SIP revision and satisfies the conformity demonstration requirement under 40 C.F.R. 51.858(a)(5)(i)(B).

5.2.2 NO_x Emissions from Other Sources at POLA

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 no authority over other construction and operational activities, particularly those occurring in the upland portions of the project area. This finding and approach to the analysis are fully consistent with the General Conformity Rule and 1994 USACE guidance on this subject (see Attachment C). However, these future construction and operational 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 an MMRP in a certified Final EIR for these actions.

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. § 51.858(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 actions were 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 ultra 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.

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. § 51.860). 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 EIS/EIR (USACE/LAHD 2008 and 2009) 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 the 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. § 51.860) 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.

7.1 Draft General Conformity Determination

The USACE is providing copies of the draft general conformity determination to the appropriate regional offices of EPA, any affected Federal land manager, as well as to CARB, SCAQMD, and SCAG 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 the draft general conformity determination and requesting written public comments for a 30-day period.

7.2 Final General Conformity Determination

The USACE will provide copies of the 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. § 51.857(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, USACE will conduct a new general conformity evaluation.

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Section 8

Findings and Conclusions

As part of the environmental review of the Federal action, the USACE conducted a general conformity evaluation pursuant to SCAQMD Rule 1901 and 40 C.F.R. Part 51 Subpart W. The general conformity regulations apply at this time to any action at POLA requiring USACE approval because the SCAB where POLA is situated is a nonattainment area for O₃, PM₁₀, and PM_{2.5}; and a maintenance area for NO₂ and CO. The USACE conducted the general conformity evaluation following all regulatory criteria and procedures and in coordination with EPA, CARB, and SCAQMD. 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 O₃ and PM_{2.5} precursor), NO_x (as a PM_{2.5} precursor), PM₁₀, 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 O₃ 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.
- The Federal action, along with all of the Port of Los Angeles projects, were included in the 2007 AQMP, which represents a SIP revision incorporating the project. The 2007 AQMP includes all of the necessary elements for the requested redesignation to “extreme” nonattainment classification for the 8-hour ozone NAAQS (74 FR 43654). Therefore, the Federal action conforms to the approved SIP through the 2007 AQMP SIP revision and satisfies the conformity demonstration requirement under 40 C.F.R. 51.858(a)(5)(i)(B).

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

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Section 9

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Attachment A

Port of Los Angeles San Pedro Waterfront Federal Action General Conformity Calculation Methodology and Results



Memorandum

To: John Pehrson

From: Katie Travis

Date: 9/8/2009

*Subject: Port of Los Angeles San Pedro Waterfront Project
Federal Action General Conformity Calculation Methodology*

The Federal action associated with the Port of Los Angeles (POLA) San Pedro Waterfront 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 as a stand-alone report. The analysis builds upon information presented in the San Pedro Waterfront Project Draft Environmental Impact Statement/Environmental Impact Report (EIS/EIR), dated September 2008.

Specific construction element emission calculations for the Proposed Project and for Alternative 5 (No Federal Action) were provided by iLanco Environmental¹. The Proposed Project construction emissions presented in the EIS/EIR include both Federal action emissions as well as emissions from activities that are not part of the federal action. The Federal action construction emissions can be determined by subtracting the No Federal Action construction emissions from the Proposed Project construction emissions. The results are the Federal action emissions associated with the proposed project.

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 (O₃) and its precursors, nitrogen dioxide (NO₂) and its precursor, carbon monoxide (CO), particulate matter with an equivalent aerodynamic diameter of 10 micrometers (PM₁₀), and particulate matter with an equivalent aerodynamic diameter of 2.5 micrometers (PM_{2.5}) and its precursors. The precursors of O₃ include oxides of nitrogen (NO_x) and volatile organic compounds (VOC); the precursor of NO₂ is NO_x; and the precursors of PM_{2.5} include NO_x, oxides of sulfur (SO_x), VOC, and

¹ iLanco Environmental LLC, Personal communication: L. Granovsky (iLanco) to K. Travis (CDM), July 22, 2009, re: SPW & Channel Deepening.

ammonia. Emissions of ammonia from the types of construction equipment considered are expected to be negligible and were not quantified for this evaluation.

Due to the seriousness of the O₃ nonattainment designation, the de minimis emission rates for NO_x and VOC as O₃ precursors (25 tons per year, tpy) are much more stringent than the de minimis emission rates for NO_x and VOC as PM_{2.5} precursors (100 tpy) or for NO_x as a NO₂ precursor (100 tpy). Therefore, the de minimis emission rates for NO_x and VOC will be set at 25tpy of each as O₃ precursors for this evaluation.

Calculation Method and Results

The analysis calculates the annual Federal action construction emissions by subtracting the No Federal Action alternative emissions from the Proposed Project emissions for each year of construction activity. The results of these calculations are presented in **Table 1** for the construction years (2009 - 2014), both in summary and for each project element. Based on these results, only NO_x emissions exceed any de minimis thresholds, and only then as an ozone precursor.

Once a de minimis threshold is exceeded, part of the general conformity evaluation may include comparison of the Federal action emissions with the emission budgets in the approved SIP or 2007 AQMP. These budgets are typically separated into source categories, such as heavy-heavy duty diesel trucks, offroad mobile equipment (typical construction equipment), and commercial boats and ships (including tugs used in dredging and barging).

The emission estimates provided for the Federal action did not have sufficient detail to directly separate those emissions into the appropriate categories. Therefore, Federal action emissions from three recent general conformity evaluations were used to estimate the split between each source category for a typical POLA project. The results of applying the average POLA project splits to the San Pedro Waterfront Project Federal action emissions are presented in **Table 2**. The information used to develop the percentage split between heavy-heavy duty diesel trucks, offroad construction equipment, and tugs are presented in **Table 3**.

The three projects selected were the most recent POLA projects for which a general conformity evaluation or applicability analysis was completed. These projects included two container terminal projects (TraPac and China Shipping) and a large dredging project (Channel Deepening). The in and over water construction activities for these projects represents a typical POLA project with wharf building/rebuilding and substantial dredging and disposal activity. Therefore, the results of applying the average splits from these projects should be representative of the different source category emissions for the San Pedro Waterfront project.

If detailed equipment emissions for the Proposed Project and No Federal Action are obtained prior to development of the Final General Conformity Determination, that information will be analyzed in the final determination. However, the detailed information is not expected to change the conclusions reached in this draft determination.

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1

Year ->	2009					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	6.61	35.33	75.80	0.07	12.35	4.43
Alternative 5 (No Federal Action)	0.89	5.36	10.90	0.01	7.43	1.73
Federal Action Construction Emissions	5.72	29.97	64.90	0.06	4.92	2.70

Federal Action Emissions

Year ->	2009					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	0.256	1.861	3.930	0.004	0.711	0.231
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	0.134	1.555	1.513	0.003	0.329	0.093
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	1.858	7.973	18.936	0.016	1.187	0.776
9 - 7th Street Harbor	1.311	5.940	14.404	0.012	0.820	0.556
10 - 7th Street Pier	0.942	5.030	12.076	0.010	0.476	0.418
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	1.219	7.616	14.040	0.014	1.399	0.627
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 - Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1

Element ID and Name	2009					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	0.256	1.861	3.930	0.004	0.711	0.231
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	0.268	3.109	3.026	0.005	0.658	0.186
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	1.858	7.973	18.936	0.016	1.187	0.776
9 - 7th Street Harbor	1.311	5.940	14.404	0.012	0.820	0.556
10 - 7th Street Pier	0.942	5.030	12.076	0.010	0.476	0.418
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	1.219	7.616	14.040	0.014	1.399	0.627
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	0.170	0.913	2.360	0.003	1.674	0.385
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	0.590	2.889	7.028	0.008	5.424	1.257
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 - Berth 240 Fueling Station	-	-	-	-	-	-

Alternative 5 (No Federal Action)

Element ID and Name	2009					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	0.134	1.555	1.513	0.003	0.329	0.093
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	0.170	0.913	2.360	0.003	1.674	0.385
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	0.590	2.889	7.028	0.008	5.424	1.257
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 - Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1 (continued)

Year ->	2010					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	4.71	38.34	57.39	0.08	14.44	4.13
Alternative 5 (No Federal Action)	3.29	26.84	40.58	0.06	12.21	3.29
Federal Action Construction Emissions	1.42	11.50	16.81	0.02	2.23	0.84

Federal Action Emissions

Year ->	2010					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	0.008	0.234	0.035	0.000	0.766	0.160
2 - Cruise Ship Terminal Berth 91-93	(0.279)	(2.787)	(3.175)	(0.005)	(2.672)	(0.610)
3 - Cruise Ship Parking Facilities	0.199	3.564	1.969	0.005	0.932	0.226
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	0.121	0.643	1.609	0.002	0.042	0.036
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	0.176	1.297	2.024	0.003	0.753	0.195
9 - 7th Street Harbor	0.026	0.464	0.174	0.001	0.444	0.096
10 - 7th Street Pier	0.060	0.627	0.717	0.001	0.061	0.024
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	0.292	1.489	3.661	0.004	0.150	0.130
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.048	0.336	0.696	0.001	0.031	0.018
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	0.493	3.505	5.640	0.008	0.811	0.275
19 - Ports O' Call Promenade - Phase 2	0.126	0.918	1.566	0.002	0.304	0.113
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	0.154	1.214	1.895	0.002	0.608	0.178
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1 (continued)

Element ID and Name	2010					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	0.008	0.234	0.035	0.000	0.766	0.160
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	0.398	7.129	3.937	0.011	1.865	0.451
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	0.121	0.643	1.609	0.002	0.042	0.036
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	0.176	1.297	2.024	0.003	0.753	0.195
9 - 7th Street Harbor	0.026	0.464	0.174	0.001	0.444	0.096
10 - 7th Street Pier	0.060	0.627	0.717	0.001	0.061	0.024
11 - Downtown Square	0.107	0.621	1.516	0.002	0.052	0.036
12 - Downtown Water Feature	0.075	0.433	1.053	0.001	0.027	0.023
13 - John S. Gibson Park	0.106	0.618	1.509	0.002	0.046	0.034
14 - Ralph J. Scott Fireboat Museum	0.292	1.489	3.661	0.004	0.150	0.130
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.048	0.336	0.696	0.001	0.031	0.018
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	0.493	3.505	5.640	0.008	0.811	0.275
19 - Ports O' Call Promenade - Phase 2	0.126	0.918	1.566	0.002	0.304	0.113
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	0.417	2.862	5.547	0.007	0.229	0.140
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.523	4.853	5.801	0.010	3.030	0.733
25 - Ports O' Call Redevelopment Phase 2	0.080	0.715	0.919	0.001	0.079	0.032
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	0.344	2.348	4.716	0.006	0.141	0.108
29 - Westway Terminal Demolition	0.089	0.386	1.020	0.001	0.532	0.130
30 - City Dock No. 1 Promenade	0.246	1.916	3.265	0.003	0.674	0.252
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	0.154	1.214	1.895	0.002	0.608	0.178
32 - Outer Harbor Park and Promenade	0.051	0.385	0.627	0.001	0.146	0.041
33 - San Pedro Park	0.051	0.391	0.634	0.001	0.499	0.114
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.329	1.854	4.136	0.005	0.418	0.161
36 - Red Car Line Extension Sampson Way to 22nd St.	0.260	2.279	3.031	0.005	1.832	0.434
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.069	0.463	0.878	0.001	0.592	0.138
38 - Red Car Line Extension Outer Harbor	0.061	0.365	0.779	0.001	0.313	0.078
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	-	-	-	-	-	-

Alternative 5 (No Federal Action)

Element ID and Name	2010					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	0.279	2.787	3.175	0.005	2.672	0.610
3 - Cruise Ship Parking Facilities	0.199	3.564	1.969	0.005	0.932	0.226
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	0.107	0.621	1.516	0.002	0.052	0.036
12 - Downtown Water Feature	0.075	0.433	1.053	0.001	0.027	0.023
13 - John S. Gibson Park	0.106	0.618	1.509	0.002	0.046	0.034
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	0.417	2.862	5.547	0.007	0.229	0.140
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.523	4.853	5.801	0.010	3.030	0.733
25 - Ports O' Call Redevelopment Phase 2	0.080	0.715	0.919	0.001	0.079	0.032
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	0.344	2.348	4.716	0.006	0.141	0.108
29 - Westway Terminal Demolition	0.089	0.386	1.020	0.001	0.532	0.130
30 - City Dock No. 1 Promenade	0.246	1.916	3.265	0.003	0.674	0.252
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	0.051	0.385	0.627	0.001	0.146	0.041
33 - San Pedro Park	0.051	0.391	0.634	0.001	0.499	0.114
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.329	1.854	4.136	0.005	0.418	0.161
36 - Red Car Line Extension Sampson Way to 22nd St.	0.260	2.279	3.031	0.005	1.832	0.434
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.069	0.463	0.878	0.001	0.592	0.138
38 - Red Car Line Extension Outer Harbor	0.061	0.365	0.779	0.001	0.313	0.078
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1 (continued)

Year ->	2011					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	9.40	74.94	111.52	0.16	46.90	12.52
Alternative 5 (No Federal Action)	4.57	45.77	54.42	0.09	36.84	8.81
Federal Action Construction Emissions	4.84	29.16	57.09	0.07	10.06	3.71

Federal Action Emissions

Year ->	2011					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	(0.181)	(3.005)	(2.113)	(0.005)	(3.685)	(0.800)
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	0.028	0.329	0.426	0.001	0.023	0.012
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	0.009	0.145	0.085	0.000	0.051	0.012
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.109	0.793	1.471	0.002	0.097	0.046
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	1.504	9.081	16.185	0.022	3.385	1.082
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	3.224	20.925	39.095	0.046	8.203	2.909
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	0.146	0.894	1.945	0.002	1.987	0.446

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1 (continued)

Element ID and Name	2011					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	0.028	0.329	0.426	0.001	0.023	0.012
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	0.002	0.053	0.018	0.000	0.040	0.009
12 - Downtown Water Feature	0.001	0.038	0.009	0.000	0.006	0.001
13 - John S. Gibson Park	0.003	0.058	0.030	0.000	0.029	0.006
14 - Ralph J. Scott Fireboat Museum	0.009	0.145	0.085	0.000	0.051	0.012
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.109	0.793	1.471	0.002	0.097	0.046
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	1.504	9.081	16.185	0.022	3.385	1.082
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	0.033	0.379	0.509	0.001	0.030	0.014
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.293	5.705	3.052	0.009	5.012	1.091
25 - Ports O' Call Redevelopment Phase 2	0.940	7.908	9.710	0.017	0.957	0.394
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	0.060	0.578	0.908	0.001	0.033	0.021
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	1.265	9.269	15.541	0.018	3.808	1.267
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	3.224	20.925	39.095	0.046	8.203	2.909
32 - Outer Harbor Park and Promenade	0.377	3.619	4.507	0.007	1.713	0.437
33 - San Pedro Park	0.406	3.840	4.997	0.008	6.010	1.334
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.205	2.240	3.211	0.005	0.821	0.219
36 - Red Car Line Extension Sampson Way to 22nd St.	0.166	3.248	1.733	0.005	4.258	0.912
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.344	3.358	4.248	0.007	7.060	1.540
38 - Red Car Line Extension Outer Harbor	0.290	2.478	3.838	0.006	3.381	0.768
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	0.146	0.894	1.945	0.002	1.987	0.446

Alternative 5 (No Federal Action)

Element ID and Name	2011					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	0.181	3.005	2.113	0.005	3.685	0.800
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	0.002	0.053	0.018	0.000	0.040	0.009
12 - Downtown Water Feature	0.001	0.038	0.009	0.000	0.006	0.001
13 - John S. Gibson Park	0.003	0.058	0.030	0.000	0.029	0.006
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	0.033	0.379	0.509	0.001	0.030	0.014
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.293	5.705	3.052	0.009	5.012	1.091
25 - Ports O' Call Redevelopment Phase 2	0.940	7.908	9.710	0.017	0.957	0.394
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	0.060	0.578	0.908	0.001	0.033	0.021
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	1.265	9.269	15.541	0.018	3.808	1.267
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	0.377	3.619	4.507	0.007	1.713	0.437
33 - San Pedro Park	0.406	3.840	4.997	0.008	6.010	1.334
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.205	2.240	3.211	0.005	0.821	0.219
36 - Red Car Line Extension Sampson Way to 22nd St.	0.166	3.248	1.733	0.005	4.258	0.912
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.344	3.358	4.248	0.007	7.060	1.540
38 - Red Car Line Extension Outer Harbor	0.290	2.478	3.838	0.006	3.381	0.768
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1 (continued)

Year ->	2012					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	3.10	35.16	40.23	0.07	29.63	7.39
Alternative 5 (No Federal Action)	1.00	16.89	11.65	0.03	20.14	4.43
Federal Action Construction Emissions	2.10	18.27	28.58	0.04	9.49	2.96

Federal Action Emissions

Year ->	2012					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	0.357	1.581	3.560	0.003	0.328	0.184
5 - Maritime Office Building - Crowley	0.003	0.084	0.012	0.000	0.011	0.003
6 - Maritime Office Building - Millenium	0.034	0.260	0.619	0.001	0.018	0.016
7 - Maritime Office Building - Lane Victory	0.034	0.260	0.619	0.001	0.019	0.016
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	0.003	0.076	0.012	0.000	0.037	0.008
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.003	0.100	0.013	0.000	0.046	0.010
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	0.042	1.245	0.161	0.002	1.202	0.254
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	1.622	14.635	23.570	0.029	7.175	2.332
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 - Berth 240 Fueling Station	0.001	0.025	0.011	0.000	0.650	0.135

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1 (continued)

Element ID and Name	2012					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	0.357	1.581	3.560	0.003	0.328	0.184
5 - Maritime Office Building - Crowley	0.003	0.084	0.012	0.000	0.011	0.003
6 - Maritime Office Building - Millenium	0.034	0.260	0.619	0.001	0.018	0.016
7 - Maritime Office Building - Lane Victory	0.034	0.260	0.619	0.001	0.019	0.016
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	0.002	0.043	0.012	0.000	0.037	0.008
12 - Downtown Water Feature	0.001	0.032	0.006	0.000	0.006	0.001
13 - John S. Gibson Park	0.002	0.047	0.019	0.000	0.026	0.006
14 - Ralph J. Scott Fireboat Museum	0.003	0.076	0.012	0.000	0.037	0.008
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	0.003	0.100	0.013	0.000	0.046	0.010
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	0.042	1.245	0.161	0.002	1.202	0.254
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.097	2.224	1.184	0.004	2.101	0.457
25 - Ports O' Call Redevelopment Phase 2	0.574	6.716	7.982	0.016	0.875	0.357
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	0.080	2.352	0.303	0.003	2.643	0.557
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	1.622	14.635	23.570	0.029	7.175	2.332
32 - Outer Harbor Park and Promenade	0.082	1.843	0.886	0.003	1.496	0.328
33 - San Pedro Park	0.057	1.567	0.284	0.003	5.428	1.132
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.003	0.064	0.017	0.000	0.066	0.014
36 - Red Car Line Extension Sampson Way to 22nd St.	0.008	0.212	0.035	0.000	0.371	0.078
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.052	1.484	0.238	0.002	6.962	1.450
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.040	0.311	0.682	0.001	0.132	0.041
40 - Berth 240 Fueling Station	0.001	0.025	0.011	0.000	0.650	0.135

Alternative 5 (No Federal Action)

Element ID and Name	2012					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	0.002	0.043	0.012	0.000	0.037	0.008
12 - Downtown Water Feature	0.001	0.032	0.006	0.000	0.006	0.001
13 - John S. Gibson Park	0.002	0.047	0.019	0.000	0.026	0.006
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	0.097	2.224	1.184	0.004	2.101	0.457
25 - Ports O' Call Redevelopment Phase 2	0.574	6.716	7.982	0.016	0.875	0.357
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	0.080	2.352	0.303	0.003	2.643	0.557
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	0.082	1.843	0.886	0.003	1.496	0.328
33 - San Pedro Park	0.057	1.567	0.284	0.003	5.428	1.132
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	0.003	0.064	0.017	0.000	0.066	0.014
36 - Red Car Line Extension Sampson Way to 22nd St.	0.008	0.212	0.035	0.000	0.371	0.078
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.052	1.484	0.238	0.002	6.962	1.450
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.040	0.311	0.682	0.001	0.132	0.041
40 - Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1 (continued)

Year ->	2013					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	6.88	40.18	78.03	0.10	12.02	4.74
Alternative 5 (No Federal Action)	2.21	18.44	31.40	0.05	7.99	2.57
Federal Action Construction Emissions	4.68	21.73	46.63	0.05	4.03	2.17

Federal Action Emissions

Year ->	2013					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	3.803	15.283	34.911	0.038	3.444	1.738
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	0.059	0.615	1.066	0.002	0.046	0.030
7 - Maritime Office Building - Lane Victory	0.059	0.615	1.066	0.002	0.058	0.033
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	0.755	5.219	9.586	0.014	0.480	0.370
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 - Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1 (continued)

Element ID and Name	2013					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	3.803	15.283	34.911	0.038	3.444	1.738
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	0.059	0.615	1.066	0.002	0.046	0.030
7 - Maritime Office Building - Lane Victory	0.059	0.615	1.066	0.002	0.058	0.033
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	0.755	5.219	9.586	0.014	0.480	0.370
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	0.181	2.437	2.506	0.006	2.119	0.491
27 - Ports O' Call Redevelopment Phase 3	0.317	3.406	4.308	0.009	0.210	0.141
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	1.522	10.234	21.362	0.025	1.903	1.098
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.014	0.416	0.068	0.001	2.308	0.480
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.176	1.949	3.159	0.005	1.450	0.363
40 - Berth 240 Fueling Station	-	-	-	-	-	-

Alternative 5 (No Federal Action)

Element ID and Name	2013					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	0.181	2.437	2.506	0.006	2.119	0.491
27 - Ports O' Call Redevelopment Phase 3	0.317	3.406	4.308	0.009	0.210	0.141
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	1.522	10.234	21.362	0.025	1.903	1.098
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	0.014	0.416	0.068	0.001	2.308	0.480
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.176	1.949	3.159	0.005	1.450	0.363
40 - Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
SUMMARY**

Table 1 (continued)

Year ->	2014					
	Mitigated Emissions (tons per year)					
Project Name	VOC	CO	NOX	SO2	PM10	PM2.5
Proposed Project	0.94	9.41	11.75	0.02	4.04	1.11
Alternative 5 (No Federal Action)	0.37	4.50	4.30	0.01	1.85	0.49
Federal Action Construction Emissions	0.58	4.91	7.45	0.01	2.19	0.62

Federal Action Emissions

Year ->	2014					
	Mitigated Emissions (tons per year)					
Element ID and Name	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	0.148	1.565	2.138	0.004	1.903	0.438
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	0.003	0.093	0.014	0.000	0.016	0.004
7 - Maritime Office Building - Lane Victory	0.003	0.093	0.014	0.000	0.027	0.006
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	0.424	3.159	5.287	0.009	0.247	0.176
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	-	-	-	-	-	-
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	-	-	-	-	-	-
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	-	-	-	-	-	-
40 -Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
ANNUAL FEDERAL ACTION EMISSIONS
Proposed Project**

Table 1 (continued)

Element ID and Name	2014					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	0.148	1.565	2.138	0.004	1.903	0.438
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	0.003	0.093	0.014	0.000	0.016	0.004
7 - Maritime Office Building - Lane Victory	0.003	0.093	0.014	0.000	0.027	0.006
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	0.424	3.159	5.287	0.009	0.247	0.176
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	0.301	3.245	3.651	0.009	0.191	0.124
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	0.052	0.863	0.584	0.002	0.405	0.100
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.013	0.394	0.062	0.001	1.253	0.262
40 -Berth 240 Fueling Station	-	-	-	-	-	-

Alternative 5 (No Federal Action)

Element ID and Name	2014					
	Mitigated Emissions (tons per year)					
	VOC	CO	NOX	SO2	PM10	PM2.5
1 - Catalina Express Terminal	-	-	-	-	-	-
2 - Cruise Ship Terminal Berth 91-93	-	-	-	-	-	-
3 - Cruise Ship Parking Facilities	-	-	-	-	-	-
4 - North Harbor	-	-	-	-	-	-
5 - Maritime Office Building - Crowley	-	-	-	-	-	-
6 - Maritime Office Building - Millenium	-	-	-	-	-	-
7 - Maritime Office Building - Lane Victory	-	-	-	-	-	-
8 - Downtown Harbor	-	-	-	-	-	-
9 - 7th Street Harbor	-	-	-	-	-	-
10 - 7th Street Pier	-	-	-	-	-	-
11 - Downtown Square	-	-	-	-	-	-
12 - Downtown Water Feature	-	-	-	-	-	-
13 - John S. Gibson Park	-	-	-	-	-	-
14 - Ralph J. Scott Fireboat Museum	-	-	-	-	-	-
15 - Maritime Museum Renovation	-	-	-	-	-	-
16 - Maritime Office Building - L.A. Maritime Institute	-	-	-	-	-	-
17 - Maritime Office Building	-	-	-	-	-	-
18 - Ports O' Call Promenade - Phase 1	-	-	-	-	-	-
19 - Ports O' Call Promenade - Phase 2	-	-	-	-	-	-
20 - Ports O' Call Promenade - Phase 3	-	-	-	-	-	-
21 - Southern Pacific Railyard Demolition	-	-	-	-	-	-
22 - Fisherman's Park	-	-	-	-	-	-
23 - Ports O' Call Redevelopment without restaurant	-	-	-	-	-	-
24 - Ports O' Call Redevelopment Phase 1	-	-	-	-	-	-
25 - Ports O' Call Redevelopment Phase 2	-	-	-	-	-	-
26 - Ports O' Call Redevelopment with Restaurant	-	-	-	-	-	-
27 - Ports O' Call Redevelopment Phase 3	0.301	3.245	3.651	0.009	0.191	0.124
28 - Red Car Maintenance Facility	-	-	-	-	-	-
29 - Westway Terminal Demolition	-	-	-	-	-	-
30 - City Dock No. 1 Promenade	-	-	-	-	-	-
31 - Outer Harbor Cruise Ship Terminal - Berth 45-50	-	-	-	-	-	-
32 - Outer Harbor Park and Promenade	-	-	-	-	-	-
33 - San Pedro Park	-	-	-	-	-	-
34 - Salinas De San Pedro/Youth Camp Promenade	0.052	0.863	0.584	0.002	0.405	0.100
35 - Sampson Way Roadway Improvements	-	-	-	-	-	-
36 - Red Car Line Extension Sampson Way to 22nd St.	-	-	-	-	-	-
37 - Red Car Line Extension 22nd St. to Cabrillo Beach	-	-	-	-	-	-
38 - Red Car Line Extension Outer Harbor	-	-	-	-	-	-
39 - Red Car Line Extension City Dock No. 1	0.013	0.394	0.062	0.001	1.253	0.262
40 -Berth 240 Fueling Station	-	-	-	-	-	-

**SAN PEDRO WATERFRONT PROJECT
PEAK YEAR NO_x EMISSIONS BY SIP CATEGORY**

Table 2

SIP Category	Peak Year Emissions (tons/year)	Percent of Total, from Table 3
Heavy-Heavy Duty Diesel Truck	2.87	4.4%
Offroad Construction Equipment	27.26	42.0%
Ships & Commercial Boats	34.77	53.6%
Total	64.90	100.0%

Table 3

Total Federal Action Emissions for Recent POLA Projects

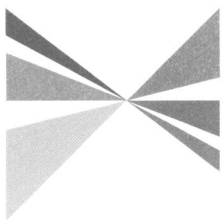
SIP Category	TraPac¹ (tons)	China Shipping² (tons)	Channel Deepening³ (tons)	Totals (tons)	Percent of Total
Heavy-Heavy Duty Diesel Truck	0.7	8.5	0.1	9.3	4.4%
Offroad Construction Equipment	25.5	31.6	31.1	88.2	42.0%
Ships & Commercial Boats	25.5	25.5	61.5	112.5	53.6%
Totals	51.7	65.6	92.8	210.0	100.0%

Sources:

1. U.S. Army Corps of Engineers, Berth 136-147 [TraPac] Container Terminal Project, Final General Conformity Determination, March 12, 2009.
2. U.S. Army Corps of Engineers, Berth 97-109 [China Shipping] Container Terminal Improvements Project, Final General Conformity Applicability Analysis, July 2009.
3. U.S. Army Corps of Engineers, Channel Deepening Project, Final General Conformity Determination, September 2009.

Attachment B

Southern California Association of Governments Correspondence



ASSOCIATION OF GOVERNMENTS

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Imperial County: Victor Carrillo, Imperial County - Ion Edney, El Centro

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Orange County: Chris Norby, Orange County - Christine Barnes, La Palma - John Beaumen, Brea - Lou Bone, Fustin - Debbie Cook, Huntington Beach - Leslie Daigle, Newport Beach - Richard Dixon, Lake Forest - Troy Edqar, Los Alamitos - Paul Glaab, Laguna Niguel - Robert Hernandez, Anaheim - Sharon Quirk, Fullerton

Riverside County: Jeff Stone, Riverside County - Thomas Buckley, Lake Elsinore - Bonnie Flickinger, Moreno Valley - Ron Loveridge, Riverside - Greg Pettis, Cathedral City - Ron Roberts, Temecula

San Bernardino County: Gary Ovitt, San Bernardino County - Lawrence Dale, Barstow - Paul Eaton, Montclair - Lee Ann Garcia, Grand Terrace - Tim Jasper, Town of Apple Valley - Larry McCallon, Highland - Deborah Robertson, Rialto - Alan Warner, Ontario

Ventura County: Linda Parks, Ventura County - Glen Becerra, Simi Valley - Carl Morehouse, San Buenaventura - Toni Young, Port Hueneme

Tribal Government Representative: Andrew Masjel, Sr., Pecharanga Band of Luiseño Indians

Orange County Transportation Authority: Art Brown, Buena Park

Riverside County Transportation Commission: Robin Lowe, Hemet

San Bernardino Associated Governments: Paul Leon

Ventura County Transportation Commission: Keith Millhouse, Moorpark

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

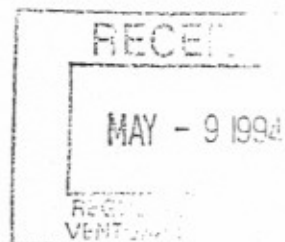
USACE Guidance Concerning Implementation of EPA's Clean Air Act General Conformity Rule



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:



20 APR 1994

CECC-E

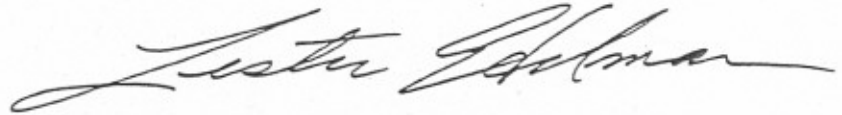
MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMANDERS, AND DISTRICT
COMMANDERS

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:

A handwritten signature in cursive script, reading "Lester Edelman". The signature is written in dark ink and is positioned above the typed name and title.

LESTER EDELMAN
Chief Counsel

Encl

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 Rule¹ 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 produce⁴, 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 1977⁵ 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

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 rule⁷, 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

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).

⁷See 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.

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 minimis exemption level. Among the many reasons why this approach is necessary and appropriate is the fact

⁹58 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 voluntarily 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:

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 is extremely minor."¹³ The EPA

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:

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

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

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.

²¹58 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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